



## **Constitution and Human Rights**

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**I hope this book will help for those who preparing Assistant Jailor Exam**

**Wish you all the best**

**With regards**

**Iyachamy murugan ,Tirunelveli /Chennai**

**CONCEPT OF HUMAN RIGHTS**

The concept of Human Right is based on the assumption that human beings are born equal in dignity and rights. These are moral claims which are inalienable and inherent in all human beings by virtue of the member of the humanity alone. Today these claims are articulated and formulated then called as human rights.

Equal dignity of all persons is the central concept of all human rights. These rights have been designated to be universal in application, inalienable in exercise and inherent to all persons. Human beings are entitled to some basic and natural rights otherwise their life would be meaningless. Human rights are those rights which are inherent in our nature and without which we cannot live as a living as a human being.

Human Rights and Fundamental Freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of human being will receive respect and protection. Human rights are sometimes called fundamental rights or basic rights or natural rights. As fundamental or basic rights they are those which must not be taken away by any legislature or any act of the government and which are often set out in a constitution. As natural rights they are seen as belonging to men and women by their very nature. Another way to describe them would be to call them 'common rights', for they are rights which all men or women in the world should share, just as the common law in England. The legal duty to protect human rights includes the legal duty to respect them.

The idea of human right is as old as social life. Even from the ancient time, it was recognized that the values are essential for human life. Without these values, life of the man becomes meaningless. Rights are the most important values which a man cherishes. He enjoyed this for his fullest development. In the



recorded history of mankind; he has fought for these rights whenever they have been challenged.

Human rights are rights that belong to a group or group of individuals as a consequence of being human. These rights are non-negotiable and inalienable. They are ethical norms for the treatment of individuals. Human rights are indivisible and interrelated. They are certain minimal rights, which have come to be recognized as basic condition of civilized living and fullest development of human being

All human beings are born free and equal in dignity and rights. But man has made him not equal in many ways. Some were made privileged and some were not. Oppression and slavery were there. It made him hundreds of years of toil and struggle to get legal protection of their basic human rights. Various laws were enacted for the protection of the rights relating to life, liberty, equality and dignity of the individual. They are made and unmade on the crucible of experience and through irreversible process of human struggle for freedom.

Human rights are those minimal rights which are available to every human being without distinction of language, religion, caste, nationality, sex, social and economic conditions of the society. Human rights are on the increasing demands of the mankind for a life in which the inherent dignity and worth of each human being will receive respect and protection.

Human rights are broadly classified into civil and political rights on the one hand and economic social and cultural rights on the other. The object of both sets of rights is, to make an individual an effective participant in the affairs of the society. Unless both sets of rights are available, neither full development of the human personality can be achieved nor can true democracy be said to exist.

Human rights, as we understand the term right now, are considered as certain claims of the individuals to be enforced by



the state and authorized by the society. Even though the human rights are common feature of all democratic political systems, there are variations in the nature and character of rights enforced by different government. It means that human rights comprised of a wide variety of rights, all or which shall not be protected by all democratic governments equally. For example, the political liberals are more in favour of civil and political rights, whereas the political left generally prefer the socio-economic rights. The political parties and governments which are directed Human rights, as we understand the term right now, are considered as certain claims of the individuals to be enforced by the state and authorized by the society.

Even though the human rights are common feature of all democratic political systems, there are variations in the nature and character of rights enforced by different government. It means that human rights comprised of a wide variety of rights all or which shall not be protected by all democratic governments equally. For example political, the political liberals are more in favour of civil and political rights. The political left generally prefer the socio- economic rights. The political parties and governments which are directed by cultural groupings and religious sections are more interested in protecting the group specific socio-cultural and religious rights than the other two categories of rights. by cultural groupings and religious sections are more interested in protecting the group specific socio-cultural and religious rights than the other two categories of right.

### **MEANING OF HUMAN RIGHTS**

Norberto Bobbio stated that we now live in an age of rights. A right is a multi- dimensional dynamic concept, embracing almost all areas of life like social, cultural economic and political fields. According to Prof. H.J. Laski, "Rights are those conditions of social life, without which, no man can be his best self". Prof Green defines "a right as a power, claimed and recognized as contributory to common good".



Human rights are referred as a fundamental rights, basic rights, inherent right, natural rights and birth rights. Human rights are rights of exceptional importance and belong to every individual by virtue of being a human. These rights are necessary to ensure the dignity of every person as a human being irrespective of race, religion, language, caste, sex or any other reason. The concept of Human right is based on the notion of equality of human being.

The features of human rights are they are universal incontrovertible and subjective. Human rights are universal means they belong to each of us regardless of ethnicity, race, gender, sexuality, age, religion, political conviction or type of government. They are incontrovertible means they are absolute and innate. Human rights are subjective means they are properties of individual subjects who possess them because of their capacity of rationality, agency and autonomy. The notion of universality has been criticized for its blindness towards the issues of cultural differences. When human rights are guaranteed by a written constitution they are known as fundamental rights because a written constitution is the fundamental law of the state.

## DEFINITIONS OF HUMAN RIGHTS

According to S. Kim, human rights are "claims and demands essential to the protection of human life and the enhancement of human dignity, and should therefore enjoy full social and political sanctions".

Subhash C Kashyap opined human rights are those "fundamental rights to which every man inhabiting any part of the world should be deemed entitled by virtue of having been born a human being".

Milne defined "human rights are simply what every human beings owes to every other human being and as such represent universal moral obligation".



According to Nickel, human rights are norms which are definite, high priority universal and existing and valid independently of recognition or implementation in the customs or legal system of particular countries.

The Protection of Human Rights Act 1993 states "Human Rights mean rights relating to life liberty, equality and dignity of the individuals guaranteed by the constitution or embodied in the International Covenants and enforceable by courts in India."

The United Nation Centre of Human Rights defines Human Rights as "those rights which are inherent in our nature and without which we cannot live as human beings"

The Universal Declaration of Human Rights which adopted on 1948, defines human rights as "rights derived from the inherent dignity of human person"

## CHARACTERISTICS

1. Human rights represent claims which individual or groups make on the society.
2. These rights are inalienable and human beings are entitled to them by birth.
3. These rights are the basic minimum requirement for survival of human beings in society.
4. It is universal in character but not absolute.
5. It is protected and enforced by the authority of the state.
6. These rights are meant to uphold human dignity.
7. These rights are essential and necessary for the development of the people.
8. It is irrevocable and equal to all
9. These rights are natural rights based on the law of nature.
10. Human rights are dynamic and evolutionary in nature

## EVOLUTION OF HUMAN RIGHTS

### Origin



There is no clear cut theory regarding the origin of human right. There exist different viewpoints regarding the origin of human right. Some scholars trace the origin of human rights to religious tradition. Another argument is that human right is highly indebted to the enlightenment. The necessary condition for enlightenment, which combined to bring an end to the middle ages in Europe, includes scientific revolution, rise of mercantilism, launching of maritime exploration of the globe, the consolidation of the nation states and emergence of middle class. All these contributed the development of human rights.

It is also said that the roots of the rights can be traced in the Babylonian Law. Babylonian king Hammurabi issued a set of laws called Hammurabi's code. In India the drama of Vedic period created the moral basis for human rights. Human rights are also based on the concept of Natural Law and Natural rights.

The origin of the concept of natural law can be traced to the stoics. Stoics thinkers postulated a cosmopolitan philosophy, guided by the principle of equality of all men and universal application of natural law based on reason. In the evolution of human rights this concept of natural law played a prominent role. Cicero was the strong supporter of the stoic theory of natural law. Romans applied the stoic concept of natural law in the formation of body of legal rules for the administration of justice. They developed this body of rules on the basis of customs and by the application of reason.

The concept of human right was conspicuous in ancient Greece and in India. The ancient Kings in India cared for the welfare of the people. The rights of people is mainly recognized and protected by moral and spiritual dictated and the whole thing got derived from natural law which was the ruling law.

In the evolution of human rights, the modern school of natural law, led by Hugo Grotius made great contributions. He made natural law and that natural law theory got transformed into the natural rights theory.



## Natural Rights Theory

Proponents of natural rights explained that natural rights are rights belonging to a person by nature and because he was a human being, not by virtue of his citizenship in a particular country or membership in a particular religious or ethnic group. Thomas Hobbes (1588-1679), John Locke (1632-1704), Jean Jacques Rousseau (1712-1778) are the three main thinkers who developed the natural rights theory. John Locke who urged that certain rights are natural to individuals as human beings, having existed even in the 'state of nature' before the development of the societies and emergence of the state. Rousseau is regarded as the greatest master of Natural Law School. He proclaimed that men are bestowed with inalienable rights of liberty, equality and fraternity. His concepts became the basis for the French Declaration of the Rights of Man and of the citizen. The American Independence Movement of 1776 and the French Revolution of 1789 were inspired by the ideal of natural rights and both movements were sought to challenge governments that curtailed the natural rights of the people.

In addition to the contributions of the above three thinkers, we may make a mention of Thomas Paine (1731-1809). Thomas Paine, an American revolutionary thinker developed the doctrine of natural rights without linking it to Rousseau's social contract theory. He held that rights are natural because they were bestowed upon man by God himself.

## Development of Human Rights

The human rights which we are enjoying today is developed through various stages. The important landmarks in the development of human rights are the following documents and struggles:

1. Magna Carta of 1215
2. Influence of Social Contract Theory



3. English Bill of Rights of 1689
4. American Declaration of Independence of 1776
5. American Bill of Rights of 1791
6. French Declaration of the Rights of Man of 1789
7. The Bolshevik Revolution of Russia of 1917
8. Universal Declaration of Human Rights of 1948
9. International Covenants on Human rights.

Each of these declaration and the movement referred above, have made important contributions in advancing the concept of human rights. However, being product of their own time and specific circumstances, they lack totality of concept and were narrow in their scope and application. For instance in the Greek political system, rights existed only for the 'citizens' and not for the majority who were referred to as "aliens" and "slaves". Magna Carta yield certain concessions only for the feudal lords (not for common man), though it set limitation to arbitrary rule and laid the foundation for the rule of law. The American Declaration followed by constitutional amendments or Bill of Rights contain fairly exhaustive guarantees for the rights of man. But in practice their application was largely confined to those who constituted what was abbreviated as WASP (white, Anglo-Saxon, and protestant). Slavery continued to be a part of system; the blacks of African origin were referred to as "Negro" not as man. It was in 1864 that slavery in America was legally abolished after a bitter civil war which threatened the unity of the United States.

While American and the French declarations set the seal on the basic principles of freedom of thought , human dignity and democratic government , the countries undergoing rapid industrialization has experiencing the need for more social justice and economic security. The Bolshevik Revolution in Russia (1917) went a step further. It emphasized that economic and social rights were as important as the civil and political rights.

### **Magna Carta**



The Magna Carta is considered as the first charter of liberty. It was signed by the king John of England in 1215. The main theme of the Magna Carta was protection against the arbitrary acts of the king. The 63 clauses of the charter guaranteed certain basic civil and legal rights to citizens and protected the barons from unjust taxes. The king was compelled to grant the charter, because the barons refused to pay heavy taxes unless the king signed the charter. In reality, the Magna Carta was merely a compromise of the distribution of powers between king and his nobles. It gave certain concessions (not rights as we understand them today), to clergy, landlords and nobles and consequently restricted the powers of the king to the extent of those concessions were concerned.

**Influence of Social contract theory** The influence of social contract theory in the development of the Human Right was more profound in scope as well as in its impact. The doctrine of social contract was closely linked with the theory of natural law because the basis upon which the natural law theories were formulated was the same for the social contract also. These doctrines became popular during 16th and 17th century through the writings of Thomas Hobbes, John Locke, and Jean Jacques Rousseau.

Thomas Hobbes wrote his book Leviathan in 1651. According to Hobbes man entered into social contract and put the natural state to end. This contract led to the creation of common wealth or state. And the ruler was also the outcome of that contract. Since the ruler did not take part in the contract he was not bound to observe the conditions of the contract. After the contract the civil society came in to existence. According to Hobbes, the people surrounded all their power to the king through the contract, except the right of self-preservation Hobbes was an exponent of absolute monarchy.

John Locke wrote two books. They are 'Essays Concerning Human Nature' and 'Essays on civil government'. According to



Locke, man entered into two contracts that is social and political. The social contract led to the creation of the society and the political contract led to the formation of the government. Locke believed that people did not transfer all their rights to the king through the contract. The king was given only the right to life, the right to property and the right to security. So the king is only trustee. The people reserve the right to dethrone the king if he fails to safeguard the security of the people.

Rousseau wrote the book 'the Social Contract'. According to Rousseau, people transferred all their rights to society and put the natural order to an end. Rousseau regarded the real will of the society as the General Will. He considered General Will as sovereign. This General Will forms the basis of government. Rousseau regarded government is an institution functioning under the General Will of the people.

### **The English Bill of Rights**

The Bill of Rights was signed in England in 1689, after the Glorious Revolution of 1688. After the Glorious Revolution, the power of the king was reduced and the British parliament declared its supremacy over the crown in clear terms. Soon after the coronation of William and Marry; the new rulers after revolution, summoned the convention parliament, accepted the declaration of the rights and passed it into law in the form of the "Bill of Rights".

The English Bill of Rights declared that the king has no overriding authority. Principles like Limited monarchy and parliamentary supremacy etc. was declared during that period. The Bill of Rights states that:-

1. The King of England should be an Anglican;
2. The king should not exercise suspending or dispensing power;
3. No standing Army should be maintained without the consent of the parliament;



4. No taxation without the consent of the parliament;
5. Parliament is the sole authority to decide who should rule England;
6. The people should have the right to send petition to the king;
7. Annual grants were to be given to the king by the parliament;
8. Arbitrary courts are to be abolished;
9. Parliament was to be freely elected and the members were to have freedom of speech.

The toleration Act passed by the parliament granted religious freedom to the people.

## AMERICAN DECLARATION OF INDEPENDENCE

America was the colony of Britain. There were 13 colonies in America. These colonies were revolted against England for their independence. The main reason for the revolt was that the British government was of the view that the colonies. also should share in the expenses incurred in their administration. With this view the British government started to take various regulatory measures under which it introduced certain new taxes. This resulted into militant opposition by the American people. They argued that, since they did not have their representatives in British parliament, it had no right to impose taxes upon them. The state declared independence in 1776. The Declaration of Independence was done on July 4th 1776. This famous document was drafted by Thomas Jefferson. The document says:-

“We hold these truths to be self-evident, that all men are created equal that they are endowed by their creator with certain inalienable rights , that among these are life , liberty, and persuit of happiness , that to secure these rights governments are instituted among men deriving their just powers from the consent of the governed ;that whenever any form of government becomes destructives of these ends , it is



the right of the people to alter or abolish it and institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their safety and happiness”.

Thus Americans made their claim for independence on the basis of inalienable rights of men, popular sovereignty and the right of revolution, but at the time of drafting the constitution in 1787 they did not include the bill of rights in the constitution. They did it in 1791 by adopting ten amendments to the constitution. These amendments are known as Bill of Rights and form part of their constitution.

## US BILL OF RIGHTS

The first ten amendments of the American constitution constitute the American Bill of rights. James Madison proposed as many as twelve amendments in the form of a bill of rights in 1791. Ten of these were ratified by the State legislatures. These ten constitutional amendments came to be known as the Bill of Rights in America. The constitutional settlements in the US and the attached Bill of Rights provided a model for the protection of human rights. After 1791 many other amendments were also made in the constitution of America.

### **Followings are the amendments.**

The first amendment provides freedom of religion, freedom of press, freedom of expression and the rights of assembly. The fourth amendments provide protection of individual against unreasonable search and seizure. The fifth establishes the rule against the self-incrimination and the right to due process of law. The thirteenth amendment, adopted after the civil war, abolishes the practice of slavery. Fifteenth amendment (1870)



grants the rights to vote to racial minorities. Nineteenth amendment (1920) extended the right to vote to women. By 26th amendment (1971) right to vote at 18 years of age and by 27th amendment (1972), the provision of equal rights and non-denial or non-abridgement of equality of rights on account of sex is included. It is worth noting that no rights ever been removed or abridged by the Congress.

### **THE FRENCH DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZENS**

The Declaration of the Rights of Man was a product of French Revolution. The revolution reached in climax in 1789; the National Assembly swept away the ancient feudalism and serfdom. The slogan of the revolution was liberty, equality and fraternity. The French revolution gave a fatal blow to absolute monarchy and a death blow to feudalism and led to the establishment of French Republic. All the special privileges were abolished and the society came to be organized on the basis of equality. The French revolution enabled the people to enjoy different kinds of rights. The revolution established the novel ideas of Liberty equality and fraternity. The government should be not only "for the people" but also "by the people".

On 17th august 1789, the National Assembly proclaimed the rights of man and of the citizens. The rights were formulated in 17 articles. It declared that "Men are born free and equal in rights.....The aim of all political association is to preserve the natural rights of man. These rights are liberty, property, security and resistance to oppression. The recognition of universality of these rights was the turning point in the evolution of human rights. The following rights that man and citizen have been recognized, among others, in the French declaration.

1. Men are born and remain free equal in rights



2. The aim of all political association is to preserve the natural right of man. These rights are liberty, property, security, and resistance to oppression
3. Sovereignty rests essentially in the nation
4. Liberty consists in the ability to do whatever does not harm another; hence the existence of the natural rights of each man has no limits except those which assure to other members of society the enjoyment of the same rights. Law can determine these limits.
5. No man can be indicted, arrested or detained except in cases determined by law.
6. All men should be presumed innocent until judged guilty.
7. No one may be disturbed for his opinion, even in religion, provided that their manifestation does not trouble public order as established by law
8. Free communication of thought and free opinion is one of the most precious rights of the man. Every citizen may therefore speak; write and print freely own his own responsibility
9. Taxes can be levied only with the consent of the citizens
10. Society has the right to hold accountable every public agent of administration
11. Property being a sacred right, no one may be deprived of it except for an obvious requirement of public necessity, certified by law and then on condition of a just compensation in advance.

## THE RUSSIAN REVOLUTION

The Russian was the greatest social uprising of the world since the French Revolution. Russian revolution took place in 1917. It was the first successful communist revolution of the world. The revolt was against the naked exploitation of the masses by the autocratic ruler and the wealthy feudal nobles. The revolution brought a though change in the political, social and economic life



of the people and established the first proletariat government of the world. H.G.Wells concerned it as “the greatest event after the advent of Islam”.

It is true that the French Declaration proclaiming liberty, equality and fraternity for all. But liberty and equality were soon proving to be empty slogans for poor peasants and factory workers. Hence, beginning the mid-nineteenth century, the demand for social security and social justice, in addition to civil and political rights, appeared in the forefront of socialist movement. The Bolshevik Revolution in Russia (1917) went a step further. It emphasized that economic and social rights were as important as the civil and political rights. Many economic and social rights had been included in the soviet constitution.

It is gratifying to note that the socialist revolution in Russia introduced socio-economic dimensions to the concept of rights, which were neglected in the events and documents of English, American and French revolutions. While the three revolutions emphasized the first generation (civil and political) rights, the October Revolution of Russia popularized socio-economic rights; such as right to work, social security, protection of the family, right to adequate standard of living, right to education, health and right to join trade unions. These are second generation rights or positive rights.

### **ADOPTION OF UNIVERSAL DECLARATION OF HUMAN RIGHTS**

The Universal Declaration of Human Rights(UDHR) was adopted by the General Assembly of the United Nation on 10th December 1948.The declaration is not a legally binding document; It is an ideal for all mankind. In the words of Eleanor Roosevelt, it proclaims “a common standard of achievement for all people and all nations”. In its final form, it comprises of alert of civil, political, economic, social and cultural rights to which all persons are entitled. Universal Declaration is a declaration of principles directed to the peoples of the world. This has been considered as



one of the greatest achievements of the UN. It has been maintained that “the universal declaration of human rights has had a significant influence on the development of standards that states are not only expected but also has legal commitment to be respected”.

## **INTERNATIONAL COVENANTS ON HUMAN RIGHTS**

To meet the demand for a legally binding document for the protection of the human rights, two international covenants were approved by the General Assembly on 16th December 1966. These are 1. International Covenant on Civil and Political Rights 2, International Covenant on Economic Social and Cultural Rights. What is more important about the two UN covenants is that they contain “international mechanism” to monitor and oversee that the obligation of human rights are observed by states parties to the covenants. Two supervisory bodies – that Human Right Committee under ICCPR and committee on Economic, social and cultural Rights under ICESCR consisting of 18 human rights experts are created to help States Parties to the covenants in fulfilling these obligations.

### **Optional Protocol**

There are two Optional Protocols to the international covenant on civil and political rights. The two international covenants together with the universal declaration and the optional protocols comprise the international bill of rights. **IMPORTANCE OF HUMAN RIGHTS**

Human rights are, in the first instance, moral rights and they derive their strength on ethical grounds. Human rights are inconceivable without the primary right of freedom of thought and expression which recognizes dignity and individuality of every human beings and derives its justifiability from moral and ethical considerations

It has been appreciated that without human right, humanity cannot progress. That is why, over the past sixty years the



individual human being has gradually acquired an increasing number of internationally recognized human rights and obligations. During and at the time of the two world wars we witnessed the deprivation of the human values and rights. However after the Second World War, many nations became independent and they could protect the rights and the liberty of the people. They legalized the human rights by incorporating the provisions in the constitution and through proper legislation.

The UN Charter very clearly specified the importance of the human rights. The UN Charter has declared that the purpose of United Nation is “ to achieve international co-operation in solving international problems of an economic, social, cultural and humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedom for all without distinction as to race, sex language or religion”.

Universal Declaration of Human Rights stated the importance of the human rights in Article 1, which declares, “All human beings are born free and equal in dignity and rights”. The rights and freedom contained in the declaration were regarded as being available to all without distinction of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In our constitution the political and civil rights are termed as fundamental rights and enshrined in the part third of the constitution.

They are now six categories of rights.

- Right to equality
- Right to freedom
- Right to freedom of religion
- Cultural and Educational Rights
- Right against exploitation
- Right to constitutional remedies.



## CLASSIFICATION OF HUMAN RIGHTS

Human rights are generally classified into first, second and third generation rights. Human rights have evolved and developed as a reaction to oppressive institutions, policies and practices of the rulers. These are the first generation rights. The second and third generation rights are concerned to be responses to the economic and political oppression that was the by-product of colonialism and industrial capitalism. Karel Vasek, a former director of Human Rights and Peace Division of the UNESCO was the major proponent of the classification of rights in to three generations. He stated that civil and political rights constitute the first generation rights. Social, economic and cultural rights constitute the second generation rights. The group rights, such as the right to development and environmental rights formed the third generation of rights.

The first generation rights i.e. civil and political rights provide for certain basic rights guarantees for an individual in relation to state; they involve the inviolability of the individual against any invasive action by the state. These are distinct from second generation rights, which generally require action by the state to provide certain basic needs or amenities to the individual. In other words civil and political rights demand freedom from coercive action by the state against an individual; while economic, social and cultural rights necessitate certain actions and provisions by the state in order for it to fulfill its obligations.

First generation rights are included in the Articles 3 to 21 of the UDHR while Article 22 to 27 deal with second generation rights.

Demands have come from some developing countries to focus on some group rights, as it is claimed that their societies are less individualistic than western countries. Consequently third generation rights have been developed to provide for the relation between individuals, the collectivity and the state. Third generation Rights include: the right to self-determination, right to development, right to participate in and benefit from the common



heritage of mankind ;and the right to a healthy environment ;amongst many other collective rights.

Civil and political rights cannot be enjoyed in the absence of basic social economic and cultural rights .The interdependence of the rights must be acknowledged and provided for so as to ensure a better life.

In short we can say that first generation rights are related to liberty; second generation rights to equality; and third generation rights are related to fraternity.

### **Classification**

1. Civil and Political Rights
  - ✓ Right to life and liberty
  - ✓ Freedom of Speech and Expression etc.
2. Economic social and cultural rights
  - ✓ Right to education
  - ✓ Right to work
  - ✓ Right to food and housing etc.
3. Group or Collective rights
  - ✓ Right to development
  - ✓ Environment related rights
  - ✓ Solidarity rights etc.

First generation rights are mainly related with protection rather than realization. Therefore they are known as 'negative rights'. Whereas second generation rights are concerned with realization of economic social and cultural rights ensure by the government for the people. So it is positive rights. It is the duty of the government to ensure these rights to people. In order to ensure these rights state is responsible to provide social provision or services. So that all human beings can enjoy these rights which is related to adequate wage, food, clothing, health care, education etc. As per the view of S.W. Pinto the 'third generation' or 'solidarity rights' only make sense if defined as a collective level. He further says these rights include the rights to economic



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**SARALA DHAVAMANOHARAN**



The World Conference on Human Rights of 1993, proclaimed the Vienna Declaration and Programme of Action. That declaration asserted that 'all human rights are universal, indivisible, interdependent, and inter-related. The declaration also stated that human rights and fundamental freedom would have to be respected and promoted by all states irrespective of their political, economic and cultural systems.

### ***The International Covenant on Civil and Political Right-The first generation Human rights***

The UN prepared International Covenant on Civil and Political Right of 1966 contains a lot of civil and political rights. The various rights contained in the covenant on the civil and political rights are not new rights. These are the rights that had; developed in course of a long period of time since the time of Greek city states and concretized in the form of Magna Carta of 1215, the Bill of Rights of the American Declaration of Independence and the French Declaration of the rights of man and of the citizen. These rights were also included in the European Convention on Human Rights and in Inter-American and African instruments. It also manifested in the constitutions of many countries.

### ***The International Covenant on Economic Social and Cultural Rights-The second Generation Human Rights***

The international covenant on economic social and cultural rights is signed in 1966. As the main source of the origin of the civil and political rights is considered to be the American and French revolution so economic and social rights are considered to be originated in the Russian Revolution of 1917 and in the Paris peace conference of 1919. The significance of the Paris peace conference was the establishment of the International Labour Organization which laid emphasis upon the concept of social justice by proclaiming that "peace can be established only if it is based upon social justice.", and that "the failure of any nation to adopt humane conditions of labour is an obstacle in the way of



other nations which desire to improve the conditions in their own countries”.

The former American President Roosevelt was the first man who put an hope for an instrument dealing with the economic and social rights. In his message to congress in 1944, President Roosevelt referred to the four essential freedoms, i.e. freedom of speech and expression, freedom of any person to worship in his own way, freedom from want and freedom from fear to which he looked forward as the foundation of future world.’ Freedom from ‘want’ it may be argued, formed the basis on which the concept of economic and social rights were formulated. He stated that “people who are hungry and out of job are the stuff of which dictatorships are made”. In his opinion, true individual freedom cannot exist without economic security and independence.

### **Collective Rights –Third Generation Human Rights**

Louis B Sohn has argued that individuals are also members of such units groups or communities as a family, religious community. social club trade union , professional association, racial group, people ,nation and state. Therefore that international law not only recognizes inalienable rights of individuals but also recognize certain collective rights exercised jointly by individuals who are grouped in to larger communities including people and nation Karek Vasak says the collective rights can be realized only “through the concerted efforts of all the actors on the social scene; the individual, the state, public and private bodies and the international community”. The effective exercise of collective rights is precondition to the exercise of other rights political or economies or both. The most cherished belonging to the third generation rights are the right to self-determination, the right to development and right to peace.

## **UNO AND HUMAN RIGHTS**



The creation of UN was a sincere step to draw the nations together in proximity so that they develop a bond and a desire to live together. The charter of the UN recognized the inherent dignity of man. The Universal Declaration of Human Rights recognized that all human beings are endowed with inalienable rights. To convert the declaration into binding treaty, two covenants were prepared by the UN. They are the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. There were also optional protocols in connected with the covenant. There are two optional protocols to the ICCCR and one optional protocol on ICESCR.

The Charter of the United Nations, gives due importance to the aim of promoting human rights and fundamental freedoms. One of the five declared purposes of the UN is the achievement of international cooperation in promoting and ensuring respect for human rights. Several articles in the Charter deal with the subject. For instance, Article 55, 56 require the United Nations to promote a high standard of living, full employment to create conditions of economic and social progress and development, promotion of universal respect for observation of human rights and fundamental freedoms. Further Article 62 of the Charter provides for setting up of several commissions, including one for the promotion of human rights. Accordingly, the commission of Human Rights was duly constituted under the chairmanship of Mrs. Eleanor Roosevelt. The Commission on Human rights is the main policy making body to deal with human rights.

The concept of human rights can be traced from ancient Greece and Rome. The concept of human right is very old and based on natural law. However the expression 'Human Right' is relatively new, having come into everyday parlance only since world war second. That is after the founding of the United Nations in 1945 and the UDHR in 1948.

Although at the end of the First World War, some attempts on modest level were made through the Treaty of Versailles and



Paris Peace Conference, to promote and universalize the human rights, but it met with no success. The formation of the International Labour Organization is the result of Treaty of Versailles. Under the League of Nations the ILO and the Permanent Court of International justice did something to promote the human rights although the League did not contain the word human rights in its covenant.

In 1929, Institute of International law adopted a declaration of the International Rights of Man, which recognizes the rights of life, liberty and prosperity irrespective of nationality, sex, race, language or religion.

During the Second World War many conferences were convened in the various sides of the world to make international organization for the promotion of Peace and the recognition and the protection of the human rights. It was mainly for the universalization of the human rights and against the oppressive and brutal practices adopted by Nazi regime in Germany. It was believed that permanent peace could be established without securing international safeguards for human rights and fundamental freedom. In 1941, January 6, in his message to congress he referred to the four essential human freedom to which he looked forward as the foundation of a feature world.

They are:-

- ✓ Freedom of speech and expression
- ✓ Freedom of worship,
- ✓ Freedom from wan ,
- ✓ Freedom from fear

## THE ATLANTIC CHARTER

The freedom concept of the then American president Roosevelt reached in to some more concrete form in the Atlantic charter. The then president of the United States Franklin D. Roosevelt and the Prime Minister of Britain Winston Churchill met at the Atlantic sea in a ship and discussed about the future world and



issued a joint declaration on august 1941. It is known as the Atlantic Charter. It was agreed among other things that “they respect the right of all people to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcefully deprived of them”

After the final destruction of the Nazi tyranny, “they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all men in all the lands may live out their lives in freedom from fear and freedom from wants”.

Another important landmark was the UN declaration in January 1, 1942. The UN declaration clearly mentioned that “complete victory over their enemies was essential to defend life, liberty, independence, religious freedom and to preserve human rights and justice in their own land as well as other land”. This declaration was further supported by USA, USSR AND Britain in their conference on March, 1943 and again by ILO in its Philadelphia declaration. In 1945, at Yalta the great powers again issued a declaration supporting UN declaration of 1942, Jan1. At Sanfrancisco Conference of United Nations in 1945, the charter included provisions of the human rights for the first time.

The UNO came into existence on 24th October 1945. The purpose of the United Nation is to bring all nations of the world together to work for peace and development, based on the principles of justice, human dignity and the well-being of the people. In the preamble of the charter it is stated that it “reaffirm faith in fundamental human rights, in the dignity and worth of human person, in the equal rights of man and women and of nations large and small”

The purpose of the UN was declared in article 1 of the Charter. It says “.....promoting and encouraging respect for human rights and for fundamental freedom for all without distinction as to race, sex, language or religion”. In furtherance of this objective of



securing human rights the UN General Assembly adopted the Universal Declaration of Human Rights on 10th December 1948. It set up a Global standard for human rights that every state should grant to men and women all over the world.

The UDHR was not in the nature of a binding treaty. The UN therefore took steps for drafting covenants relating to human rights that would create binding obligations: Two separate covenants were created.

They are:-

1. International Covenant on Civil and political Rights (ICCPR)
2. International Covenant on Economic, Social and Cultural Rights (ICESCR)

ICCPR contains negative rights. These rights restrict or prohibit the state from abridging or taking away certain rights. These rights in here in every human being eg:- right to freedom speech belief, assembly etc. right to personal freedom, right to fair legal procedure etc.

ICESCR enumerates positive rights. These rights expect and can take shape only when the state takes some positive action .They cannot be realized in a day. They can materialize gradually depending on the action taken by the state. Examples are right to social security, to health and education. For conferring's these rights state has to create an infrastructure and a machinery to implement. It requires positive action from the state.

In the UN there were considerable differences in viewpoints among the members on the inclusion of positive rights. Therefore the rights were split in two covenants ICCPR and ICESCR. Draft of these two was presented to the General Assembly for discussion in 1954 and was adopted in 1966. The ICCPR entered force on 23rd march 1976. Those states which have ratified it are bound by it.



It is noteworthy that our neighbors China, Myanmar and Pakistan are not state parties to the covenant.

The ICESR was adopted by the General Assembly on 16th December 1966 and came in to force on 3rd January 1976. This covenant contains positive rights requiring positive action of national governments. A number of states have made Reservation and interpretative declarations in respect to this covenant. Belgium has interpreted that it does not imply that the foreigners have the same rights as the nationals. Egypt accepts the covenant to the extent it does not conflict with Islamic Law.

India understands that the right of self-determination applies only to people under foreign domination and not to sovereign nation states. Other clauses are to be read in the context of the constitution of India.

The USA signed the covenant in 1979 but has not ratified it. Therefore it is not bound by it. Successive presidents from Carter onwards regarded these rights as merely desirable social goals and so they cannot be subject of binding treaties.

### **Rights contained in the ICCPR.**

1. Right to life
2. Right of self determination
3. Right to liberty and security.
4. Freedom from torture or cruel, inhuman or degrading nature of Punishment
5. Freedom from slavery and servitude.
6. Right to liberty of movement.
7. Right to fair trial.
8. Freedom of thought conscience and religion
9. Freedom from arbitrary or unlawful interference with privacy, family, home or correspondence
10. Right to religion as a person before the law.
11. Right of peaceful assembly.
12. Right to freedom of association and expression.



13. Right to equality before the law and equal protection of law
14. Right to marry and found a family.
15. Right of detained person to be treated with humanity
16. Freedom from imprisonment for debt
17. Freedom of aliens from expulsion
18. Right to privacy.
19. The rights of the child
20. Political rights such as right to vote etc.
21. The rights of the minority

## **Rights contained in the ICESCR**

1. Right to self determination
2. Right to work
3. Right to enjoy just and favorable condition of work
4. Right to form trade unions
5. Right to social security.
6. Right to an adequate standard of living including adequate food clothing and housing and to the continues improvement of living conditions
7. Right to enjoyment of the highest attainable standard of physical and mental health.
8. Right to education
9. Right to take part in cultural life.
10. Right to enjoy the benefits of scientific progress and its application.
11. Protection of family; including special assistance for mother and children.

Our constitution, likewise divides the rights into two parts. Negative rights which are in the form of prohibition put in part III fundamental rights. The positive rights which require action by the state are called directive principles of state policy and are put in part IV of the constitution and courts are empowered to enforce the rights enshrined in part III, but not those in part IV.



## **OPTIONAL PROTOCOLS**

A Protocol is a treaty which amends, supplements or clarifies a multilateral treaty. It is a supplementary treaty to the covenants. ICCPR has two optional protocols. The first optional protocol created a human rights committee which any individual who lives in any member state may submit a complaint. The committee considers it and gives its ruling. This protocol entered force on 23rd march 1976. The second optional protocol abolishes the death penalty but states are permitted to make reservations. This protocol entered into force on 11th July 1991.

The ICESCR has one optional protocol. It allows the states to recognize the jurisdiction of the committee on Economic, Social and Cultural Rights to consider complaints made by individuals. This optional protocol of ICESCR was adopted on 10th December 2008. It has not yet entered in force.

## **RESERVATIONS**

A reservation is a statement made by a state party by which it modifies or others the legal effects of the provisions of a treaty in their applications to their state party. When a country eventually ratifies a convention it is permitted to make certain reservations to it. A reservation clearly means a unilateral statement, however phrased or named, made by a state, when signing, ratifying, accepting, approving or acceding to a treaty whereby to purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that state. These reservations are permitted to enable as many states as possible, to ratify international instruments.

Many States have entered the ICCPR subject to reservations. India interprets the right of self-determination as applicable to countries which are under foreign rule. It is not applicable to India because India is a sovereign democratic state. India's view is that Article 4 and other Articles (regarding limitations to imposed on rights to be imposed on the rights) have to be



construed according to the constitution. Similarly equal opportunity in the workplace (Article 7) is to be interpreted in the light of provisions contained in the constitution.

Egypt has accepted the covenant only so long as it does not conflict with Islamic law. Kuwait interprets the equal treatment clauses of article 2 and 3 subject to its constitution. Right to social security would apply only to Kuwait's strikes may not be permitted. Pakistan has made a general reservation to interpret subjects to the provisions of the constitution.

The USA signed covenants in 1979 but has refrained from ratifying it. US feels that the rights conferred by this covenant are no rights; they are social goals which state must endeavor to achieve.

## **DEROGATIONS**

In addition to the recourse of reservations, countries are also the option of "Derogating" from a treaty at times of emergence. That is "suspending" a provision of the treaty when conditions threaten the life of the nation. Derogations are considered temporary measures, put in place until the state of emergency of the country is lifted. There are five named non-derogable rights in the ICCPR, which country may not suspend under any circumstances even during times of war. These are the right to life, the right not to be subjected to torture and other cruel, inhuman, and degrading treatment, the right not to be enslaved, the prohibition of retroactive criminal legislation, the right to recognition under the law and the right to freedom of thought, conscience and religion. One of the main problems with derogations is that a nation may remain in a state of public emergency for years on end. The ICCPR contains a "derogation clause" which permits the states parties "in time of public emergency that threatens the life of the nation" to suspend all but seven of the most fundamental rights contained in article



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6,7,8 (paragraph 1&2) 11, 15, 16and 18). The ICESCR also provides for permissible limitations in Article 4 (limitation applicable to all rights) and 5and 8 of the covenant.

## IYACHAMY ACADEMY GROUP 2 MAINS ORIENTATION

18/11/2018

### PROGRAM DETAILS

UNDERSTANDING MAINS  
LANGUAGE / PEN SELECTION  
PRESENTATION OF ANSWER  
STRUCTURING OF ANSWER  
KEY WORDS  
TIME MANAGEMENT  
OLD QUESTION PAPER ANALYSIS

GROUP II MAINS CLASS STARTS FROM NOVEMBER 25

TAMIL/ENGLISH

REGULAR/POSTAL/ONLINE

**TOTAL TEST 25**

(EXCLUDING SPOT TEST)

**CLASSES TILL INTERVIEW**

**WEEK DAYS & WEEKEND BATCH**

FOR ORIENTAION REGISTRATION COMPULSORY

**FOR ADMISSION**

IYACHAMY ACADEMY, CHENNAI

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### INTERNATIONAL BILL OF RIGHTS

The International Bill of Human Rights is an informal name given to one General Assembly resolution and two international treaties established by the United Nations. It consists of the Universal Declaration of Human Rights (adopted in 1948), the International Covenant on Civil and Political Rights (1966) with its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights (1966). The two covenants entered into force in 1976, after a sufficient number of countries had ratified them.

In the beginning, different views were expressed about the form the bill of rights should take. In 1948, General Assembly planned the bill to include UDHR, one Covenant and measures of



implementation. The Drafting Committee decided to prepare two documents: one in the form of a declaration, which would set forth general principles or standards of human rights; the other in the form of a convention, which would define specific rights and their limitations. Accordingly, the Committee transmitted to the Commission on Human Rights draft articles of an international declaration and an international convention on human rights.

At its second session, in December 1947, the Commission decided to apply the term "International Bill of Human Rights" to the series of documents in preparation and established three working groups: one on the declaration, one on the convention (which it renamed "covenant") and one on implementation.

The Commission revised the draft declaration at its third session, in May/June 1948, taking into consideration comments received from Governments. It did not have time, however, to consider the covenant or the question of implementation. The declaration was therefore submitted through the United Nations Economic and Social Council to the General Assembly, meeting in Paris.

The General Assembly adopted the Universal Declaration of Human Rights (UDHR) on 10th December 1948, which included the civil, political, economic, social and cultural rights. Subsequently, in 1966 the Assembly adopted two covenants, that is ICCPR and ICESCR. Later Assembly passed optional protocols to these two Covenants. The UDHR and the two Covenants and the Optional Protocol are popularly known as the International Bill of Rights.

## **UNIVERSAL DECLARATION OF THE HUMAN RIGHTS**

The Vienna declaration, a programme of action, the end result of the 1993 World conference of Human Rights asserted that "All human rights are universal, indivisible, interdependent and interrelated". The declaration stated that human rights and fundamental freedoms would have to be respected and promoted



by all states irrespective of their political, economic and cultural systems.

In 1946, the United Nations established a commission on human rights which started the work on an international bill of rights – consisting of a universal declaration of human rights and the two covenants and protocols. In the first stage of this programme, during 1946-1948, drafted and recommend to the General Assembly, the Universal Declaration of Human Rights which was unanimously adopted by it on 10th December 1948. The declaration was proclaimed “as a common standard of achievement for all peoples and all nations” (even those which were not UN members) and was accepted as a unanimous interpretation of the Charter by the most authoritative UN organ, the General Assembly. It catalogued almost all important rights, civil and political and economic, social and cultural rights-which were not defined in the year charter. Though it is a non-binding instrument, it has acquired moral and legal status. It is recognized in international law as customary law. The preamble of the declaration pointed out its significant feature. It states that the individual, not the state or the government, is “the foundation of freedom, justice and peace in the world”.

The universal declaration inspired three regional human rights commissions. The council of Europe adopted a European Convention on Human Rights in 1950 by which it established the European commission and Court of Human Rights. In 1969, the Organization of American States adopted a similar convention of human rights and the Organization of African Unity (now African Union) adopted in 1981, the African charter on human and people’s rights. The declaration has been translated into nearly 360 local and regional languages. The declaration is the best known and the most cited human rights document in the world.

The universal on human rights stands as a common standard of achievement where all people’s or all nations, to the end that every individual and every organ of society keeping this



declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and the freedom and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member states themselves and among the peoples of territories under their jurisdiction.

The Universal Declaration of Human Rights consists of a Preamble and 30 articles. The declaration set forth the human rights and fundamental freedom to which all men and women without distinction everywhere in the world are entitled. Article 1 of UDHR, lays down the philosophy upon which the declaration is based. It reads "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

The Universal Declaration was adopted by the UN General Assembly on 10th December 1948. The adoption of such a declaration was an historic event and one of the greatest achievements of the UN. Now the people all over the world celebrate the human right day on every year the 10th December.

## **PREAMBLE**

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,



Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

### **Significance of the declaration-A brief analysis**

The Universal Declaration has received praise from a number of notable people. Charles Malik, Lebanese philosopher and diplomat, called it "an international document of the first order of importance," while Eleanor Roosevelt, first chairwoman of the Commission on Human Rights (CHR) that drafted the Declaration, stated that it "may well become the international Magna Carta of all men everywhere." 10 December 1948. In a speech on 5 October 1995, Pope John Paul II called the UDHR "one of the highest expressions of the human conscience of our



time". And in a statement on 10 December 2003 on behalf of the European Union, Marcello Spatafora said that "it placed human rights at the center of the framework of principles and obligations shaping relations within the international community." John P. Humphrey observes: "No other act of the United Nations has had the same impact on the thinking of our times, the best aspirations of which it incorporates and proclaims. It may well be that it will live in history chiefly as a statement of great moral principle. As such it influence in deep and more lasting than of any political document or legal instrument". UDHR is one of the largest translated documents in the world.

1. The Declaration of human Right was the first of its kind in the history of International organization.
2. The declaration became one of the most remarkable developments in the law of nations
3. The declaration acquired a political and moral authority.
4. The declaration has exercised profound influence on the constitution of new nations and regional agreements
5. The Indian constitution was also greatly influenced by the UDHR

### **THE UN COMMISSION ON HUMAN RIGHTS**

The UN commission on human rights was established in 1946 and is a subsidiary body of the Economic and social council (ECOSOC) At present it consist of 53 member governments elected by ECOSOC for three year term The commission deals with the area of human rights more directly than any other charter based body. Its jurisdiction of human rights protection was expanded by ECOSOC in 1970'S to extend the entire world. Since its incorporation the commission has influenced international human right standards. It made contribution to the Universal Declaration of Human Rights in 1948 as well as the International Covenant on Civil and Political Rights and the International Covenant on Civil and Political Rights. It has further, developed norms and standards relating to civil and political rights, the



right to development, the rights of minorities and indigenous people and economic social and cultural rights. The commission also monitors the implementation of the standards outlined. It has the authority to use any number of permanent or special procedures while examining a specific human rights issue

## **The role of UN specialized agencies in protecting the Human Rights**

### **UNESCO**

United Nations Educational, Scientific and Cultural Organization was recognized as an agency of the United Nations by virtue of an agreement of December 14, 1946. Its constitution was initially drafted by the Great Britain and France and later adopted by 43 members of the UN.

#### **Functions:-**

Article 1 of the constitution of UNESCO lays down the functions of the organization. It states that UNESCO shall contribute to peace and security by promoting collaboration among the nations through education science and culture in order to universal respect for justice for the rule of law and for the human rights and fundamental freedoms which are affirmed by the people of the world, without distinction of race, sex, language or religion by the charter of the United Nations. It has mainly three functions 1 .Educational functions 2. Research and Training in basic sciences 3. Social and cultural development. UNESCO has played an active part in disseminating knowledge about the Universal Declaration of Human Rights through exhibitions and other method.

### **ILO**

The international Labour Organization was formed on April 11, 1919. It was dedicated to improving living and working condition of workers throughout the world, During the inter war period it conducted thousands of studies, held hundreds of conferences



and adopted convention for reduction of working hours , holidays with pay ,sickness and old age insurance , freedom of association, forbidding network for women and their employment in mines . in 1946 ILO became the first specialized agency of the United Nations.

### **Functions:-**

The major functions of the ILO are:-

1. Raising the standard of the workers. 2. Prevention of unemployment. 3. Provision for social security. 4. Improvement in the working condition of the merchant sailors. 5. Right of Organization. 6. Safety regulation. 7. women welfare 8.welfare of children 9. Technical assistance 10. improvement of the working condition of the Agricultural labour, 11. Promotion of the co-operatives 12. Research and education

### **WHO**

An international health conference held in June 1946, set up WHO which came in to existence in September 1946. The basic purpose of WHO is the attainment of all peoples of the world the highest possible level of health. WHO defined health as “a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity”. Health is the fundamental right of every human being and is considered necessary for the attainment of peace and security. Geneva is the headquarters of the WHO.

### **Functions:-**

The followings are the main functions of the WHO.

1. Preventing the areas of disease and confining it in the boundaries of the state.
2. Curing the disease after it has spread.
3. Preventing the diseases,
4. Establishment of an environment promoting good health.



## **FAO**

The Food and Agricultural Organization was formed in 1945 to promote international co-operation in the economic and social field. It tries to find out means for developing and maintaining adequate food supply by encouraging use of modern tools and methods, conserving existing food supplies, searching new sources etc.

Functions:- It has international functions, technical functions, combating various animal and plant diseases, increase of production, check on children's diseases, educational informational activities.

## **UNICEF**

The United Nations International Children's Emergency Fund (UNICEF) was formed in December 1956.

Functions:-

The fund was placed a ferment footing in 1953. Its activities were also expanded to include emergency aid in areas affected by flood, droughts, wars and other disasters. The UNICEF is a trustee between the donor and the beneficiaries. It gives aids to the needy members without any discrimination. It provides supplementary meals for millions of children.

## **INDIAN CONSTITUTION AND HUMAN RIGHTS**

The framers of the Indian Constitution were very much influenced by the concept of human rights contained in the Universal Declaration of Human Rights and guaranteed many of those rights in our constitution part III and part IV, though separate, carry the common theme of human rights. When Human rights are guaranteed by a written constitution they are known as fundamental rights. Fundamental rights are the modern name for what has been traditionally known as natural rights. They are fundamental because an ordinary legal right is enforced by the ordinary law of the land and may be changed by



the legislature of the country, but the fundamental rights cannot be altered in the same way. It can be changed only by amending the constitution itself. Fundamental rights are enforceable against the state. Pundit Jawaharlal Nehru has said that "a fundamental right should be look upon, not from the point of view of any particular difficulty of the movement but has something that you want to make permanent in the constitution".

Fundamental rights are dealt in part IIIrd of the constitution, while directive principles of state policy are in part IVth in the constitution. While civil and political rights have been incorporated in the part IIIrd of the constitution, economic social and cultural rights have been incorporated in part IVth of the constitution. They are divided on the ground of enforceability of the former and non-enforceability of the latter in the quotes. Otherwise, the rights included in both are equally important. Neither of these parts is superior or inferior to the other. They are complimentary of each other because together they constitute the human rights reign, including respectively the civil and political rights and the social and economic rights. Without one, the rights in the other are not only incomplete, but also unattainable; together they have been called the conscience of the constitution.

In India humanitarian ideas become popular from the beginning of the nineteenth century .The abolition of sati (1829) ,abolition of slavery(1843),and abolition of female infanticide (1870), the formation of torture commission in the Madras presidency (1855), introduction of widow remarriage by legislation (1856), and prohibition of child marriage (1929),were restrains imposed tradition and the beginning of humanization legislation. The enactment of Indian Penal Code in 1860 and a series of prison and jail reforms by legislation and acts were based on reformist's tendencies. For preserving the rights of female children, the age of consent act of 1891 and the Abolition of Child Marriage act of 1929 were passed.



In addition the Madras Government passed the Madras Children's Act and the Madras Elementary Education act in 1920 to safeguard children and provide better education at primary level. This humanitarian legislation prepared the ground for an awareness of human rights during war years.

The work for drafting a constitution for India was done during the time of the Universal Declaration of Human Rights. With the inspiration from the UDHR the framers of the constitution incorporated a list of rights, what is known as fundamental rights in the Indian constitution. We adopted the Patten of American Bill of Rights. The fundamental rights, that are guaranteed under the constitution have a close similarity with those in the U. N .Declaration of human Rights in form and content in Article 14,15, 16,19,20,21,23, 25, 29,31 and 32.

## Preamble of the Constitution

The preamble of the constitution also explains the nature of Indian constitution and that states it upholds the dignity and rights of the people.

The preamble reads like this :

We, the people of India, having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic republic and to secure its all citizens: Justice, Social economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity; and to promote among them all Fraternity, assuring the dignity of individual and the unity and integrity of the nation.

In our Constituent Assembly this twenty sixth day of November, 1949, do hereby adopt, enact and to give to ourselves this constitution.

In the preamble we can see it declares supremacy and sovereignty of the people and establishes a democratic, secular, socialistic republic. The constitution ensures justice for all .It



provides liberty, equality and protecting the dignity of the people. Equality of status and opportunity is secured by abolishing all kinds of discrimination. The preamble also promises that all individuals have dignity, which is an important human right, and there is no high or low individual. It promises fraternity, which is very necessary for a peaceful prosperous social life. Thus the preamble itself is the basic root of all rights and justice.

### **CIVIL AND POLITICAL RIGHTS-(Fundamental Rights)**

The rights of the people are enumerated in the part III and part IV of the constitution. Part III mentions the civil and political rights whereas the part IV mentions the social economic and cultural rights. Part III is known as the fundamental rights which are justiciable rights. The part IV is known as the Directive Principles of State Policy contains the non-justiciable rights. In other parts of the constitution also we can see the rights of the people. For example article 300A is for the right to property which is not a fundamental right now.

Article 12- 35 deals with Fundamental right .Fundamental rights were finalized by a committee of the constituent assembly headed by Sardar Vallabhai Patel. These rights have not been defined by the constitution. They are described as fundamental for they are superior to ordinary laws; they can be altered only through constitutional amendment. Over all they are vital for the full development of the human personality, promoting an individual's dignity and welfare. These rights unlike other justiciable rights, are protected by the constitutional remedy by way of an application direct to the supreme court under Article 32 which itself is included in the part III. The fundamental rights are not absolute; as such they are subjected to certain restrictions. While some of these restrictions are spelt out by the constitution .others may be imposed by the government. However the reasonableness of such restrictions is to be decided upon by the courts. Some of these rights are not available to the members of the armed forces. Some of the rights are available to all in the



country, while some are available only to Indian citizens. Articles 15, 16, 19, 29, 30 are fixed only for citizens and the rest of the provisions of the Part III are applicable to all persons residing within the territory of India for the time being and subject to its jurisdiction,

## **There are six categories of fundamental rights.**

They are;-

1. Right to equality-Article 14 to 18
2. Right to freedom -article 19-22
3. Right against exploitation Article 23&24
4. Right to religion Article 25-28
5. Cultural and educational rights Article 29,30
6. Right to constitutional remedies Article 32 Article 19 clause 1 sub clause (f) and

article 31 has been taken away from the part III of the constitution by the 44th amendment act of 1978.

- I. Right to equality
  - a) Equality before law and equal protection of law. (Art. 14)
  - b) Prohibition of discrimination on grounds of religion caste etc. (Art. 15)
  - c) Equality of opportunity to employment. (Art. 16)
  - d) Abolition of untouchability. (Art. 17)
  - e) Abolition of titles (Art. 18)
- II. Right to freedom (Art. 19)
  - a) Freedom of speech and expression
  - b) Freedom to assemble peacefully
  - c) Freedom to form association and union
  - d) Freedom to move anywhere in India
  - e) Freedom to settle in any part of the country
  - g) Freedom to do any job or profession



Protection in respect of conviction for offences ( Art.20)

## **Right to life and personal liberty, Art 21**

**(21A is related to the right to education to the children at the age group of 6-14.** It was included through the 86th amendment act of 2002. It implemented through the act of 2009; the right of children for free and compulsory education).

Protection against arrest and detention in certain cases (Art.22)

### III. Right against exploitation

- a) Prohibition of Traffic in human beings and forced labour. (Art 23)
- b) Prohibition of employment of children in hazardous employment. (Art 24)

### IV. Right to freedom of religion

- a) Freedom of conscience and the right to profess practice and propagate religion ( Art. 25)
- b) Freedom to manage religious affairs (Art. 26)
- c) Freedom of payment of taxes for promotion of any particular religion. (Art. 27)
- d) Freedom as to attendance at religious instruction in certain educational institutions. (Art 28)

### V. Cultural and educational rights of the minorities

- a) Protection of language script or culture of minorities (Art. 29)
- b) Right of minorities to establish and administer educational institutions. (Art 30)

### VI. Right to constitutional remedies ( Art 32)

This is one of the most important right in the constitution. Without this right the other right may remain in words without proper enforcement. The right to constitutional remedies helps us to enjoy the fundamental rights and can move to the court for the enforcement of the rights through the writ petitions. There are mainly five kinds of writs.



They are:-

- a) Writ of Habeas Corpus
- b) Mandamus
- c) Certiorari
- d) Quo-warranto
- e) Prohibition

The scope of fundamental rights is wide enough to encompass the new generation human rights. The courts while interpreting the rights have introduced new rights into the category. For example, the court stated that right to life means right to live with human dignity not mere animal existence. So it demands clean environment, food, water, education etc. However the rights conferred by the constitution are not absolute. IN the interest of the unity and integrity of the nation and in order to secure public good these rights can be reasonably restricted. The state can impose restrictions over the enjoyment of the fundamental rights in the interest of the sovereignty, integrity and security of the state, public order, morality, decency, health, friendly relation to foreign states etc. More over an emergency proclamation under Article 352 will curtail the individual liberties provided under Article 19. The provision for Preventive Detention is also a challenge to human rights protection under fundamental rights.

### **SOCIO, ECONOMIC AND CULTURAL RIGHTS-(Directive Principles of State Policy)**

The Directive Principles of State Policy are ideals, directions and rights aimed at establishing an economic and social democracy which is pledged in the preamble of the constitution. The idea of DPSP was borrowed from the Irish constitution. The importance of the DPSP is evident in the words of Dr.B.R. Ambedkar who stated that DPSP as the manifesto of aims and aspirations. DPSP enshrined in the part IV of the constitution. It sets out the ideals and objectives related with social economic and cultural upliftment. The Directive Principles of State Policy enshrines



socio-economic rights which are part of the human rights. These rights can be classified in to three categories 1. Directives in the nature of ideals of the state. 2. Directives shaping the policy of the state. 3. Non-justiciable rights of the citizens.

### **I. Directives in the nature of ideals of the state.**

- ⇒ The state shall strive to promote the welfare of the people by securing a social order permeated by social .economic and political justice Art38(1): to minimize inequality in income ,status facilities and opportunities amongst individual and groups Art38(2)
- ⇒ The state shall endeavor to secure just and human conditions of work: a living wage, a decent standard of living and social and cultural opportunities for all workers( Art43).
- ⇒ The state shall endeavor to raise the level of nutrition and standard of living and to improve public health. (Art 47)
- ⇒ The state shall direct its policy towards securing equitable distribution of the material resource of the community and prevention of concentration of wealth and means production. Art(39 (b),(c).
- ⇒ The state shall endeavor to promote international peace and co-operation (Art51)

### **II. Directive shaping the policy of the state**

- ⇒ To establish economic democracy and justice by securing certain economic rights
- ⇒ To secure a Uniform Civil Code for the citizens. (Art.44)
- ⇒ To provide free and compulsory primary education (Art.45  
( Now this concept is a fundamental right and included in the Article 21A )



- ⇒ To prohibit consumption of liquor and intoxicating drugs except for medical purposes. (Art47)
- ⇒ To develop cottage industries (Art.43)
- ⇒ To organize agriculture and animal husbandry on modern lines (Art48)
- ⇒ To prevent slaughter of useful cattle's i.e. cows, calves and other milch and draught cattle.(Art48).
- ⇒ To organize village panchayats as units of self-governments ( Art40)
- ⇒ To Promote educational and economic interest of weaker sections and to protect them from social jusice.(Art.46)
- ⇒ To protect and improve the environment and safeguard forests and wild life Art 48A)
- ⇒ To protect and maintain places of historic or artistic importance.( Art49)
- ⇒ To separate the Judiciary from the executive.(Art50)

### III. Non-justiciable rights of the citizens

- ⇒ Right to adequate means of livelihood. Art 39(a)
- ⇒ Right of both sexes to equal pay for equal work (Art 39(d)
- ⇒ Right against economist exploitation (39 (e),(f)
- ⇒ Right of children and the young to be protected against exploitation and to opportunities for healthy development, consonant with freedom and dignity. Art 39(f)
- ⇒ Right to equal opportunity for justice and free legal aid Art 39A
- ⇒ Right to work (Art41)
- ⇒ Right of public assistance in cases of unemployment, old age, sickness and other cases of undeserved want (Art41)
- ⇒ Right to a living wage end conditions of ensuring decent standard of life for workers (Art 43)



- ⇒ Right of workers to participate management of industries (Art 43A)
- ⇒ Right to children to free and compulsory education Art 45.

Articles 39A, 44A, were included in the DPSP by 43rd amendment act of the constitution. By the 44th amendment, the Janatha Government introduced section 2 in Article 38 which speaks for minimizing inequality in income and status not only among individuals but also among groups.

The role of DPSP in promoting the human rights can be identified by analyzing the impotent initiatives taken by the state, based on the DPSP. For example; Zemindari abolition, Community Development Programmes, Implementation of Panchayat Raj, Agricultural subsidies, Land Reforms Reservation of seats, Public Distribution Schemes, Commission for minority, SC,ST, women and Children, Tribal welfare policies etc.

The part IV of the Indian constitution related to the Directive Principles of State Policy, which is much more exhaustive than the Universal Declaration.

In short we can say that the India fully followed International Bill on Human Rights and Indian constitution protects such rights, according to the philosophy of Universal Declaration. India constituted the National commission for Human Rights for the redresses of grievances of human rights violations. The commission's role is appreciated by the peoples of India and other human rights organizations working abroad.

## **ACTS ON HUMAN RIGHTS**

### **RIGHT TO INFORMATION ACT**

It was one of the most important legislation passed by the Indian parliament in 2005. It is considered important to the people's participation and empowerment in democracy. Today right to



information is a basic right of the people. The Scandinavian countries are perhaps the early ones to ensure free flow of information to the people through statutory provisions.

The Right to Information Act (RTI) is an Act of the Parliament of India "to provide for setting out the practical regime of right to information for citizens" and replaces the erstwhile Freedom of Information Act, 2002. The Act applies to all States and Union Territories of India except the State of Jammu and Kashmir. Jammu and Kashmir has its own act called Jammu & Kashmir Right to Information Act, 2009. Under the provisions of the Act, any citizen may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days.

The Act also requires every public authority to computerize their records for wide dissemination and to pro-actively publish certain categories of information so that the citizens need minimum recourse to request for information formally. This law was passed by Parliament on 15 June 2005 and came fully into force on 13 October 2005. Information disclosure in India was hitherto restricted by the Official Secrets Act 1923 and various other special laws, which the new RTI Act relaxes.

The Act has increased transparency and greater accountability in the functioning of the government and hence played a significant role in exposing and reducing corruption to some extent. It is claimed to promote a "citizen- centric approach to development" and to increase the efficiency of public welfare schemes run by the government.

### Process

Under the Act, all authorities covered must appoint their Public Information Officer (PIO). Any person may submit a request to the PIO for information in writing. It is the PIO's obligation to provide information to citizens of India who request information under the Act. If the request pertains to another public authority



(in whole or part), it is the PIO's responsibility to transfer/forward the concerned portions of the request to a PIO of the other within 5 working days. In addition, every public authority is required to designate Assistant Public Information Officers (APIOs) to receive RTI requests and appeals for forwarding to the PIOs of their public authority. The applicant is not required to disclose any information or reasons other than his name and contact particulars to seek the information.

The Central Information Commission (CIC) acts upon complaints from those individuals who have not been able to submit information requests to a Central Public Information Officer or State Public Information Officer due to either the officer not having been appointed, or because the respective Central Assistant Public Information Officer or State Assistant Public Information Officer refused to receive the application for information.

The Act specifies time limits for replying to the request

- ✓ If the request has been made to the PIO, the reply is to be given within 30 days of receipt.
- ✓ If the request has been made to an APIO, the reply is to be given within 35 days of receipt.
- ✓ If the PIO transfers the request to another public authority (better concerned with the information requested), the time allowed to reply is 30 days but computed from the day after it is received by the PIO of the transferee authority.
- ✓ Information concerning corruption and Human Rights violations by scheduled Security agencies (those listed in the Second Schedule to the Act) is to be provided within 45 days but with the prior approval of the Central Information Commission.
- ✓ However, if life or liberty of any person is involved, the PIO is expected to reply within 48 hours.



Since the information is to be paid for, the reply of the PIO is necessarily limited to either denying the request (in whole or part) and/or providing a computation of "further fees". The time between the reply of the PIO and the time taken to deposit the further fees for information is excluded from the time allowed. If information is not provided within this period, it is treated as deemed refusal. Refusal with or without reasons may be ground for appeal or complaint. Further, information not provided in the times prescribed is to be provided free of charge.

### **AGENCIES FOR PROTECTING HUMAN RIGHTS**

Although we have many laws and covenants to promote human rights, violations in various level are still going on. There is a wide gap between the 'promise' and 'performance' because of the absence of any effective implementation machinery. Enforcement of human rights is also very important. The measures taken by the various national governments towards making available the various human rights promised by the international covenants to their citizens can be called enforcement of human rights. Reports of the Amnesty International show that, human rights are violated in a number of states. Assault on human dignity on massive scale is a matter of deep concern. To uphold the human dignity and human rights a good number of conventions and conferences were held at regional, national and international levels. Similarly there are various agencies to protect and promote the human rights throughout the world. The important agencies which protect the human rights are Judiciary, National Human Rights Commission and Media.

### **JUDICIARY**

Judiciary is the guardian of fundamental rights. Judiciary always tries to protect the rights of the people. It protects the rights of the citizens from government and private encroachment. One of the most important features of the judiciary in modern time is the power of judicial review. Judicial review is the power of the judiciary to declare a law passed by the parliament or an



executive order is null and void if it is against the provisions of the constitution. Judiciary performs the functions of implementation of human rights mainly by innovative interpretation and applications of the human rights provisions of the constitution. The supreme court of India has assumed the role and declared that it has a special responsibility to enlarge the range and meaning of fundamental rights and advance the human rights jurisprudence.

The major contributions of judiciary to the human rights jurisprudence are as follows:

1. Substantial expansion of the concept of human rights under Article 21 of the constitution
2. Procedural innovation of Public Interest Litigation.

As per the protection of human right act for the purpose of providing speedy trial of offences arising out of the violation of human rights . The state government may, with the concurrent of the chief justice of high courts by notification, specify for each district a court of session to be a human right court to try the said offence

The supreme court of India has original appellate and advisory jurisdiction to perform. If the fundamental rights of the citizen's is either violated or denied he can move the supreme court or high court as the case may be for its re instatement.

## Indian Judiciary and Human Rights

Indian Judiciary is able to protect the human rights and prevents the executive and legislative branches from violating their area of jurisdiction because of several features of Indian constitution.

They are the followings:-

### ❖ Separation of Powers

There is an independent judiciary in India and it is fully separated from the legislature and the executive. Therefore



the judiciary is able to provide justice without fear and favour.

## ❖ **Written constitution**

India has a system of written constitutional law. It increases the success of judiciary to identify the mistakes on the part of the executive and legislature. Each and every provision of the fundamental rights is also described in the constitution. Therefore the judiciary is able to read every law preferably that related to the rights of the citizens.

## ❖ **Rule of law**

Indian constitution guarantees rule of law to every citizens. It provides equality of law among equals and equal protection of law. It ensures that the judiciary can protect the human rights of the citizens based on the principle of rule of law.

## ❖ **Integrity and freedom of judiciary**

Indian constitution ensures the freedom and integrity of the judiciary. The judges of the Supreme Court and the High Courts cannot be removed at the whims and fancies of the executive.

## ❖ **Social representation**

If the judiciary is socially representing the population, it is helpful on two reasons. It ensure the impartiality of the judges. It also help the judge to be patient to listen to the human rights concerns of the different sections of the population. For example women, dalits, minorities etc

## ❖ **Training and educational background of judges.**

The values and principles of the education system which gives training to the aspirant judges helps a lot to increase the professional quality to deal with human right cases.

## ❖ **Judicial activism**

The judiciary's human right consciousness has been changed along with the change of judiciary from a passivist to an activist. During the initial stages, the judiciary in India was followed the black letter of law tradition or it was



passivist in character. This image of the court was changed with the emergence of Public Interest Litigation and the judicial activism. The judicial activism helped too much to the people to enjoy their rights.

## WRIT PETITION

The Supreme Court under article 32 and the High Court under article 226 have the power to issue certain writs for the enforcement of the fundamental rights to any person or authority or the government within its territorial jurisdiction. There are five kinds of writs. They are Habeas Corpus, Mandamus, Cereiorary, Quo-Warranto and Prohibition

### Admission Details

Classes Starts from December first Week

- Group 1 Prelims
- Group 2 Mains Class
- Group 1 & 2 Mains Postal
- Group 1 Prelims Test Batch

( for Each Batch 30 Members only )

Online Class Also Available  
for more Info 9952521550

## PUBLIC INTEREST LITIGATION

Public Interest Litigation (PIL) stands for litigation in the interest of the public. It emerged as a by-product of the influence of welfare ideology on the judiciary. The traditional legal theory of judicial process envisaged passive role for the courts. The traditional legal theory demands for a neutral or passive judiciary which follows the black letters of law. Therefore the procedures in the judicial process were not at all liberal.

PIL stands for the liberalization of the procedure in judicial process especially the provision of locus standi. Locus standi means, a person must show that he is adversely effected by the impugned action or that his own right has been violated . Further the issue he raises must be a justifiable issue that can be



resolved through judicial process. The liberalization of the provision of locus standi empowers a person to approach the court for addressing injustice in which he may not be a party or victim. This gives power to the people to approach the court for the protection of the right of the vulnerable or marginalized who are not in a position to argue for the rights. It can also be used for the general welfare of the public. In short PIL empowers the courts to act in favour of the social cause.

PIL in India is an improved version of the PIL in USA. In India it emerged as a result of the informal nexus of pro-active judges, media and social activists. In India PIL as a means to social change was promoted by eminent judges like Justice P.N. Bhagwati and Justice V.R. Krishna Iyer. Such an instrument was introduced in the aftermath of the emergency and its related human right violations.

### **NATIONAL HUMAN RIGHTS COMMISSION**

There are governmental and non-governmental agencies and institutions have been working for the protection of the human rights. Universal human rights standards and norms have been incorporated within the domestic law of most countries. Various international instruments have also been ratified by the countries, either by inculcating through legislation or by understanding to directly comply with the obligations contained therein by way of automatic adoption. The existence of laws that protect human rights is not sufficient if there are no processes and institutions to ensure the effective realization of those rights.

The protection of Human Rights Act of 1993 demands for the constitution of a National Human Rights Commission, State Human Rights Commission and Human Rights Courts. A national human rights institution can be described as an independent organization that is established by the government according to specific legislation with an aim to promote and protect human rights at national level. It has been described as



one of the fundamental building blocks on human rights protection.

NHRC defining human rights as 'the rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the international covenants – that is ICCPR and ICESCR- and enforceable by courts in India'. The NHRC of India was the first such commission constituted in the South Asian region.

### **Structure**

The protection of the Human Rights Act provides that the National Human Rights Commission consist of 5 members including the chairman.

It consists of :-

- a) A chairperson who has been a Chief Justice of supreme court.
- b) One member, who is or has been a judge of the Supreme Court.
- c) One member, who is or has been the chief justice of the High Court.
- d) Two members to be appointed from among the persons having knowledge of or practical experience in matters relating to human rights
- e) The chair persons of the National Commission for Minorities, the National Commission for Scheduled Caste and Scheduled Tribes and the National Commission for Women shall be deemed to be the members of the commission for the discharge of certain functions.

There shall be a Secretary General who shall be the chief executive officer of the commission and shall exercise such powers and discharge such functions of the commission as it may delegate to him. The headquarters of the commission shall be at Delhi.



## **Appointment of chairpersons and other members**

The Chairperson and other members shall be appointed by the president by warrant under his hand and seal; provided that every appointment under this sub-section shall be made after obtaining the recommendations of committee consisted of :-

- a) The Prime Minister-Chairperson
- b) Speaker of the house of the people- member
- c) Minister in charge of the ministry of home affairs in the government of India-member
- d) Leader of the opposition in the house of the people-member
- e) Leader of the opposition in the council of states-member
- f) Deputy Chairman of the council of states-member

## **FUNCTIONS**

### **❖ Inquiry and investigation**

The NHRC may inquire into and investigate complaints of human rights violations, their abetment or the negligence in the prevention of such violations by a public servant. Such enquiry may undertake through its own initiative (Suo motto) or based on a petition presented by a victim or any person on his / her behalf. These suo motto powers are particularly relevant in situation that involves persons belonging to the marginalized sections of society who do not have the financial or social resources to lodge individual complaints. The NHRC has thus the power to take its own initiative and protect the rights of these people

The NHRC has been vested with the powers similar to those available to civil courts while trying a suit. This means the commission can summon and enforces the attendance of any person; examine under oath; require documents and items to be produced before the commission; receive evidence as affidavits; requisition and public record from any court or office and examine witness and documents.



Upon the completion of an inquiry, the NHRC may make recommendations to the government or the authority concerned for the initiation of proceedings for prosecution or any other action as it deems fit. It may also approach the supreme court or the high court for a direction, order or writ, as that court may consider necessary.

### ❖ **Inspection**

The NHRC can undertake inspections and make recommendations on living conditions in jails and other institutions. It may also monitor existing legal and constitutional mechanism for protecting human rights and measures for effective implementation, and suggest mechanism that ought to be instituted to better protect human rights.

- ❖ **Intervention in court proceedings** The NHRC may intervene, with the courts permission, in proceedings involving human rights violation. For example the NHRC has effectively intervened in a case of gross violation of human rights in the Best Bakery case in which serious questions were raised about the fairness of the criminal justice system.

### ❖ **Sensitization**

The NHRC is mandated to sensitize the government to its constitutional obligations to accede and honour international human rights treaties. The NHRC is also entrusted with spreading human rights literacy and awareness and encouraging the efforts of non-governmental organizations and institutions working in the field of human rights.

In addition to these functions, NHRC encourage the effort of non- governmental organizations and institutions working in the field of human rights. It study treaties and other international instruments on human rights and make recommendations for their effective implementation. NHRC undertake and promote research in the field of human rights. It also reviews the factors including acts of terrorism



that inhibit the enjoyment of human rights and recommend appropriate remedial measures.

### **THE ROLE OF MEDIA MEDIA**

In the contemporary democratic states the role of media is very important, especially in protecting the human rights. Origin of the print media in Europe in the modern history was related to various struggles for rights, mainly civil and political rights. The print technology has revolutionized the potential of media as the most common channel of communicating messages to give strength to agitations. The relationship of the media to human right is well recognized since the very beginning.

Media was essential to preserve human rights and the freedom of the press in the liberal democratic constitutions was depicted as a fundamental human right closely connected to freedom of opinion and expression. Media has considered as the fourth estate, which shows its political significance. The existence the media itself is based on the principle of freedom. Therefore the media is the child and the parent of the rights and the freedom. That means media can effectively function only in a democratic state where there is freedom of speech and expression. At the same time the media can use its freedom to protect the freedom and the rights of the people.

In various countries at various stages of struggle for emancipation and justice media helped the social movements to articulate their demands and to publish their concerns regarding different rights. For example in glorious revolution, American war of independence, French revolution, working class movements and in the anti-colonial struggle in the world, press and other forms of media played a significant role.

### **ROLE OF MEDIA IN PROTECTING HUMAN RIGHTS**



All the media, which includes the print, electronic and the new media, in one way or another way protecting and promoting human rights. The media is not only a carriers of information but also as interpreters, supporters and advocates of certain social political and cultural values. Journalism, as a profession is for social service. Media alert the people about the chances of human rights violation by state or non-state actors. The media reacts against the police atrocities to people. It informs the public about the bad deeds of the government. It fights against the corruption. Corruption itself is a violation of human right. Recently many scams were brought into light by the media. For example the 2G spec tom case, commonwealth games case and adarsh flat case etc. Thus the free media provides a warning signal of impending crisis. These warning signals force preventive action.

Now the new media and the social network help a lot for the anti- corruption campaigns and for protecting the human rights. Its potential is very high and it can influence lakhs of people. It also gives more support to overthrow the bad government and for the liberation of the people in various countries.

The media promoted human rights by making people aware of their rights and duties. In this sense media have an educative value. It can inculcate certain values in society like peace and non-violence, fraternity etc. and thereby promote the importance of human rights. The media publish the human rights violation stories and invite the attention of the authorities in the concerned matter.

It has been publishing stories relating to the women and children whose rights were generally neglected. The media popularise human rights by providing publicity to individuals and organizations engaged in human rights protection activities. In a democratic society free media can



be a powerful against abuse and violation of human rights. The media become a powerful instrument because it exposes human right violations

Though the investigative journalism, the journalists exposes many human right violation issues before the public and the government. It had proved successful in many cases of corruption and criminalized politics. The media helps in keeping the state and its agencies accountable and democratic. The moulding of social reality by media also contributes to the promotion of human rights.

However one thing we should bear in mind is that the media in the globalized corporate world; while thinking about to make more profit, deliberately or not, dismantling human right issues. They tried to protect the corporates and the advertisers. It reports only that news item which will add its profits by increasing circulation or rating. Sometimes it uses human right violation issues to make sensational stories. An independent and impartial media can only work for the protection and promotion of human rights.

## **HUMAN RIGHTS MOVEMENTS IN INDIA**

### **PEOPLE'S UNION FOR CIVIL LIBERTIES**

People's Union for Civil liberties is one of the most popular NGO, working in India, for the protection and promotion of human rights. The idea was to organize people on non-political and non-partisan, bases for the defense of civil liberties and human rights. The organization emerges out of the People's Union for Civil liberties and the Democratic Rights (PUCLDR) founded by Jaya Prakash Narayan in 1976. PUCLDR was organized to protest against the emergency and the undemocratic practices of the Indira



Gandhi regime. The organization questioned the violation of civil liberties during the imposition of national emergency. But the dynamic element of PUCLDR got subsided along with the dethroning of Indira Gandhi government. The organization lost its momentum during the Janatha regime and the death of J.P. accelerated the process. The continued violation of civil liberties, irrespective of the nature of government compelled the members to re-strengthen the organization. Thus the PUCLDR was divided and formed two organizations. One is PUCL and the other is PUDR.

The PUCL emerged as a membership organization and adopted its constitution on 23rd Nov, 1980. It was founded as an organization free from political ideologies. The constitution of the organization states that members of political parties will not have the right to hold any office if they join the organization. The first president and General Secretary of the organization were V.M. Tharkunde and Arun shourie respectively.

PUCL has a three tier structure. At the grass-root level is the General body known as National Convention. Above that there is National Council and its Executive. The national PUCL establishes the state branches. The structure of the state branch follows the pattern at the national level.

### **MAJOR AREAS OF ACTIVITY**

The important activities of the organization include mobilizing public opinion in favour of a better climate for the protection of the civil liberties in the countries, conducting investigation into incident of violation of human rights, publishing the findings and filing petitions.

The organization does not accept money from funding agency in India and abroad. The expenses are met by the



members themselves. The PUCL publishes a monthly journal, the 'PUCL Bulletin', and also it had instituted journalism award for the best human right stories. It organizes a JP memorial lecture every year on 23rd March in relation to the issue of human rights.

Its activity of PUCL in the initial stage was focused on black laws. It had actively campaigned against the NSA which was widely used against the trade union members of Madhya Pradesh. The organization had played a significant role in addressing the cause of the marginalized in society. It pressurized the Supreme Court in various ways to liberalize the provision of locus standi thereby activating the use of PIL to protect the rights of the people. It had conducted investigations about the existence of child labour in Tamil Nadu and Assam. It also focused human rights violation during communal riots. The organization published reports in issues like the Sikh massacre in Delhi riot 1984, Hasimpura and Meerut riots in 1987, Bombay riots etc. During 1988 the organization strongly acted against the de-humanizing practice of sati. The role of PUCL in the Roop Kanwar sati case is important. During 1995 it had focused on the human rights violations in Jammu and Kashmir and also in the fake encounters cases of the north east. It had fought in the court for the right to food and health of the vulnerable sections in India. The organization's use of right to information and the cooperation with the NHRC are also commendable.

## **ENVIRONMENTAL MOVEMENTS**

Environmental movements have an important place in the studies related to water, air, natural resources or explicitly to have a clean environment are all part of the third generation rights.



Environmental movements emerged as a by-product of the development paradigm which totally ignored the importance of nature in human life. The massive destruction of nature affected the life of the people of the world in a number of ways. The problems ranging from deforestation, water scarcity, pollution, ozone depletion, soil erosion, acid rains, species extinction, desertification, unequal access resources etc. got large scale movements having their base on natural protection.

The important environmental movements in India were the Silent Valley Movement, the Chipko Movement, Narmada Bachavo Andolan, Mithani Village Movement, Jharkanthi organization against radiation, National Fish Workers Forum, Beej Bachao Andolan etc.

The Silent Valley Movement of the 1970's was one of the successful environment movements which prevented the construction of a hydal project in river Kunthi, in the ecologically rich region called Silent Valley. The movement was led by KSSP an environmental NGO which contributed to the growth of environmental consciousness in the state of Kerala.

The Chipko Movement in Uttaranchal was also a successful movement against the felling trees for commercial purpose during 1970's. NBA is one of the longest running battles against the construction of a system of dams called Sardar Sarovar Project in river Narmada. The movement questioned the dominant development paradigm there by brought environment and development into clashes. The movement argued that the development is important, but that development model which violates the human rights of the vulnerable section like the tribes in society should be abandoned



The Mittani movement was movement focused on the issues of displacement and rehabilitation in relation to the expansion of NTPC in the village of Sonbhadra. The movement successfully gained a large compensation package. JOAR a movement which was started as a movement for rehabilitation and settlement of VCIL in Jharkhand, later turned to a movement which also addressed issues like radioactive waste management, and health hazards caused by radio activity. Beej Bacho Andolan stands for the protection of variety of indigenous seeds from extinction.

### CHIPKO MOVEMENT

The renowned Chipko Movement, which began in 1971 in the hills of Uttarakhand, (now in the state of Uttarakhand). The term Chipko means 'embrace' or 'hug', referring to the first action of the movement at Mandal Village in the Alakananda Valley.

The movement was sparked by the government decision to allot a plot of forest land to a sport goods company while denying the villagers permission to use local timber to make agricultural tools. Women, being most affected by the hardships of both the ongoing degradation to their environment and the privatization of basic resources, played a prominent and decisive role. When attempts were made to divert the attention of the men, the women stepped into save their environment and their livelihood. They started hugging trees in order to prevent them from being axed. The simple action translated in to an organized and peaceful movement under the leadership of Chandi Prasad Bhatt. Sunder Lal Bahuguna was the great leader of the Chipko Movement, who was a Gandhian activist and philosopher and declared the slogan "Ecology is permanent Economy". The movement largely drew on Gandhian principles of non-



violent Satyagraha. This was the first movement of this kind, not just in post independent India, but also across the world. It is regarded as one of the hallmarks in the history of the environmental movement.

As the movement gained stream, the government finally yielded and the Prime Minister Indira Gandhi declared a ban on tree logging in the 5000 kilometer trans Himalayan region. The United Nations Environment Programme lauded the efforts of the participants: “the Chipko people are working for a socio- economic revolution by winning control of their forest resources from the hands of a distant bureaucracy, which is concerned with selling the forest for making urban-oriented products”. As the movement spread and became more organized,

it led to the prevention of logging in areas of Rajasthan, Karnataka, Bihar, the western Ghats, and the Vindhas. It also sensitized civil society in India to the need to pressure the government to formulate an ecological policy that would promote sustainable development.

### **Narmada Bachao Andolan**

Narmada Bachao Andolan(NBA) is a movement to save the river valleys of the Narmada River in central India. It was mobilized people at the grass root level on a scale unprecedented for an environmental movement in post-independent India. The movement is primarily against the contraction of the Sardar Sarovar Dam which is estimated to displace 300,000 people—largely peasants and tribal people –and inundate farming land and forest area which is inhabited by rare species. The NBA and its supporters argue that projected, benefits, given past experiences, are unlikely to be realized and are far outweighed by the social and environmental costs.



### **THE SILENT VALLEY PROJECT**

Another significant anti-dam movement is against the Kerala Government's proposal to construct a dam across the river Kunthi in the Silent valley. The government has argued that it is a viable alternative to the more expensive and polluting sources of the thermal power. However, environmental and citizen groups opposite it, due to a threat that it may upset the delicate ecological balance of the bio-diversity reserve, inhabited by some rare species in the Silent Valley. In addition, the river has traditionally been a source of drinking water for villagers and tribes inhabiting the region; activists have charged that diverting the water amounts to 'state sponsored robbery of resources'.

International organization such as the World Wide Fund for Nature (WWF) and International Union for the Conservation of Nature and Natural Resources (IUCN) mounted pressure on the government, leading to the shelving of the project in 1983 by Prime Minister Indira Gandhi. This movement met with success fairly early and is one of the very rare instances where the state yielded to pressure and retracted.

### **ANTI TEHRI DAM MOVEMENT**

In 1972, the Indian Planning Commission approved plans for Tehri Dam, naming the principal town it would submerge, along with two populated and fertile valleys. Protest against began in 1967 and continued for more than two decades. The opposition argued that the dam would cause displacement and have an adverse ecological impact by inundating large tracts of forest and farming land. Furthermore, as it was located in the high risk seismic zone, it posed great danger to the people living downstream.

### **CHALLENGES TO HUMAN RIGHTS IN INDIA**



## **Human Rights violation among Minorities**

There is no universal definition of minorities. However a commonly accepted definition was provided by UN special Rapporteur Francesco Capotorti, which is as follows: “A group numerically inferior to the rest of population of a state, in a non-dominant position, whose members-being national of the state- possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity; directed towards preserving their culture, traditions, religion or language”

Another definition is it is a group “held together by ties of common descent, language or religious faith and feeling themselves in different in these aspects from majority of the inhabitants of a given entity”.

In India neither the constitution nor the National Commission for Minorities Act (NCM Act) define the term minorities and speak of these ‘based on religion or language’. The NCM Act states, ‘Minority for the purpose of this Act, means a community notified as such by the central government. The central government has notified the following as falling within the category of a ‘minority’: Muslims, Christians, Sikhs, Parsis and Buddhists. Such a definition of minority excludes among others Judaism, Jainism and the Bahai faith.

Articles 29 and 30 of the Indian Constitution deal with the minority rights. Article 29 states: any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture have the right to conserve the same. Article 30 states, ‘all minorities whether based on religion or language, shall have the right to



establish and administer educational institution of their choice’.

## THE NATIONAL COMMISSION FOR MINORITIES

The Minority Commission was first constituted in 1978, to look in to the welfare of minorities. The Commission was made a statutory body in 1992, with the passing of the National Commission for Minorities Act, in order to better address the interests of the minorities in an organized and effective manner. A special commission for minorities was considered necessary even though special provisions had been included in the constitution for their protection.

The commission must consist of a Chairperson, a vice Chairperson and five members to be nominated by the central government from among persons of eminence, ability and integrity, where the Chairperson and the five members are to be from amongst minority communities.

### **Duties and functions:**

The NCM has been vested with the powers of the civil court while evaluating the progress of the development of minorities under the union and states; monitoring the working of the safeguards provided in the constitution and in laws enacted by the parliament and state legislatures; and looking into specific complaints regarding the deprivation of rights and safeguards of the minorities and take up such matters with the appropriate authorities.

Although it is vested with quasi- judicial powers, the NCM is not formally endowed with statutory powers of investigation and has no independent investigative unit of its own.



The NCM also recommends to the Central or State Government ways to effectively implement safeguards for the protection of minorities; conduct studies on discrimination against minorities and recommends measures for cessation; promote research on issues relating to the socio-economic and educational development of minorities; and submit reports to the Central government on any matter pertaining to minorities.

### **HUMAN RIGHTS VIOLATIONS AMONG DALITS AND ADIVASIS**

The vulnerable section who becomes the victims of police atrocity includes the Dalit's, advisis, women and minority. The common victims of arbitrary arrest and detention are the Dalit's, tribes and the members of minority communities. The police consider Dalit's and tribes as habitual criminals. They always reserve the barbaric investigation techniques for those suspects who belong to the bottom line of the society. The police atrocities against Dalit's and tribe are very common in states like Bihar, Uttar Pradesh, Madhya Pradesh, Haryana and Gujarat. The police clearly exhibits their upper caste bias in almost all cases. Moreover, the police ignore the complaints made by the backward caste members. Even if they pay attention, they are not ready to register the complaint under the SC and ST Prevention Atrocities Act. Thomas Paine stated that "it is over the lowest class of mankind that government by terror is intended to operate and it is on them that it operates to the worst effect. The state and its agents are controlled by the dominant group so it will use force against the poor and the marginalized so that it can maintain its dominance".

### **ATROCITIES ON DALITS**



The untouchables in India are treated as more than slaves because of graded inequality on the basis of caste. Caste and untouchability are the offshoots of Hindu Dharma. Hindu religion itself is responsible for the atrocious administration. The SC's being the untouchables have occupied lower position in social economic and cultural order. The reasons for the atrocities on SC's are attributed to their extreme poverty.

The following acts have been enacted to prevent atrocities on SC's. They are

- ❖ Protection of Civil Right Act.1955
- ❖ SC/ST ( Prevention of Atrocities Act) 1989
- ❖ Protection of Human rights Act 1993
- ❖ The SC/STs (Prevention of Atrocities Act) 1995

## **VIOLENCE AGAINST WOMEN**

The Declaration on the Elimination of Violence against Women defines violence against women as 'any act of gender-based violence that results in , or is likely to result in, physical, sexual, or psychological harm or suffering to women ,including threats of such acts coercion or arbitrary deprivation of liberty , whether occupied in public or in private life. Crimes against women have been steadily on the rise'. The definition is broad in its coverage and recognizes the fact that violence can occur within the confines of the home. Violence against women can assume active or passive forms- a physical act of violence is not the only form of violence. Creating a hostile environment whether at work or at home or making disparaging and humiliating remarks also come within the preview of violence as they have psychological impact on the victim.



Domestic violence occurs within the home and poses a challenge to the sanctity of family relationships. It is violence that occurs in the private sphere, generally between individuals who are related through intimacy, blood or law. It entails active and passive violence against children, the elderly, women- married, unmarried and divorcees. The primary and substantial victims of domestic violence are women. Under the Protection of Domestic violence Act of 2005, the definition of domestic violence includes abuse as well as the threat of abuse. It includes abuse that is physical, verbal and emotional sexual or economic in nature. The dowry Prohibition Act 1961 made the demanding and giving of dowry punishable under the law.

Women are one of the great victims of police atrocities. The police maintain callous and indifferent attitude towards women issues. They treat issues of dowry deaths, and domestic violence as private affairs and therefore encourage compromises even if the women are brutally tortured. Another important human rights issue faced by women in relation to police is custodial or prison rape. . As per NCRB report 2002, the court tried 132 police men for custodial rape, but only four were convicted. The Mathura case of 1980, in which a lower caste minor girl was detained and raped by police men was a best example to show the gender bias of Indian police. Such incidents are a part of daily media report even today.

The questioning of the victims of rape also shows the insensibility of police. They treat such victims as impure, therefore use abusive language and even assault them. Women are also victims of custodial death.

In India, Bihar, Uttar Pradesh, Madhya Pradesh are the worst examples of police atrocities. Poor and backward women are the victims. Amnesty International has mentioned in its latest report authorities in India are failing to prevent violence against women and sometimes take an active part in it .These women often



suffer a double discrimination on the basis of caste as well as gender.

Women face violence during infancy, and growing years like infanticide, neglect of nutrition needs, education and health care. As adults they face domestic violence, sexual abuse at workplace etc. In all such violence police intervention is not satisfactory.

The United Nations defines violence against women as “any act of gender based violence that results in or is likely to result in , physical , sexual m, psychological harm or suffering to women , including threat of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life”. In spite of various efforts at regional, national and international level violence against women take place in every corner of the globe.

### **National Commission for Women**

Owing to the overwhelmingly patriarchal structure of our society, women have been relegated to a secondary status and have been subject to various legal and social discriminations. The framers of our constitution recognized the need to remove such inequalities and made special provisions to redress the same. The National commission for Women is a statutorily constituted body under the National Commission for Women Act 1990. The NCW consists of a Chairperson, five members and a member secretary, all nominated by the central government according to guidelines provided for in the Act.

### **FUNCTIONS**

#### **❖ Inquiry and Investigation**

The NCW also has the power of a civil court while investigation and examining matters relating to the safeguards provided for



women under the constitution and other area. It is empowered to consider matters relating to

### ❖ Action Research

The NCW conducts studies and investigations into problems arising out of discrimination and atrocities against and recommends for their removal. The NCW members participate and advice on the planning process of socio- economic development of women, suggest measures to promote their representation in all spheres and evaluate their progress. The NCW has formulated Bills on Prevention of Sexual Harassment at Workplace and the Domestic Violence to Women (prevention) Bill 1994 in consultation with members of the civil society.

### ❖ Legal intervention

The Parivarik Mahila Lok Adalat is an innovative mechanism developed by the NCW, which has taken up thousands of cases so far. It deals with matters pertaining to family law, encouraging settlement of disputes outside the formal legal framework and aiming to empower women in the justice delivery mechanism

## **POLICE ATROCITIES AGAINST CHILDREN**

The convention on the rights of the children is the first legally binding international instrument to incorporate the full range of human rights –civil, cultural, economic, political and social rights. In 1989 world leaders decided that children needed a special convention, because people under 18 years old often need special care and protection that adults do not. The convention sets out these rights in 54 articles and two optional protocols. It spells out the basic human rights that children everywhere have; right to survival, to develop to the fullest, to protection from harmful influences, abuse and exploitation and to participate fully in family and cultural life. The four core principles of the convention are non-discrimination, devotion to the best interest of the child, the right to life, survival and development and respect for the views of the child. The convention protects



children's rights by setting standards in health care, education and legal, civil and social services.

India became a party in 1992 to the international Convention on the Rights of the child, 1989, following popular demand. By agreeing to undertake the obligations of the convention, national governments have committed themselves to protect and ensure children's rights and they have agreed to hold themselves accountable for this commitment before the international community. While the rights of the child call for a comprehensive treatment, we shall confine to its two aspects in the context of the Indian society which have lately highlighted the need for urgent affirmative action. They are the incidence of violence against children, including violence by the criminal justice system, and the practice of child labour.

Notwithstanding the masses sages children are still subjected to various violence and exploitations there are reports about continued trafficking, child labour and violence against children even in their home. Some of them are subject to sexual harassment and police atrocities. In India National Human Rights Commission have taken initiative in sensitizing and imparting training to state police forces, para-military forces and armed forces on human rights. There is also report of growing violence against street children in many urban areas. Parliament enacted Juvenile Justice Act, 1986 primarily for the care, protection, treatment, development and rehabilitation of neglected or delinquent children. Large scale exploitation of children for a free or cheap labour has been a bane of independent India. Children are engaged in a variety of industries or vocations making of matches and fireworks, carpet making, glass bangle making, plastic and rope weaving, salt extraction, incense stick production, diamond cutting and polishing biscuit making and steel rolling domestic work prostitution and construction work etc



. Indeed child labour is more in the unorganized sector than the organized sector.

## **STATE AND HUMAN RIGHTS**

Police is the official organization that is entrusted with the duty to protect life, liberty and security to the people. A functioning police system, as the protector of rule of law, is a precondition of the survival of democracy and for the proper enjoyment of human rights. The duties of police include prevention and detention of crime, maintenance of law and order, investigation of crime, collection of evidence, apprehension of offenders, maintenance of internal security, environment, VIP protection and traffic control.

Effective and just policing is a necessary precondition for the protection and promotion of human rights. However, the police in India fail in much respect to protect the human rights. Many cases have been reported by the media which shows the police atrocities. A number of international and national human right NGO's had criticized the Indian Police system for its instability towards human rights and its indulgence in massive human right violations. Third degree methods are really an extension of police atrocities. The major complaints against police are alleged unprofessional conduct and assault. Police personnel occasionally were accused of beating suspects to obtain confessions. In many cases the only evidence against the accused was a confession. The media has played a role in exposing the excesses by the police but has failed to improve the forces.

### **Communal Violence in India**

IT WAS THOUGHT that partition of the country would resolve the problem of communal violence in India, and in the post-partition period, the people would be able to live without facing the ill-effects of the communal violence. However, it was a false hope



and except the decade of fifty, people could not live in without communal violence.

In communal violence several causes and multiplicity of factors are involved which contribute to the generation and aggravation of communal riots. Each of these factors, individually and collectively, contributes to creating the communal passion in which even the mildest of provocations erupts into irrational violence. Besides the communal environment in most of the riots, there are precipitating factors, which engineer the fire of communal violence in any area.

It must be noted that in communal violence there are micro as well as macro factors involved. The macro factors are often of ideological in nature and have nation-wide sweep. The micro factors may be non-ideological and of local nature. Both are integrally connected with the process of socio-economic development in the country. To fight communalism and stop communal violence, we ought to know what causes are behind the virus of communal violence. Therefore, it is necessary, to know the various causes of communal violence. This chapter will deal on those causes which are responsible for eruption of communal violence in the country

The causes responsible for the communal violence may be discussed under the following heads:

- ❖ General Causes.
- ❖ Religious Causes.
- ❖ Trivial Causes.

## General Causes

Communal violence takes place because of various factors. The process of communal violence is very complex one. The reason for the break out of communal violence, its continuance, ineffective policing and other efforts and delay in restoring normalcy are varied and interrelated. Therefore, it is necessary, to know the general causes behind the problem of communal violence.



**Divide and Rule Policy** The history of Hindu-Muslim antagonism is the result of 'divide and rule' policy adopted by the British rulers, which left a wide impact on Hindu-Muslim relations. This policy had sown seeds of discord between the communities, who indulged in serious skirmishes posing threat to the security and very existence of the nation.

After the revolt of 1857, the British rulers started to divide different communities on communal lines, particularly Hindus and Muslims in India. It was one of the main reasons that the British rulers undertook the first census in Colonial India in the year 1872. The census of 1872 articulated the cleavages of minority and majority and created communal consciousness in the early 20<sup>th</sup> century.<sup>1</sup> The census exercises during Colonial rule instilled a geographical and demographic consciousness among the religious communities. The census data on religion also sparked off a communal debate on the size and growth of different religious communities.

The division of Bengal in 1905, based on religion was the unique example of fomenting communalism by the British policy of 'divide and rule'. Communal perception was again perpetrated through the political instrument of separate electorates, wherein religious minorities were given separate seats in the legislative bodies according to their proportion of population in the provinces. This widened the prevailing communal antagonism in the country.

Mahatma Gandhi struggled hard to bring back the spirit of brotherhood; apart from Maulana Abul Kalam Azad. However, every move to unite the two communities failed miserably. Since then the relationship between Hindus and Muslims has become bitterer than ever before; hatred between them has grown manifold. The Indian ruling class continued the 'divide and rule' policy of the British rulers in the post-partition period in relation to the masses of the two communities to keep them divided and always fighting



## **Partition of Bengal and Swadeshi Movement**

The British policy of 'divide and rule' succeeded. The Hindu-Muslim antagonism started surfacing since the division of Bengal in 1905. The partition of Bengal and Swadeshi movement was another factor of creating gulf between two communities by the British rulers.

The British Government wanted to cut the very source of Indian nationalism and to divide the people of the region into two separate communities, i.e., Eastern and Western Bengal. In Eastern Bengal, Muslims were in majority while in the Western Bengal, Hindus were in majority. The Colonial rulers were very eager to enlist the support of majority community against the minority community.

### **Partition of the Country**

Partition of the country also created a great deal of bitterness and communalized political processes in post-Independent India. Partition itself was greater disaster for the country. Before partition, all were Indians, but after partition Muslims became a minority in India while Hindus and Sikhs became minority in Pakistan. Allegations of persecution of minorities in both the countries had been made from time to time. The seeds of distrust and disharmony have gradually taken shape of big trees and communal termite is slowly eating into the age-old roots of our peace.

### **Struggle for Identity or Class Conflicts**

The theories of class conflict, viz., class stratification coinciding with religious cleavages or the dominant property group trying to raise bogie of majority communalism in order to mute or deflect the rising demands of the minority. In India, communal identity and division has always pervaded Indian society but communalism is one of the by-products of Colonial under development of the Indian economy. The rise of modern politics and social classes occurred in the same period and the crises of



Colonial economy began to be largely felt. Colonial economy, underdevelopment and economic stagnation produced conditions conducive to the growth of internal divisions and antagonism within society

### **Communal Conflicts and Conflicts of Interest**

Hindus and Muslims cannot be treated as entirely homogenous communities. There are besides religious conflicts, conflicts of interests too. On occasion, these interests sharpen religious conflict. Religion is often used to provide legitimacy to conflicts of interests and thus what appears to be a religious conflict may in fact be a cover-up for a conflict of interests. This is, of course, not to suggest that there has been no religious conflict between the two communities. Communal conflicts are a means for communities to assert their communal identities and to demand their share in economic, educational and job opportunities.

### **Political Factor**

The communal politics cannot be let down without an attack on communal ideology and the socio-economic structure of the society which sustain it. In most cases the communal violence is politically motivated. There is a growing tendency to maximize political gains by adopting short cuts in terms of usage of ancient identities, money and muscle power, communal slogans, doctrinaire issue, etc.

The major cause of communal conflict before partition was the struggle between the Hindu and the Muslim elite for political power as well as control of economic resources at the national level. Zenab Bano believes that “the outcome of communalism in the form of group prejudices, communal contradictions, tensions and communal violence is due to the struggle for control over the resources of power. Communalism’s roots are deep in economic power and domination.”<sup>7</sup> Prabha Dixit also regards communalism as “a political doctrine that makes use of religious and cultural differences in achieving political gains.”



The 1980s decade witnessed the highest degree of communalization of politics. The 'Minakshipuram conversion' episode was alleged to have been exploited by the then Prime Minister to mobilize the upper and middle caste Hindu support for retaining political power. Due to the political issues communal riots occurred in Hyderabad (1983), Bombay (now renamed Mumbai)-Bhiwandi (1984) and Aurangabad (1988). In the late 80s, communal riots that broke out in Meerut (1987) and the Bhagalpur (1989) were directly the result of 'Ayodhya dispute', the dispute was essentially political in nature.

### **Socio-Political Issues**

It has been established that in Indian society disputes among various trends within Hinduism or Islam did take place. Often socio-political issues also engineered communal violence. The principal aspect that came to the surface was 'cow protection' and 'Urdu-Devanagari' controversy. The demand for the use of the Devanagari script, first made by some Banaras (now renamed Varanasi) Hindus in 1868 and granted by Lt. Governor MacDonnell in 1900 was connected with the tension between old and new elites of UP

In 1967, the attempt to make 'Urdu', the second official language in Bihar, was the cause behind communal violence in Ranchi. In 1994, the introduction of a short 'Urdu News Bulletin' from the Bangalore Doordarshan (DD) had sparked off communal violence in Bangalore. However, it was clear that apart from 'linguistic sentiments' there was certainly a political motive to the entire events.

### **Economic Factor**

Many have tried to find economic factors behind communal violence. Theories of development process find the causes in economic competition among Hindus and Muslims in some area. Economic competition often leads to social tensions that can



easily turn into communal violence. An important cause of communalism and communal violence springing from it has been unbalanced and exploitative economic relations in Indian society.

In 1929, Mumbai riots were explained at the time as the outcome of an economic conflict between Hindu strikers and Muslim strike breakers, mixed in with Hindu antipathy towards Muslim moneylenders in the city.<sup>11</sup> Several accounts of the partition riots in Punjab have also focused on the role of land shortages and conflicts between indebted Muslim farmers and mainly Hindu money lenders in the country side and between Muslim and Hindu business interests in the cities.

Due to the economic factors communal violence occurred in Udaipur (1965 & 1966); Godhra (1980-81); Bihar Sharif (1981); Meerut and Baroda (1982) and in the industrial belt of Bhiwandi-Thane-Mumbai (1984). During 1980, either electoral politics or economic competition played great role in engineering some major riots.

### **Administrative Failures**

Weak law and order is one of the causes of communal violence. After partition, the most of communal violence took place because of the weak law and order. There was failure of the police and administrative officers in gauging the intensity of the communal situation in advance. This very cause is attributed behind many serious communal riots including Ahmedabad and Baroda (1969), Bhiwandi (1970), Hyderabad (1978 & 81), Bihar Sharif (1981), Bhagalpur (1989), and several other major riots.

The Report of the Srikrishna Commission on Mumbai riots (1992-93), which was submitted in 1998, points out that the failure of state administration was primarily responsible for the extraordinary situations

### **Partisan Behaviour of Police**



The partisan role of state machinery particularly police goes in sustenance of communal violence and reactive motivation by the group feeling. The partisan attitude of police allows petty clashes to turn into a major communal violence. The Madon Commission on Bhiwandi riots (1970) has recorded that the concerned police officers and personnel showed communal bias and actively assisted the Hindu rioters in burning and looting Muslim properties and the communal discrimination was practiced in making arrests. The police turned a blind eye to what the Hindu rioters were doing

### **Rumours**

False and exaggerated rumours pave an easy way to communal violence. In almost all riots the role of rumours in rousing communal zeal is quite famous. Rumour plays a mischievous role in fanning the flames in a surcharged mosphere. It is always a key in the hands of communal elements to engineer communal violence. The most effective to incite the mass is the rumour of the women or girl of one community being molested, raped or kidnapped by the members of another community; or the killing of a cow by a Muslim; etc.

### **Religious Causes**

Many scholars have discussed the problem of communal violence through different angles but they have perhaps forgotten the violative point of religion as the perpetrator behind communal violence. However, it has been observed by various studies that religion was not the sole factor responsible for the origin or growth of communal violence before and after partition.

### **BONDED LABOUR**

Bonded labour - or debt bondage - is probably the least known form of slavery today, and yet it is the most widely used method of enslaving people. A person becomes a bonded labourer when their labour is demanded as a means of repayment for a loan.



The person is then tricked or trapped into working for very little or no pay.

Bonded labour is prohibited in India by law vide Articles 21 and 23 of the Constitution. A specific law to prohibit the practice was legislated only in 1976 known as the Bonded Labour System (Abolition) Act. With the commencement of the Act the following consequences followed: bonded labourers stand freed and discharged from any obligation to render to bonded labour. All customs, traditions, contracts, agreements or instruments by virtue of which a person or any member of family dependent on such person is required to render bonded labour shall be void.

Despite the statutory prohibition, bonded labour is widely practiced. The worst affected are the children and women particularly those from the Dalit community. The legal framework against bonded labour provided in the Bonded Labour System (Abolition) Act, 1976 is supported by other legislations like the Contract Labour (Regulation and Abolition) Act, 1970; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; the Minimum Wages Act, 1948.

### **State Human Rights Commission, Tamil Nadu**

The State Human Rights Commission was constituted in the state of Tamil Nadu on 17.4.1997 in accordance with the powers conferred on the State under section-21 of the Protection of Human Rights Act, 1993. Tamil Nadu is one of the very few States which has constituted a Commission for the Human Rights.

It would not be out of place to mention that India was a party to the International covenant on civil and political rights and the international covenant to Economic, Social and Cultural rights, both of which were adopted by the United Nations General Assembly on 16th December 1966 and the rights embodied in



those covenants stood substantially protected by the Constitution of India. Having regard to this, and to the changing social realities and emerging trends in the nature of crime and violence, it had been considered essential to review the existing laws a procedure and the system of administration with a view to bringing about greater efficiency and transparency, the Government of India constituted National Human Rights Commission 12th October 1993 and for the same reasons and objects and with a view to provide easy a close access to the needy victims of violation, the State Human Rights Commission was constituted in the state of Tamil Nadu on 17.4.1997. At the time of constitution, Tamil Nadu was the fifth State to form this Commission, the others being the States of West Bengal, Madhya Pradesh, Assam and Himachal Pradesh. Two other States Punjab and Jammu and Kashmir have since constituted the State Commission.

As under section 21 of the above Act, the Government in its order in G.O.Ms. 1465 1466 Public (L&O) Dept. dated 20.12.1996, Constituted the State Human Rights Commission with the following members:

- a) A Chairperson who has been a Chief Justice of the High Court.
- (b) One member who is or has been a judge of the High Court.
- (c) One Member who is or has been a judge of the District Court.
- (d) Two members to be appointed from amongst persons having knowledge of or practical experience, in matters relating to human rights.
- (e) One Secretary not below the rank of the Secretary to Government who shall be the ( Executive Officer of the State Commission.



The functions of the SHRC include considerable scope and range of the functions envisaged for the Commission under sec 12 of the Act, "all or any" of which except what is stated under clause (f) of the section relating to treaties and other International instruments on Human Rights which can be dealt with by the National Human Rights Commission only, are to be performed by this Commission. These functions are to:

1. inquire suo motu or on a petition presented to it, by a victim, or any person on his behalf into complaint of
  - (i) Violation of human rights or abetment thereof;
  - (or)
  - (ii) negligence in the prevention of such violation by a public servant.
2. Intervene in any proceeding involving any allegation of violation of human rights, before a Court with the approval of such Court.
3. visit under intimation to the State Government, any jail or any other institution under the control of the State Government where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon;
4. review the safeguards provided by or under the constitution of any law for the time being in force for the protection of human rights and recommend measures for their effective implementation.
5. Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
6. Not applicable to State Human Rights Commission.
7. undertake and promote research in the field of human rights.



8. spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the n seminars and other available means.
9. encourage the efforts of Non-Governmental organisations and institutions working in the field of human rights.
10. such other functions as it may consider necessary for the promotion of human rights.

## PRISONER RIGHTS

The fundamental rights guaranteed under the Constitution are not absolute and many restrictions have been imposed on their enjoyment. Right to freedom of person is one of the most important rights among the fundamental rights. When a person is convicted or put in prison his status is different from that of an ordinary person. A prisoner cannot claim all the fundamental rights that are available to an ordinary person. The Supreme Court of India and various High Courts in India have discussed (flue scope ixa various decisions. Before discussing these decisions it is necessary to see various constitutional provisions with regard to prisoners rights.

One of the important provisions of the Constitution of India which is generally applied by the courts is article 14 in which the principle of equality is embodied. The rule that "like should be treated alike" and the concept of reasonable classification as contained in article 14 has been a very useful guide for the courts to determine the category of prisoners and their basis of classification in different categories.

Article 19 of the Constitution guarantees six freedoms to the citizens of India. Among these certain freedoms like 'freedom of movement', 'freedom to reside and to settle' and freedom of profession, occupation, trade or business" cannot be enjoyed by the prisoners because of the very nature of these freedoms and due to the condition of incarceration.



But other freedoms like "freedom of speech and expression", "freedom to become member of an association" etc. can be enjoyed by the prisoner even behind the bars and his imprisonment or sentence has nothing to do with these freedoms. But these will be subjected to the limitations of prison laws.

Article 21 of the Constitution has been a major centre of litigation so far as the prisoners' rights are concerned.<sup>8</sup> It embodies the principle of liberty. This provision has been used by the Supreme Court of India to protect certain important rights of prisoners. After Maneka Gandhi<sup>9</sup> case, this article has been used against arbitrary actions of the executive especially the prison authorities. After that decision it has been established that there must be fair and reasonable procedure for the deprivation of the life and personal liberty of the individuals. The history of judicial involvement in prison administration ~shows that whenever the prison officials have subjected the inmates to brutal treatment the courts have intervened to protect their rights. The issue of prison conditions and environment has emerged as one of the predominant themes of correctional philosophy raising questions concerning inmate's rights and fate of prison life.

### **Right to Speedy Trial**

Right to speedy trial is a fundamental right of a prisoner implicit in article 21 of the Constitution. It ensures just, fair and reasonable procedure. The fact that a speedy trial is also in public interest or that it serves the social interest also, does not make it any the less right of accused. It is in the interest of all concerned that the guilt or innocence of the accused is determined as quickly as possible in the circumstances.

### **Right against Solitary Confinement, Handcuffing & Bar Fetters and Protection from Torture**

Solitary Confinement in a general sense means the separate confinement of a prisoner, with only occasional access of any



other person, and that too only at the discretion of the jail authorities. In strict sense it means the complete isolation of a prisoner from all human society.

Torture is regarded by the police/investigating agency as normal practice to check information regarding crime, the accomplice, extract confession. Police officers who are supposed to be the protector of civil liberties of citizens themselves violate precious rights of citizens. But torture of a human being by another human is essentially an instrument to impose the will of the strong over the weak. Torture is a wound in the soul so painful that sometimes you can almost touch it, but it is also so intangible that there is no way to heal it.

An arrested person or under-trial prisoner should not be subjected to handcuffing in the absence of justifying circumstances. When the accused are found to be educated persons, selflessly devoting their service to public cause, not having tendency to escape and tried and convicted for bailable offence, there is no reason for handcuffing them while taking them from prison to court.

**These rights are inherent in Articles 21 and 22(1) of the Constitution and require be recognizing and scrupulously protecting. For effective enforcement of these fundamental rights, the court issue the following requirements:**

1. An arrested person being held in custody is entitled, if he so requests to have one friend relative or other person who is known to him or likely to take an interest in his welfare told as far as is practicable that he has been arrested and where is being detained.
2. The Police Officer shall inform the arrested person when he is brought to the police station of this right.



3. An entry shall be required to be made in the Diary as to who was informed of the arrest. These protections from power must be held to flow from Articles 21 and 22(1) and enforced strictly.

It shall be the duty of the Magistrate, before whom the arrested person is produced, to satisfy himself that these requirements have been complied with. The above requirements shall be followed in all cases of arrest till legal provisions are made in this behalf. The Directors General of Police of all the States in India shall issue necessary instructions requiring due observance of these requirements. In addition, departmental instruction shall also be issued that a police officer making an arrest should also record in the case diary, the reasons for making the arrest.

### **Right to Reasonable Wages in Prison**

Remuneration, which is not less than the minimum wages, has to be paid to anyone who has been asked to provide labour or service by the state. The payment has to be equivalent to the service rendered, otherwise it would be 'forced labour' within the meaning of Article 23 of the Constitution. There is no difference between a prisoner serving a sentence inside the prison walls and a freeman in the society.

Whenever during the imprisonment, the prisoners are made to work in the prison; they must be paid wages at the reasonable rate. The wages should not be below minimum wages.

### **Human Rights organization around the world**



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## ABOUT THE AUTHOR

M. Iyachamy, from Keelakalangal village in Tirumelveli district, just after completing his Bachelor's degree in commerce in 2013 at Sri Ram Nallamani Yadava College, Tenkasi, Started preparing for civil services and since then has devoted himself to guide and inspire many TNPSC and UPSC aspirants through social media ([www.iyachamy.com](http://www.iyachamy.com)). This book will cover the whole nine yards of the TNPSC syllabus and would be a kind of sue generis being unique in its own way.



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M. Vasantharaj  
Deputy Commercial Tax Officer

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## The Asian Human Rights Commission (AHRC)

The Asian Human Rights Commission (AHRC) was founded in 1984 by a prominent group of jurists and human rights activists in Asia. The AHRC is an independent, non-governmental body, which seeks to promote greater awareness and realisation of human rights in the Asian region, and to mobilise Asian and international public opinion to obtain relief and redress for the victims of human rights violations. AHRC promotes civil and political rights, as well as economic, social and cultural rights.

AHRC endeavours to achieve the following objectives stated in the Asian Charter "Many Asian states have guarantees of human rights in their constitutions, and many of them have ratified international instruments on human rights. However, there continues to be a wide gap between rights enshrined in these documents and the abject reality that denies people their rights. Asian states must take urgent action to implement the human rights of their citizens and residents."

## Office of the United Nations High Commissioner for Refugees



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The UN refugee agency emerged in the wake of World War II to help Europeans displaced by that conflict. Optimistically, the Office of the United Nations High Commissioner for Refugees was established on December 14, 1950 by the United Nations General Assembly with a three-year mandate to complete its work and then disband. The following year, on July 28, the United Nations Convention relating to the Status of Refugees - the legal foundation of helping refugees and the basic statute guiding UNHCR's work - was adopted.

*About the Author ...*

M.Iyachamy, from Keelakalangal village in Tirunelveli district, Just after completing his bachelor's degree in Commerce in 2013 at Sri Ram Nallamani Yadava College, Tenkasi, Started preparing for civil services and since then has devoted himself to guide and inspire many TNPSC and UPSC aspirants through Social media.

Mr. Iyachamy has been continuously contributing his best to the aspirants of TNPSC Exams through his website [www.iyachamy.com](http://www.iyachamy.com) and by publishing books useful for the competitive examinations. This book on socio economic issues is his second book on the series. It is written in simple language and covers all the topics comprehensively. I hope this work will serve as a good source of study for the candidates preparing for TNPSC Mains Exams.

I wish for the meritorious accomplishments of all his endeavors in near future.

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By 1956 UNHCR was facing its first major emergency, the outpouring of refugees when Soviet forces crushed the Hungarian Revolution. Any expectation that UNHCR would become unnecessary has never resurfaced. In the 1960s, the decolonization of Africa produced the first of that continent's numerous refugee crises needing UNHCR intervention. Over the following two decades, UNHCR had to help with displacement crises in Asia and Latin America. By the end of the century there were fresh refugee problems in Africa and, turning full circle, new



waves of refugees in Europe from the series of wars in the Balkans.

The start of the 21st Century has seen UNHCR helping with major refugee crises in Africa, such as the Democratic Republic of the Congo and Somalia, and Asia, especially the 30-year-old Afghan refugee problem. At the same time, UNHCR has been asked to use its expertise to also help many internally displaced by conflict. Less visibly, it has expanded its role in helping stateless people, a largely overlooked group numbering millions of people in danger of being denied basic rights because they do not have any citizenship. In some parts of the world, such as Africa and Latin America, the original 1951 mandate has been strengthened by agreement on regional legal instruments.

In 1954, the new organization won the Nobel Peace Prize for its ground-breaking work in helping the refugees of Europe. Its mandate had just been extended until the end of the decade. More than a quarter century later, UNHCR received the 1981 award for what had become worldwide assistance to refugees, with the citation noting the political obstacles facing the organization. From only 34 staff members when UNHCR was founded, it now has more than 9,300 national and international members of staff, including over 1,050 in UNHCR's Geneva and Budapest Headquarters. The agency works in 125 countries, with staff based in 109 main locations such as regional and branch offices and 341 often remote sub-offices and field offices.

The budget has grown from US\$300,000 in its first year to US\$7 billion in 2015. At the start of 2014 there were more than 51 million uprooted people worldwide. In mid-2014, meanwhile, UNHCR was dealing with 46.3 million people of concern to the agency: 26 million internally displaced people, 13 million refugees, 1.7 million returnees, 3.5 million stateless people, more than 1.2 asylum-seekers and 752,000 other people of concern. An organization with a three-year mandate to solve the problem of refugees celebrated its 60th anniversary on 14 December 2010,



aware that the humanitarian needs are unlikely to disappear. Since that landmark birthday, UNHCR has been faced with multiple crises in Africa and Europe.

Filippo Grandi became the 11th United Nations High Commissioner for Refugees on 1 January 2016. He was elected by the UN General Assembly to serve a five-year term, until 31 December 2020.

### **World Refugee Day**

First marked in 2001, World Refugee Day is held every year on June 20. Tens of thousands of people around the world take time to recognize and applaud the contribution of forcibly displaced people throughout the world. The annual commemoration is marked by a variety of events in more than 100 countries, involving government officials, humanitarian aid workers, celebrities, civilians and the forcibly displaced themselves. See our **World Refugee Day** website for more information.

### **The Nansen Refugee Award**

This annual award is named after the late great Norwegian polar explorer Fridtjof Nansen, who was appointed in 1921 by the UN's predecessor, the League of Nations, to be the very first High Commissioner for Refugees. The Nansen Award, consisting of a medal and a US\$100,000 monetary prize, is given out every year in October to a person or group for outstanding services in supporting refugee causes.

### **UNESCO**

**In 1945**, UNESCO was created in order to respond to the firm belief of nations, forged by two world wars in less than a generation, that political and economic agreements are not enough to build a lasting peace. Peace must be established on the basis of humanity's moral and intellectual solidarity.

UNESCO strives to build networks among nations that enable this kind of solidarity, by:



- Mobilizing for education: so that every child, boy or girl, has access to quality education as a fundamental human right and as a prerequisite for human development.
- Building intercultural understanding: through protection of heritage and support for cultural diversity. UNESCO created the idea of World Heritage to protect sites of outstanding universal value.
- Pursuing scientific cooperation: such as early warning systems for tsunamis or trans-boundary water management agreements, to strengthen ties between nations and societies.
- Protecting freedom of expression: an essential condition for democracy, development and human dignity.

UNESCO is known as the "intellectual" agency of the United Nations. At a time when the world is looking for new ways to build peace and sustainable development, people must rely on the power of intelligence to innovate, expand their horizons and sustain the hope of a new humanism. UNESCO exists to bring this creative intelligence to life; for it is in the minds of men and women that the defences of peace and the conditions for sustainable development must be built.

### **Human Rights Council:**

An intergovernmental body with membership encompassing forty-seven states, the Human Rights Council has the task of promoting and protecting human rights internationally. Its mechanisms to forward these ends include a Universal Periodic Review which assesses situations in all 192 UN Member States, an Advisory Committee which provides expertise on human rights issues, and a Complaints Procedure for individuals and organizations to bring human rights violations to the attention of the Council.

### **United Nations Development Fund for Women (UNIFEM)**



In July 2010, the United Nations General Assembly created UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women. In doing so, UN Member States took an historic step in accelerating the Organization's goals on gender equality and the empowerment of women. The creation of UN Women came about as part of the UN reform agenda, bringing together resources and mandates for greater impact. It merges and builds on the important work of four previously distinct parts of the UN system, which focused exclusively on gender equality and women's empowerment:

- Division for the Advancement of Women (DAW)
- International Research and Training Institute for the Advancement of Women (INSTRAW)
- Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI)
- United Nations Development Fund for Women (UNIFEM)

### **The main roles of UN Women are:**

- To support inter-governmental bodies, such as the Commission on the Status of Women, in their formulation of policies, global standards and norms.
- To help Member States to implement these standards, standing ready to provide suitable technical and financial support to those countries that request it, and to forge effective partnerships with civil society.
- To lead and coordinate the UN system's work on gender equality as well as promote accountability, including through regular monitoring of system-wide progress.

### **Human Rights Watch**

Human Rights Watch is a nonprofit, nongovernmental human rights organization made up of roughly 400 staff members around the globe. Its staff consists of human rights professionals



including country experts, lawyers, journalists, and academics of diverse backgrounds and nationalities. Established in 1978, Human Rights Watch is known for its accurate fact-finding, impartial reporting, effective use of media, and targeted advocacy, often in partnership with local human rights groups. Each year, Human Rights Watch publishes more than 100 reports and briefings on human rights conditions in some 90 countries, generating extensive coverage in local and international media. With the leverage this brings, Human Rights Watch meets with governments, the United Nations, regional groups like the African Union and the European Union, financial institutions, and corporations to press for changes in policy and practice that promote human rights and justice around the world.

In 2009, the Association of Southeast Asian Nations (ASEAN) established the ASEAN Intergovernmental Commission on Human Rights to promote human rights in the ten ASEAN countries. By mid-2012, the Commission had drafted the ASEAN Human Rights Declaration. The Declaration was adopted unanimously by ASEAN members at its November 2012 meeting in Phnom Penh. The Declaration details ASEAN nations' commitment to human rights for its 600 million people

## **Amnesty International**

**Amnesty International** (commonly known as **Amnesty** and **AI**) is a non-governmental organisation focused on human rights with over 7 million members and supporters around the world. The stated objective of the organisation is "to conduct research and generate action to prevent and end grave abuses of human rights, and to demand justice for those whose rights have been violated."<sup>1</sup>

Amnesty International was founded in London in 1961, following the publication of the article "The Forgotten Prisoners" in *The Observer* 28 May 1961,<sup>1</sup> by the lawyer Peter Benenson. Amnesty draws attention to human rights abuses and campaigns for compliance with international laws and standards. It works to




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mobilise public opinion to put pressure on governments that let abuse take place. The organisation was awarded the 1977 Nobel Peace Prize for its "campaign against torture" and the United Nations Prize in the Field of Human Rights in 1978.

In the field of international human rights organisations, Amnesty has the longest history and broadest name recognition, and is believed by many to set standards for the movement as a whole.



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