



## **B.A DEGREE PROGRAMME SEMESTER- V**

**Open Course-HY 1551.3  
HUMAN RIGHTS MOVEMENTS**



# MODULE -1

## PROBLEMATISING HUMAN AND INHUMAN

# Defining Human Rights

- ❖ Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death.
- ❖ They can never be taken away, although they can sometimes be restricted
- ❖ These rights are indispensable for the maintenance of dignity and status of the human person.
- ❖ The human Rights were first defined by Scottish philosopher John Locke “as absolute moral claims or entitlements to life liberty and property.”
- ❖ The best known expression of human rights is found in the Virginia Declaration of Rights in 1776 which proclaims that “All men are by nature equally free and independent and have certain inherent rights.







## Defining Human Rights

- ❖ Milne says that “Human Rights are simply what every human being owes to every other human being and as such represent universal moral obligation”
- ❖ Subhash C Kashyap opined that human rights are “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”
- ❖ In the words of Prof. Harold Laski, “Human rights of the individual are those condition of social life without which no man can seek in general to be at his best.”
- ❖ Louis Henkin defined Human rights as “claims asserted and recognised as of rights against society as represented by governments and its officials.”

# Human Rights and their violations

- ❖ Human Rights violations are "crimes against humanity," including genocide, torture, slavery, rape, enforced sterilization or medical experimentation, and deliberate starvation.
- ❖ Because these policies are sometimes implemented by governments, limiting the unrestrained power of the state is an important part of international law.
- ❖ Human rights advocates agree that, sixty years after its issue, the Universal Declaration of Human Rights is still more a dream than reality.
- Amnesty International's 2009 World Report and other sources show that individuals are: (a) Tortured or abused in at least 81 countries (b) Face unfair trials in at least 54 countries (c ) Restricted the freedom of expression in at least 77 countries.





## Origin and Development of Human Rights

- ❖ It is said that the roots of the rights can be traced in the Babylonian law. The Babylonian King Hammurabi issued a set of laws called Hammurabi's code.
- ❖ There exists different viewpoints regarding the origin of human right. Some of them are:  
(a) Natural Law theory proposed by Stoic philosophers which states that human rights are rights which every human being possesses by virtue of being human  
(b) Social Contract theory proposed by philosophers like philosophers like Thomas Hobbes John Locke and Jean Jacques Rousseau  
(c) Thomas Paine, an American revolutionary thinker developed the doctrine of natural rights. He held that rights are natural because they were bestowed upon man by God himself.
- ❖ The Magna Carta of 1215, English Bill of rights 1689, American Declaration of Independence of 1776, American Bill of Rights of 1791, French Declaration of the Rights of Man and the Citizen of 1789, The Atlantic Charter at 1941, The United Nations Charter of 1945, Universal Declaration of Human Rights of 1948 and the International Covenants on Human Rights are contributed to the development of Human Rights.



# Origin and Development of Human Rights

- ❖ The most significant stage in the history of Human Rights is the UN Declaration of Human Rights.
- ❖ The first documentary use of the expression 'Human Rights' is to be found in the charter of the United Nations which was adopted at San Francisco on 25<sup>th</sup> January ,1945.
- ❖ The Universal Declaration of Human Rights was unanimously adopted by the United Nations on 10<sup>th</sup> December, 1948. The declaration was proclaimed as a common standard of achievement for all peoples and all nations.
- ❖ 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.
- ❖ Now the people all over the world celebrate the human rights day on every year the 10<sup>th</sup> December.





# Origin and Development of Human Rights

- The United Nations Declaration of Human Rights (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 organisation.
- 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 United Nations Declaration of Human Rights (UDHR)



# Origin and Development of Human Rights

- Another stage in the development of Human Rights is the UN Commission on Human Rights. It was established in 1946 and is a subsidiary body of economic and social council (ECOSOC).
- At present it consists of 53 member governments elected by ECOSOC for three year term.
- Since its incorporation the commission has influenced international human right standards.
- 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.





## Origin and Development of Human Rights

- Human rights are broadly classified into three categories- First, second and third generations of Human Rights.
- The first generation of human rights had developed in course of a very long period of time which contained in the International covenant on Civil and Political Rights.
- The second generation of human rights contained in the international covenant on economic, social and cultural rights.
- The third generation of human rights is also known as collective rights exercised jointly by individuals who are grouped into larger communities, including people and nations.



# MODULE -2

## MOVEMENTS AGAINST RACIAL DISCRIMINATION



# Racial Discrimination

- Racial discrimination is when a person is treated less favourably than another person in a similar situation because of their race, colour, descent, national or ethnic origin or immigrant status.
- Racial hatred is doing something in public based on the race, colour, national or ethnic origin of a person or group of people which is likely to offend, insult, humiliate or intimidate.
- Examples of racial hatred may include: (a) racially offensive material on the internet, including e-forums, blogs, social networking sites and video sharing sites (b) racially offensive comments or images in a newspaper, magazine or other publication such as a leaflet or flyer (c) racially offensive speeches at a public rally (d) racially abusive comments in a public place, such as a shop, workplace, park, on public transport or at school (e) racially abusive comments at sporting events by players, spectators, coaches or officials.





# Slavery and Anti-slavery movements

- Slavery is a condition in which one human being was owned by another. A slave was considered by law as property, or chattel, and was deprived of most of the rights ordinarily held by free persons.
- Forms of Modern Slavery (a) **Forced labour**– any work or services which people are forced to do against their will under the threat of some form of punishment (b) [Debt bondage](#) or bonded labour – the world’s most widespread form of slavery, when people borrow money they cannot repay and are required to work to pay off the debt, then losing control over the conditions of both their employment and the debt (c) [Human trafficking](#)– involves transporting, recruiting or harbouring people for the purpose of exploitation, using violence, threats or coercion (d) [Descent-based slavery](#) – where people are born into slavery because their ancestors were captured and enslaved; they remain in slavery by descent (e) [Child slavery](#) – many people often confuse child slavery with child labour, but it is much worse. Whilst child labour is harmful for children and hinders their education and development, child slavery occurs when a child is exploited for someone else’s gain. It can include child trafficking, child soldiers, child marriage and child domestic slavery (f) [Forced and early marriage](#) – when someone is married against their will and cannot leave the marriage. Most child marriages can be considered slavery.



# Slavery and Anti-slavery movements

- Protests against Slavery by William Wilber Force-William Wilberforce (24 August 1759 – 29 July 1833) was a British politician, philanthropist, and a leader of the movement to abolish the slave trade. It was his efforts that led to the abolition of slavery in United Kingdom. It was on the question of slavery that the Civil War in America occurred.
- The American Civil War was a civil war fought in the United States from 1861 to 1865, between the North ( the Union) and the South (the Confederacy).
- In the civil war the Union army defeated the southern states and President Abraham Lincoln issued the famous emancipation proclamation ending the slavery.
- The Emancipation Proclamation enabled African-Americans, both free blacks and escaped slaves, to join the Union Army. About 190,000 volunteered, further enhancing the numerical advantage the Union armies enjoyed over the Confederates, who did not dare emulate the equivalent manpower source for fear of fundamentally undermining the legitimacy of slavery.







## Slavery and Anti-slavery movements

- Protests against Slavery by Mahatma Gandhi-Gandhi fought vigorously against the racial discrimination and slavery both in South Africa and India. At South Africa he opposed the inhuman and anti-Indian acts and regulations like preventing Indian marriages, prohibiting Indians from entering the Transwal area and forcing Indians to submit a certificate carrying their thumb impressions. In India he led the Champaran satyagraha, Kheda Satyagraha, Ahmadabad Mill strike, satyagraha against Rowlett Act, Non Cooperation movement, Civil Disobedience movement and Quit India movement.
- Protests against Slavery by Martin Luther King- Martin Luther King was an American activist who became the most visible spokesperson and leader in the civil rights movement from 1955 to 1968. He fought against racial discrimination in America.
- He led a famous march on Washington and delivered his famous speech 'I have a dream'. He was awarded Nobel prize for peace in 1964 for combating racial inequality through non-violent resistance.

# Slavery and Anti-slavery movements

- Activities of Martin Luther King includes: (a) Montgomery Bus Boycott, 1955 (b) Southern Christian Leadership Conference (SCLC) (c ) Albany Movement of 1961 (d) Birmingham Campaign, 1963 (e) March on Washington, 1963 (f) Selma voting Rights Movement and Bloody Sunday, 1965 (g) Chicago Open Housing Movement, 1966 (h) Poor People's Campaign, 1968.
- Nelson Mandela of South Africa fought fearlessly against slavery and racial discrimination. He worked through the African National Congress to fight against the social evils.
- Desmond Tutu is a South African Bishop and theologian, who is also known for his work as an anti-apartheid and human rights activist. He has served as the Bishop of Johannesburg from 1985 to 1986 and then he became the Arch Bishop of Cape town from 1986 to 1996.





## MODULE -3

# INDIAN EXPERIMENTS OF HUMAN RIGHTS



# Indian experiments of Human Rights

## Indian constitutions and Human Rights

- The fundamental rights of the Constitution are considered to be basic human rights. There are six fundamental rights included in the Constitution of India. They include: (a) Right to Equality – Articles 12-18 (b) Right to freedom Articles 19-21 (c ) Right against exploitation Articles 23-24 (d) Right to freedom of Religion Articles 25-28 (e) Fundamental and cultural rights Articles 29-31 (f) Right to constitutional Remedies Articles 32-35.

## Dalit Panthers

- Dalit Panthers- They are among the most important political developments in India in recent times is the coming to the forefront and challenging struggle for Dalit identity and rights. The organisation was founded by Namdhio Dhasal and J. V. Pawar on 29 May 1972 in Maharashtra. They advocated for and practised radical politics, fusing the ideologies of Ambedkar, Jyothi Ba Phule and Karl Marx.





# Indian experiments of Human Rights

## Women's Movements

- **The Zarthosti Mandel (Parsi women's circle)-** It was a major Parsi women's organization, which served as a training ground for women. Its alumane become active in a wide range of activities.
- **The Bharat Stree Mahamandal-** It was founded by Sarladevi Chaudhurani at Allahabad in 1910. It was the first permanent association of Indian Women to promote their common interests.
- **The women's Indian Association-** It was founded by an Irish Feminist and theosophist, Dorothy Jinarajadasa, in 1915, with its membership open to both Indians and Europeans. Annie Besant became its first President.
- **The National Council of women for India-** It was an All India Organisation established in 1925, which was affiliated to the International Council of Women. Mehri bai Tata, the wife of Dorab Tata played a key role in its advancement.

# Indian experiments of Human Rights

## National Human Rights Commission

- **The National Human Rights Commission** was established in the year 1993 by the Protection of Human Rights Act, 1993 passed by the Parliament.
- **Composition of the NHRC** – (a) Chairperson is a person who has been a chief justice of the Supreme Court (b) Seven other members (c ) One member who is or has been a judge of the Supreme Court of India (d) One member who is or has been a chief justice of any high court(e) Two other members appointed on the basis of their special knowledge or experience in the field of human rights
- **State Human Rights Commission-** The Protection of Human Rights Act 1993 envisaged the setting up of the State Human Rights Commissions.







# Indian experiments of Human Rights

## Kerala State Women's Commission

- The Kerala Women's Commission was constituted to improve the status of women in Kerala and to enquire into unfair practices affecting women in the State of Kerala.
- Its main objectives includes elimination of violence against women, ensuring of equality before law, improving economic status of women, improving women's participation in development and decision making. Kerala Women's Commission handles different types of cases such as sexual harassment, molestation, rape, divorce settlements etc. The commission always takes bold steps to settle all these cases.
- The empowerment of women is done through the activities of Kerala Women's Commission. Its aims at the improvement of the general status of women of Kerala in all levels and to work against the unfair practices against the women.
- Legal Aid Cell was functioning in the Women's Commission to give free legal advises to the girls and women who came to the commission with complaints.

# Indian experiments of Human Rights

## Kerala State Women's Commission

- One type of free legal help was DNA test. The Commission gave financial help to those who were below the poverty line including Scheduled Castes and Scheduled Tribes for conducting DNA test on the advice of Family Court.
- Counseling was another form of free legal help. Family counseling helped to settle cases to a certain extent.
- Short Stay Homes were given to those who were subjected to domestic violence and other form of abuses.
- As a part of emergency help scheme Distress Relief Fund was constituted for those who need emergency financial help for medical aid and those who were the victims of violence.
- Awareness programmes were conducted by the Commission through advertisements, documentary show, brochure, booklet and posters.





**THANK YOU  
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