

# **HUMAN RIGHTS IN INDIA**

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OPEN COURSE I

Offered by the Dept of Political Science for students in  
other courses

UNIVERSITY OF KERALA  
School of Distance Education

# Unit 1

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- **Human Rights – Its Basic Concepts**
  - **Origin and Development**

# Introduction

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- Thoughtful men all over the world spoke of 'right' which, men has in common and which were inherent rights in the sense they were based on man's 'rational and social nature'. The demand for rights in the seventeenth and eighteenth centuries was a demand against the existing state and authorities, against despotism, arbitrariness and the political disfranchisement of those who held different opinions. The demand for rights in the nineteenth and twentieth century's becomes increasingly a claim upon the state, a demand that it provides and guarantees the means for achieving the individual's happiness and well- being, his welfare.

# The Concept of Rights

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- Harold. J. Laski observes: Rights are those conditions of social life without which no man can seek, in general to be himself at his best
- According to R.G. Chaturvedi, the concept of equality is symptomatic of those platitudinous rights which the fathers of American Independence and those of the French Revolution have acclaimed as inalienable and imprescriptibly rights of men, the rights which form the essence of manhood, or the rights which cannot be dissociated from being of man without impairing his dignity.

# Human Rights: Meaning and Definition

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- Human Rights are those minimal rights, which a person has inherited by virtue of being a member of the human family irrespective of any other considerations, like race, color, caste, etc. It means the right to defend yourself against any personal attack, it gives you the right to choose your means of livelihood by legal means; it confers on you the right to enjoy health and education, participate in the cultural life of the community. It means having the right to freedom of practice one's religion without fear, freedom of movement and residence. Even criminals and prisoners have human rights, the right to a fair by independent and impartial tribunals.

# Origin and Development of Human Rights

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- The origins of human rights may be found both in Greek philosophy and the various world religions
- Stoic thinkers postulated a cosmopolitan philosophy, guided by the principles of equality of all men and universal application of natural law or law based on reason. Romans applied the Stoic conception of natural law in the formation of body of legal rules for the administration of justice
- Middle ages laid stress upon the concept of natural law as the higher principles of law to be derived from reason

# Origin and Development of Human Rights

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- Magna Carta 1215
- Petition of Rights 1628
- Bill of Rights, 1689
- American Declaration of Independence 1776
- American Bill of Rights 1791
- Declaration of the Rights of Man and Citizen or French Declaration 1789
- The Russian Revolution of 1917

# Origin and Development of Human Rights

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- Universalization of Human Rights
- Geneva Declaration of the Rights of the Child 1924
- The International Slavery convention 1926
- Declaration of International Rights of Man 1929



## **Unit 2**

**Universal Declaration of Human Rights (1948)**

**Need for Balance between Rights and Duties**

## 2.1 Introduction

- After the the World War II, the United Nations was established in 1945 to fulfil the long cherished aspirations of the world community for a world of peace, prosperity and happiness of all human beings, inhabiting in any part of the world irrespective of race, region, religion, caste, creed, colour and community.
- The United Nations has been concerned with the universal respect for, and observance of, human rights since its inception in 1945. Its beginnings were pronounced in the UN Charter where the phrase ‘human rights and fundamental freedoms’ were repeatedly mentioned.
- The Charter also provided for the establishment of a subsidiary body under the Economic and Social Council for the promotion and protection of human rights. That subsidiary body came to be known as the Commission on Human Rights (now replaced by Human Rights Council). It is the Commission that took up the task of drafting a human rights document for the possible adoption by the General Assembly. Soon after, the Universal Declaration of Human Rights (UDHR) was adopted in 1948, which was intended to prevent the kind of atrocities that Nazis had committed during the Second World War. The UDHR championed almost all the fundamental rights of the individual; it was hailed as ‘the Magna Carta of Mankind’ by its chief architect, Eleanor Roosevelt.

## 2.2 UDHR (Universal Declaration of Human Rights)

- The Universal Declaration of Human Rights (UDHR) is a milestone document of United Nations in the history of human rights.
- The UN Commission on Human Rights (UNCHR), established early in 1946, submitted a draft Universal Declaration of Human Rights (UDHR) to the UN General Assembly. The Declaration was adopted by the UN General Assembly in Paris on **10<sup>th</sup> December** 1948. This day was later designated as **Human Rights Day**.
- The UDHR was not an international treaty or agreement and hence did not impose any legal obligation. It was rather a promise made by the member states of the United Nations to ensure ‘all human rights for all’.

The rights proclaimed in the Universal Declaration can be broadly divided into **two categories**.

**1) civil and political rights**

It includes the right to life, liberty and security of person; freedom from slavery and torture; equality before the law; protection against arbitrary arrest, detention or exile; the right to a fair trial; the right to own property; political participation; the right to marriage; the fundamental freedoms of conscience and religion, opinion and expression; freedom of peaceful assembly and association; and the right to take part in the government of his/her country, directly or through freely chosen representatives.

**2) Economic, social and cultural rights**

It includes, the right to work; equal pay for equal work; the right to form and join trade unions; the right to an adequate standard of living; the right to education; and the right to participate freely in the cultural life.

## Reinforcement of UDHR

- Two decades after its adoption, the UDHR was strengthened with legal force when the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were adopted by the General Assembly of the United Nations on December 16, 1966.
- The two Covenants were a significant step towards the indivisibility of human rights which came into force in early 1976, and by early 1978 and about 50 nations became parties to them.
- The Covenant on Civil and Political Rights was reinforced with an Optional Protocol which provides individuals with an opportunity to make complaints in case of violation of these rights.
- This resulted in a global division between developed and developing nations. While the developed nations emphasized the civil and political rights, the developing nations advocated the supremacy of economic, social and cultural rights.

## Significance of UDHR

- It stipulates the rights which are fundamental to the dignity and development of every human being. These include economic rights such as right to wealth, political rights such as right to freedom of association and expression, civil rights such as right to equality before the law, and social and cultural rights such as right to education and right to participate in the cultural life of the community.
- that many concepts first enumerated in the Declaration were textually reproduced in later national and international juridical instruments, constitutions and laws concerning civil liberties in many countries, especially those that have gained independence since 1948.
- The Declaration has acquired a political and moral authority which is unequalled by any other international instrument with the exception of Charter itself. No international instrument has ever received the same acceptance on all levels of society. It has been considered as one of the greatest achievements of the UN. Thus the UDHR is definitely an international Magna Carta of mankind.

## **Limitations to UN and UDHR**

- The composition of the Security Council and the provision for the veto power in utter contravention of the democratic norms and principles have weakened the basic structure of the UN as the supreme body of the international community
- The post- Cold War global scenario with the collapse of the former Soviet Union and the emergence of the uni-polar world structure. The military assault on Iraq and Afghanistan by the United States have revealed how the American hegemony in world politics and could dare to defy unilaterally the world opinion as well the international mandate of peace and human rights to which America itself is a party and signatory to UDHR and other international Covenants.

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- Several governments in Asia argue that international human rights standards are based primarily on western concepts are incompatible with Asian societies because they focus on individual rights.
- Likewise, some African governments claim that human rights in African societies exist to ensure the good of society as a whole, and as such, individual rights are to be explained and justified only by the rights of the community.
- Most of the Islamic countries have sought to justify social and legal discrimination on women or barbaric punishment such as flogging and amputations on the ground that their governments and social systems are based on Islamic faith and Quran. The cumulative effect of the these challenges to the tenets of universality of human rights or the primacy of international human rights jurisprudence is what Amnesty International describes, “the institutionalization of human rights violations”.



## **Important observations on UDHR**

1. There still exists a wide gap between promise and performance for the UDHR and other instruments constituting the International Bill of Rights.
2. Despite affirmation and reaffirmations, there remain challenges and threats to the tenets of universality of human rights as enshrined in the two Covenants (ICCPR and ICESCR) or to the primary of international human rights jurisprudence which, in effect, leads to “institutionalization of human rights violations”.
3. Apart from certain inherent weaknesses, the status and authority of the United Nations appear to have been weakened further in the post – Cold War global scenario marked by uni-polarism and American hegemony international politics.

## Need for Balance between Rights and Duties

- Society calls upon the individuals to follow certain norms. These are obligations or duties. Thus a duty is an obligation.
- As a member of society or state, the individual has to observe these obligations of society. A man is said to have a duty in any matter when he is under an obligation to do or not do something.
- My right of living involves any duty to allow others the same condition of life. What is a right in regards to one's self is a duty in regard to others.
- Right and duties are the two sides of a same coin. If one look at them from one's own standpoint, they are rights; one look at them from the standpoint of others, they are duties. They are the same conditions seen from different angles.

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- In the absence of duties, rights become insignificant and duties are fruitless in the absence of rights. If we have right to enjoy our rights, it is our cardinal duty to perform our duties.
- If the state guarantees the enjoyment of certain rights to us, the state at the same time wants us to perform certain duties also. Otherwise we are punished. Important duties of a citizen are allegiance to the state, to obey laws, payment of taxes, honest exercise of franchise and, holding a public office, assistance in maintenance of law and order, etc. Besides we have certain moral duties to perform and certain legal duties that we are bound to perform.
- The terms duty and obligation are used in a situation in which a person has no choice but to carry out or to abstain from carrying out an action. Although the concept of duty can be seen in relationship among individuals and diverse spheres such as of families, church, etc. in this entry duty will only be studied from a moral and political perspective.

## **Module II**

### **Unit 3**

**Human Rights and the Indian Constitution**

**Fundamental Rights, Fundamental Duties**

**Directive Principles of State Policy**

## Introduction

- The rights envisaged in the Universal Declaration of Human Rights are enshrined in the Constitution of India. This is because the Constitution of India was adopted at a time when the deliberations for the Universal Declaration were in the air, so that the framers of the Indian Constitution were influenced by the concept of human rights
- the ideals objectives and the basic philosophy of the Constitution are contained in a nutshell in its Preamble.
- The Preamble speaks of the solemn resolve of the people of India in the Constituent Assembly to secure to 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 the individual and the unity and integrity of the nation.

## Fundamental Rights

### I. Right to Equality (A 14-18)

- **Article 14** which declares that the state shall not deny to any person equality before law or equal protection of law within the territory of India.
- **Article 15** provides that the state shall not discriminate against any citizen on ground of religion, race, caste, sex or place of birth. On this ground no citizen can be refused access to shops, public places, wells, tanks, bathing ghats and other places.
- **Article 16** guarantees equality of opportunity for all citizen in matters of public employment. Religion, race, sex, or descent cannot disqualify a person from getting any public offers.
- **Article 17** provides that 'untouchability' is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence, punishable in accordance with law.
- **Article 18** abolishes the old system of conferring titles and honours.

## II. Right to Freedom (A 19-22)

- **Article 19** guarantees six valuable freedoms to the citizen of India. These rights are not available to non-citizens and legal persons. These freedoms are:
  - a) Freedom of speech and expression;
  - b) Freedom to assemble peaceably and without arms;
  - c) Freedom to form Associations or unions;
  - d) Freedom to move freely throughout the territory of India;
  - e) Freedom to reside and settle in any part of the territory of India; and
  - f) Freedom to practice any profession or to carry on any occupation, trade or business.

- **Article 20** provides protection against arbitrary and excessive punishment to any person, whether citizen or foreigner or legal person.
- **Article 21** known as Right to Life, provides that; No person shall be deprived of his life or personal liberty except according to procedure established by law. Thus imprisonment or any other physical restraints cannot be made without legal justification. Article 21 A provides that the state shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as the state may determine.
- **Article 22** provides important safeguard relating to personal liberty. It guarantees protection against arbitrary arrest and detention.



### **III. Right against Exploitation (A 23-24)**

- **Article 23** of the constitution prohibits traffic in human beings, beggar and other similar form of forced labour.
- **Article 24**, prohibits the employment of children below fourteen years of age in factories and hazardous work. But it does not prohibit their employment in any harmless or innocent work.

### **IV. Right to Freedom of Religion (A 25-28)**

- **Article 25** provides that all persons are equally entitled to freedom of conscience and the right to freely profess, practice and propagate any religion.
- **Article 26** of the constitution guarantees every religious denomination or any section there of shall have the right:

a) To establish and maintain institutions for religious and charitable purposes;

b) To manage its own affairs in matters of religion;

c) To own and acquire moveable and immovable property; and

d) To administer such property in accordance with law.

- **Article 27** provides that no person shall be compelled to pay any taxes for the promotion or maintenance of any particular religion or religious denomination.
- **Article 28** says, no religious instructions shall provide in an educational institution wholly provided out of state fund.

## V. Cultural and Educational Rights (A 29-30)

- **Article 29** secures to every minorities the right to have a distinct language script or culture of its own and shall have the right to conserve the same. Further, no citizen shall be denied admission to an educational institution maintained by the state on the ground only of religion, race, caste, or language or any of them.
- **Article 30** gives all minorities, whether based on religion or language, the right to establish and administer educational institution of their choice.

## VI. Right to Constitutional Remedies (A 32)

There should be efficient machinery for the enforcement of Fundamental Rights. Otherwise these rights would remain meaningless. In India the constitution guarantees the enforcement of these rights. Regarding this, the Supreme Court under Article 32 provides a guaranteed remedy for the enforcement of rights conferred by part III of the constitution. This right is in itself made a fundamental right by including it in part III of the constitution. The court is thus the protector and guardian of fundamental rights. This makes the fundamental rights real. **Dr. Ambedkar called Article 32 as the most important article of the constitution, “an Article without which this constitution would be a nullity. It is the very soul of the constitution and the very heart of it”.** Article 32 and 226 empower the Supreme Court and High Courts respectively to issue writs such as writs of Habeas Corpus, Mandamus, Certiorari, prohibition and Quo-warrants for the protection of fundamental rights. They are,

### **i) Writ of Habeas Corpus**

It is a Latin term which literally means 'to have the body of'. In India the power to issue the writ is vested with the Supreme Court and the High Courts. The writ is the direction of the court to a person who has detained another person, to bring the body of the latter before the court. The court then examines the cause and legality of the detention. It would set the detained person free, if the detention is found to be illegal. Thus, this writ is a bulwark of individual liberty against arbitrary detention.

This writ can be issued against both public authorities as well as private individual. However, it is not issued where:

- (1) the detention is lawful;
- (2) the proceeding is for contempt of a legislature or a court;
- (3) detention is by a competent court; and
- (4) detention is outside the jurisdiction of the court.

## ii) Writ of Mandamus

The Latin word Mandamus means 'be order'. It is an order of the Supreme Court or High Courts directing a public authority to perform his or its duty, if its non-performance causes an injury to the petitioner.

The writ of mandamus cannot be issued:

- (a) against a private individual or body;
- (b) to enforce departmental instruction that does not possess statutory force
- (c) when the duty is discretionary and not mandatory;
- (d) to enforce a contractual obligation;
- (e) against the President or Governors;
- (f) against Chief justice of a High court acting in judicial capacity.

### **iii) Writ of Prohibition**

Literally means 'to forbid'. The writ is issued by a higher court to a lower court or tribunal to prevent the latter from exceeding its jurisdiction or acting contrary to natural justice. The writ thus lies against anybody exercising judicial or quasi judicial character. It is not issued against administrative authorities, legislative bodies, and private individuals or bodies.

### **iv) Writ of Certiorari**

Literally mean to be certified' or to be 'informed' It is issued by a higher court to a lower court or tribunal either to transfer a case pending with the latter or to squash the order of the latter in a case. The writ is issued on the ground of excess of jurisdiction, or lack of jurisdiction or error of law. Certiorari can be issued against judicial authorities and administrative authorities. Like prohibition, it is not available against legislative bodies and private individuals or bodies. The difference between prohibition and certiorari is that the former is issued when a case is still pending in the court while the latter is issued when the judicial proceedings in a case are complete and the final judgment has been delivered by the subordinate court.

## **v) Writ of Quo-warranto**

‘In the literal sense, it means ‘by what authority or warrant’. The writ is issued to prevent a person from acting in an office to which he is not entitled. Hence, it prevents illegal usurpation of a public office by a person. The writ can be issued only in case of a substantive public office of a permanent character created by a statute or by the constitution. It cannot be issued in cases of ministerial office or private office.



## Fundamental Duties

- Rights and Duties are the two sides of the same coin. Despite such a close affinity between rights and duties the constitution of India in its original form did not include Fundamental Duties along with the list of Fundamental Rights. It was a glaring lacuna in the Indian constitution.
- This lacuna was removed in 1976 by the 42<sup>nd</sup> amendment. Through this amendment, the union Parliament incorporated a new part – Part IV (A) and a new Article 51 (A) in the constitution.
- The new Article in the new part provided ten Fundamental Duties in the constitution. In 2002, one more Fundamental duty was added.
- The Fundamental Duties are inspired by the constitution of erstwhile USSR.

## List of Fundamental Duties

According to **Article 51-A** it shall be the duty of every citizen of India:

- i. To abide by the constitution and respect its ideals and institutions, the National flag and the National Anthem;
- ii. To cherish and follow the noble ideals which inspired our national struggle of freedom;
- iii. To uphold and protect the sovereignty, unity and Integrity of India;
- iv. To defend the country and render national service when called upon to do so;
- v. To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional and sectional diversities, to renounce practices derogatory to the dignity of women;
- vi. To value and preserve the rich heritage of our composite culture;

- vii. To protect and improve the natural environment including forest, lakes rivers and wild life and to have compassion for living creatures.
- viii. To develop the scientific temper, humanism and the spirit of inquiry and reform;
- ix. To safeguard public property and to abjure violence.
- x. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement; and
- xi. To provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86<sup>th</sup> constitutional Amendment Act, 2002.

## Directive Principles of State Policy

- A novel feature of the constitution of India is the Articles dealing with Directive principles of state policy. These are included in part IV of the constitution of India (Article 36 to 51).
- They constitute very comprehensive social, economic, administrative programme for a modern democratic state.
- They aim at realizing the high ideals of justice, liberty, equality and fraternity as outlined in the preamble to the constitution.
- They embody the concept of a 'welfare state' and not that of a police state which existed during the colonial era. It is a unique blend of socialist, Gandhian, western Liberal principles and objectives of freedom struggle. The founding fathers of the constitution borrowed this idea from Irish constitution of 1937, which had copied it from Spanish constitution.
- The Directive principles are in the nature of general directions and instructions to the state.
- They resemble the 'instrument of instructions' enumerated in the government of India Act of 1935.
- The Directive principles are non-justiciable'. They are not legally enforceable by the courts for their violation.

## **Classification of Directive Principles**

The founding fathers of the constitution have not classified the Directive principles on any ground. For the sake of convenience the principles may be ideologically classified into three different categories:

- i. Socialistic principles
- ii. Gandhian principles; and
- iii. Liberal Intellectual principles

### **A) Socialistic Principles**

These principles reflect the ideology of socialism. They lay down the frame work of a democratic socialist state, aim at providing social and economic justice. They direct the state:

- i. To promote the welfare of the people and create a social order in which justice-social, economic and political-shall be practiced by all the national institutions (**Article 38**).

ii. To secure:

(a) The right to adequate means of means of livelihood to all citizens;

(b) the equitable distribution of material resources of the community for the common good; and

(c) prevention of concentration of wealth and means of production;

(d) equal pay for equal work for both men and women; and

(e) preservation of health and strength of workers and children against forcible abuse;

(f) opportunities for equal development of children (**Article 39**).

- iii. To promote equal justice and provide free legal aid to the poor ([Article 37A](#)).
- iv. To secure the right to work, to education and to public assistance in case of unemployment old age, sickness and disablement ([Article 41](#)).
- v. To make provision for just and human condition of work and maternity relief ([Article 42](#)).
- vi. To secure a living wage, a decent standard of life and social and cultural opportunities for all workers ([Articles 43](#)).
- vii. To take step to secure the participation of workers in the management of industrial undertakings ([Article 43 A](#)).
- viii. To raise the level of nutrition and the standard of living of people and to improve public health ([Article 47](#)).

## A) Gandhian Principles

These principles are based on Gandhian ideology. They represent the programme of reconstruction enunciated by Gandhiji during freedom struggle. In order to fulfill the dreams of Gandhi, some of his ideas were incorporated as Directive principles. They require the state:

- i. To organize village panchayats to function as a unit of self government (Article 40).
- ii. To promote cottage industries on an individual or co-operative basis in rural areas (Article 43).
- iii. To promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43 B).
- iv. To promote the educational and economic interests of the weaker section of the people including SC and ST (Article 46).
- v. To prohibit the consumption of intoxicating drinks and drugs which are injurious to health (Article 47).
- vi. To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds (Article 48).



## **A) Liberal-Intellectual Principles**

These principles included in this category represent the ideology of Liberalism. They direct the state:

- i. To secure for all citizens a uniform civil code throughout the country (Article 44).
- ii. To provide early childhood care and education for all children until they complete the age of six years (Article 45). (Originally (before 86<sup>th</sup> amendment) the provision was free and compulsory education for all children until they complete the age of 14 years).
- iii. To organize agriculture and animal husbandry on modern and scientific line (Article 48).
- iv. To protect the improvement of environment and to safeguard forests and wildlife (Article 48 A).
- v. To protect the monuments and places and objects of artistic or historic interest (Article 49).
- vi. To separate Executive from Judiciary in public services of the state (Article 50).
- vii. To promote international peace and security, maintaining just and honorable relations between nations, fostering respect for international law and treaty obligations and encouraging settlement of international disputes by arbitration (Article 51).

## **New Directive Principles**

The 42<sup>nd</sup> constitutional amendment Act of 1976 added four new directive principles to the original list. They require the state.

- i. To secure opportunities for healthy development of children (Article 39)
- ii. To promote equal justice and to provide free legal aid to the poor (Article 39 A)
- iii. To take steps to secure the participation of workers in the management of industries (Article 43 A)
- iv. To protect and improve the environment and to safeguard forests and wild life (Article 48 A)
- v. To minimize inequalities in income, status, facilities and opportunities (Article 38)

The 86<sup>th</sup> amendment Act of 2002 changed the subject matter of Article 45 and made elementary education a Fundamental Right under Article 21 (A).

## **Unit 4**

### **Protection and Enforcement Agencies – National Human Rights Commission**

**4.1 Introduction** Women's Commission, Police and Human Rights

**4.2 National Human Rights Commission**

**4.2.1 Powers and Functions of the Commission**

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**4.3 Women's Commission**

**4.3.1 Mandate of the Commission**

**4.3.2 Functions of the Commission**

**4.4 Police and Human Rights**

**4.5 References**

# Introduction

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- Part III of the Constitution of India mentions and protects the fundamental rights and empowers the Supreme Court and High Court under Article 32 and 226, respectively, to enforce these rights.
- The amended part IV-A, which speaks of fundamental duties, indirectly expands the fundamental rights.

# Introduction

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- Part IV directs the state to apply the directive principles in the governance of the country so as to enhance the prospects of socio-economic justice.
- The independent judiciary, a free press and a number of political parties and pressure groups act as watch dogs to the citizen's human rights and liberties
- There are National Commissions on sensitive and vulnerable groups such as the Scheduled Castes and Scheduled Tribes, Women and Minorities
- National Human Rights commission was constituted in 1993

## 4.2 National Human Rights Commission

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- A body set up to investigate, promote or protect human rights.
- The NHRC is an autonomous statutory body established according to the provisions of The Protection of Human Rights Act 1993.
- The Commission is composed of a chairperson and four members appointed by the President of India on recommendations of a body consisting of the Prime Minister, the Union Home Minister, Deputy Chairman of Rajya Sabha, the Speaker of the Lok Sabha and leaders of the opposition in the two houses of Parliament.

## 4.2 National Human Rights Commission

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- The Chairperson shall be the ex-Chief Justice of the Supreme Court of India, one member shall be either a working or retired chief justice of a High Court, and two persons shall be those known for their work in the sphere of human rights.
- Chairpersons of National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Minorities and National Commission for Women shall be its ex-officio members.
- The Chairman or any member shall be removed by the President on the charge of proved misbehaviour or incapacity, if it is proved in an enquiry by a judge of the Supreme Court.

## 4.2.1 Powers and Functions of the Commission

The Protection of Human Rights Act 1993 describes the powers and functions of NHRC under section 12 of Chapter III are as follows.

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- Inquire into violations of human rights or negligence in the prevention of such violation by a public servant.
- Intervene in pending court proceedings related to human rights violation with the approval of such courts.
- Visit any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates and make recommendations thereon to the government.



- Review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation.

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- Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- Study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- Undertake and promote research in the field of human rights.
- 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 media, seminars and other available means.

- Encourage the efforts of NGOs and institutions working in the field of human rights.
- Such other function as it may consider it necessary for the protection of human rights.

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### **Power related to enquiries:**

The NHRC is authorized to utilize the services of any officer or investigating agency of the Central or State government for the purpose of conducting any investigation pertaining to the enquiry.

The Commission shall also deal with complaints of violations of human rights by members of the Armed forces.

The Commission to submit an annual report as also special reports to the central government and state government concerned.

The governments have to present the reports before the legislatures.

## Constraints faced by the Commission:

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- Inadequate funds from the government
- Inadequate attention to their recommendations by the states.
- Inadequate staff for investigation work.

*To strengthen the Commission more financial autonomy has to be granted.*

### 4.3 Women's Commission

- The Committee on the Status of Women in India (CSWI), the National Commission for Women was established to fulfil the surveillance functions and to facilitate redressal of the grievances and to accelerate the socio-economic development of women.
- As per the recommendations of CSWI and in order to uphold the mandate of the Constitution, in January 1992, the National Commission for Women (NCW), was set up as a statutory body under the National Commission for Women Act, 1990.
- According to the Act of 1990 under Section 3:

The commission will consist of one Chairperson, who is committed to the cause of women, five members from various fields and a member secretary who shall be an expert in the fields of management, organizational structure, sociological movement or a member of the civil service of the Union. All the members of the commission are nominated by the Central Government.

- The First Commission was constituted on 31st January 1992 with Mrs. Jayanti Patnaik as the Chairperson.

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- Each person holds office for a period of five years or till he attains the age of seventy.
  - At least one member of the Commission must belong to a Scheduled Caste or Scheduled Tribe.
  - In addition to the above mentioned members of the Commission, the Commission has the power to set up committees with members from outside the Commission.

### 4.3.1 Mandate of the Commission

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Section 10(1) of the Act of 1990 provides a fourteen-point mandate for the National Commission for Women. Broadly speaking, the Commission's mandate can be divided under four heads.

#### **I. To safeguard Rights of Women**

These are enshrined in sub clauses (a) to (e) of Section 10 (1) of the Act. They expect the Commission to examine the safeguards for women provided by the law and the Constitution. The Commission is to submit report about these safeguards and make recommendations about the implementation of the same. The Commission is also expected to review these safeguards periodically to identify and remedy any lacunae and inadequacies. The Commission is also empowered to take up cases involving the violation of the cases.

## **II. To study of problems faced by women**

These are mainly enshrined in sub clauses (g) to (i) of Section 10 (1) of the Act. According to these sub clauses, the Commission is to carry out studies involving the problems arising out of discrimination against woman and provide remedies for these problems. As per this part of the mandate, the Commission is also expected to advise the government about the socio – economic development of women based on these studies.

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## **III. To evaluate the status of Indian women**

Sub clauses (j) to (n) of the aforementioned section of the Act deals with these responsibilities of the Commission. The Commission, according to these guidelines, has the responsibilities of the evaluating the status of Indian women under the Union Government and State Governments. It is to inspect and evaluate the conditions of detention homes and other such facilities in which women may be detained and deal with the appropriate authorities in order to improve the condition of such places. These evaluations are to be submitted to the Government through periodic reports and recommendations.

#### IV. Funding and Fighting cases related to women's rights violation

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Certain clauses in the mandate also empower the Commission to take up cases related to discrimination against women, women's right violation and fund cases which involve the rights of a large number of women. Sub clause (f) of Section 3 of the Act of 1990 empowers the Commission to take *suo moto* notice of matters relating to women's right deprivation, non-implementation of laws enacted to protect women and non-compliance of policies and guidelines for mitigating hardships of women, in such matters, the Commission is empowered to approach the appropriate authorities and seek remedies.



### 4.3.2 Functions of the Commission

Chapter III of Act enumerates the functions of the Commission. According to the Section 10(1) of the Act, the Commission shall perform all or any one of the following functions:

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- investigate and examine all matters relating to safeguards provided for women under the Constitution and other laws
- present to the Central government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State;

- review from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;
- ~~take up the cases of violation of the provisions of the Constitution and other laws relating to women with the appropriate authorities;~~
- look into complaints and take *suo moto* notice of matters relating to deprivation of women's rights, non-implementation of laws enacted to provide protection to women and non-compliance of policy decisions; guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women;
- call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;

- undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as lack of access to housing and basic services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity;

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- participate and advise on the planning process of socio-economic development of women;
- evaluate the progress of the development of women under the Union or any State;
- inspect or cause to be inspected a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary;
- fund litigation involving issues affecting a large body of women;
- make periodical reports to the Government on any matter pertaining to women and in particular various difficulties in which women toil;

- any other matter which may be referred to it by the Central Government.

*No* institutional mechanisms seem to have been developed overtime to perform the functions assigned to the Commission.

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*The* Commission does not have a field staff, and mainly depends on consultants and experts in various areas taken on temporary basis to work on a range of issues the commission is working on.

*To* carry out its monitoring and recommendatory function, the Commission set up committees of experts with members as chairpersons of these committees.

*These* expert Committees work on subjects of Law and legislation, take up special studies on issues of concerning the socio-economic and political status of women in the country with a view to suggest policy recommendations to the Government in the field of law and policy.

*Among other measures to probe into the developmental problems, formulate recommendations and to understand issues and devise strategies, workshops, seminars/conferences are held.*

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*The members of the Commission also make field visits to various states to take stock of the on-going development activities concerning women and to monitor the social position and conditions of women in various ways.*

*The NCW is to be consulted by the Government on all important policy issues concerning women.*

*An important area of Commission's work is to attend to the individual complaints of women or to take suo moto notice of cases of violence against women.*

*The Commission started with a Complaints Unit, to which a Counseling Cell was added in 1995.*

*In 1995-96, in view of the heavy backlog of complaints coming to the Commission, concept of *Parivarik Mahila Lok Adalat* was introduced to help provide speedy justice to women.*

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*In addition the Commission has also been playing a role in awareness generation on issues concerning women. In the performance of this role, the commission has been networking with NGOs, political leaders, media, organizing nationwide awareness enhancement camps focusing on legal rights, doing college programmes, and holding workshops, seminars, conferences, public hearings, developing short films, posters and other materials.*

*It has also been launching campaigns like Anti-liquor campaign, *Dabej-Mukti Abhiyan*, Anti-trafficking campaign, Mangalam Project, etc.*

## 4.4 Police and Human Rights

- Police are one of the means by which governments maintain peace and security within the borders of the country.
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- Police are also one of the means by which governments.
  - In any democratic society, the expected role of police is the protection of people's constitutional rights through the effective enforcement of law and order within the framework of the existing laws of the land.
  - The notion of democratic policing is essential for the promotion and protection of human rights that police officials be personally accountable to the law for their own acts of omission.

- An integral part of police is the commitment of the force in respecting and upholding various constitutional safeguards concerning the rights and privileges of citizens.
- As an agency to maintain law and order and investigate crimes police has been given many powers including to use force, arrest and detain.
- These powers can be used both for protection of citizens and violation of their rights.
- It is essential for people to know their rights and duties of police towards them in different situations, so that in cases of violation they can protest and approach appropriate channels for redressal.
- In a democratic society primary concern of police is not to suppress dissent and opposition but to work for the larger public order.



➤ In a democratic welfare society the purpose and objectives of a police organization can be stated as:

- The prevention and detection of crime
  - The maintenance of public order
  - The rendering of humanitarian assistance in emergencies to those in need
  - The promotion and protection of human rights.
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➤ To perform above functions policemen are bound to perform their duties within the framework of constitution and various rules and regulations which govern police working.

➤ Many a time they are also in a dilemma as they are confronted with situations in which they may feel justified in breaking the law in order to achieve results or they be subject to external pressures.

➤ In general, among the police forces in India, there is a tendency:

- To use overwhelming force in putting down demonstrations,
  - To exert physical pressure to extract information from detainees,
- 
- To deploy excessive force to secure arrest,
  - Torturing under-trials, and
  - Making fake encounters on the pretext of suppressing extremist activities.

➤ Violation and abuse of rights may also be in the form of arresting or releasing a wrong person, detention of arrested persons in police custody for prolonged periods even without informing them of the reasons of arrests, application of excessive use of force, etc.

➤ As per the established norms, a police official shall be deemed to have committed abuse of authority if he or she:

- makes an arrest without good and sufficient cause
- uses any unnecessary violence towards any prisoner, detainee or other person with whom he/she may be brought into contact in the execution of his/her duty or
- is uncivil to any member of the public, police officials, therefore, have to be careful so as not to violate any human rights while,
- recording complaints,
- making any arrest,
- detaining alleged culprits,
- investigating cases,
- maintaining of public order,
- acting as a protective agency.

- Human rights violations by police are now considered offences punishable under criminal law.
- In addition, National Human Rights Commission and State Human Rights Commissions receive complaints of violations and abuse of powers and investigate the same, have made police officials accountable in more ways than one.
- The first step in the investigation of the crimes and in ensuring judicial process is the recording of complaint.
- Information given to a police officer has to be recorded in writing according to Section 154 of the Criminal Procedure Code. This information known as the "first information report" or F.I.R., is important for many reasons.
- The first step of the criminal procedure that leads to the trial and punishment of a criminal or anti-social element.

➤ The main objective of the information is to set the criminal law in motion and help the investigation authorities to get information so as to take the necessary steps in order to bring justice.

~~➤ The offence committed may be cognizable or non-cognizable.~~

- In cognizable cases the police can investigate information received without a Magistrate's orders.
- While police cannot investigate a non-cognizable offence without the order of the Magistrate, the police officer has to register the complaint if it is brought to him.
- In such cases, the complaint may not be registered as an FIR but in a separate book or daily diary in the form prescribed by the State government.
- Reports will be referred to the Magistrate for necessary orders.

In general, a police officer is bound to enter all reports brought to him about all cognizable or non-cognizable offences.

- If he refused to enter such a report or if he enters a report which was not at all made to him or makes incorrect report he is guilty under section 217 of the Indian Penal Code.

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➤ Effective, ethical and lawfully conducted criminal investigation is an extremely important aspect of policing.

➤ According to Indian laws, an officer of a police station can investigate without the order of a magistrate any cognizable offence committed within the local limits of that Police Station.

➤ For the investigation of crime in accordance with ethical principles, there must be respect for human dignity and human rights, and compliance with the law by investigators. A criminal can be punished only in conformity with the requirement of law.

➤ Investigation of crime in a democratic society entails accountability and responsiveness of the investigators to the community.

➤ Furthermore, investigations must be conducted with due regard to the principle of non-discrimination.

➤ The principle of individual liberty is one of the essential core principles from which all human rights flow.

➤ Deprivation of individual liberty is an extremely serious matter and can be justified only when it is both lawful and necessary.

➤ To arrest someone is to deprive him/her of his/her liberty.

➤ Human Rights instruments recognize such powers of governments to limit individual freedoms in the wider public interest, and for the purpose of securing other benefits such as civil order and public safety under certain circumstances.

~~➤ The purpose or purposes of a person's arrest, there must be legal grounds for the arrest, and the arrest must be effected in a professionally competent and adept manner.~~

➤ Article 22 of the Indian Constitution, while underlining the fundamental rights of citizens, guarantees four rights to persons arrested under any ordinary law.

➤ Section 50 of the Criminal Procedure Code (Cr.PC) also requires the police officer arresting any person to forthwith communicate to him full particulars of the offence for which he or she has been arrested or any other ground of such arrest.



- Section 57 of Cr. P.C. provided for production of the arrested person before a Court within 24 hours of arrest.
- There are some other provisions also like Sections 53, 54 and 167 which are ~~aimed at affording procedural safeguards to a person arrested by the police.~~
- Whenever a person dies in custody of the police, Section 176 requires the Magistrate to hold an inquiry into the cause of death.
- In human rights framework, the three principles of liberty, legality and necessity underlie the provisions on arrest.
- No arrest can be made just because it is lawful for the Police Officer to do so.

➤ No arrest should be made without a reasonable satisfaction reached after some investigation about the genuineness and bonafides of a complaint and a reasonable belief both as to the person's complicity and also the need to effect arrest.

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➤ Regarding humane treatment of detainees Section 330 of the Indian Penal Code states; "Whoever voluntarily causes hurt for the purpose of extorting from the sufferer any confession or information which may lead to the detection of an offence shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to a fine".

➤ In the case of an arrested and detained person, if the investigation cannot be completed within the period of 24 hours fixed by Section 57 of the Cr. P.C. he shall be produced before the magistrate with the request to be allowed to remain in police custody beyond 24 hours.

- Section 167 of the Indian Criminal Procedure Code says that the investigating officer should transmit a copy of the diary relating to the case to the nearest judicial magistrate, if he believes that the accusation is well-founded. No magistrate shall authorize detention in any custody under this section unless the accused is produced before him.
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- In relation to the arrest of a female, Section 51 of the Criminal Procedure Code provides that whenever it is necessary to cause a female to be searched, the search will be made by another female with strict regard to decency.
  - Similar provisions are made in Section 100 (3) of the Criminal Procedure Code in relation to searchers under warrant.
  - Section 160 of the Criminal Procedure Code authorizes the investigating officer to summon the witness concerned with his case and it is obligatory on the person to appear before the officer and give information, Vide sub clause of the same section no woman shall be required to attend the summons at any place other than the place where she resides.

➤ The Juvenile Justice (Care and Protection of Children) Act, 2000 provides: Any person in whose charge a juvenile is placed in pursuance of this Act shall, while the order is in force have the control over the juvenile as he would have if he were his parents, and shall be responsible for his maintenance, and the juvenile shall continue in his charge for the period stated by competent authority, notwithstanding that he is claimed by his parents or any other person (Section II).

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➤ Information to parent, guardian or probation officer - Where a juvenile is arrested, the officer in-charge of the police station or the special juvenile police unit to which the juvenile is brought shall, as soon as may be after the arrest, inform –

- a) the parent or guardian of the juvenile, if he can be found, of such arrest and direct him to be present at the Board before which the juvenile will appear; and
- b) the probation officer of such arrest to enable him to obtain information regarding the antecedents and family background of the juvenile and other material circumstance likely to be of assistance to the Board for making the inquiry.

## **Unit 5**

### **Human Rights of Disadvantaged Sections in Kerala Women and Children – Problem of Representation, Violence against Women – Child Labour, Dalits and Adivasis – Right to Development and Shelter**

#### **5.1 Introduction**

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#### **5.2 Women: Problem of Representation**

##### **5.2.1 Violence against Women**

#### **5.3 Children's Rights - Child Labour**

#### **5.4 Dalits and Adivasis – Right to development and shelter**

#### **5.5 References**

## 5.1 Introduction

- Human right violation issues manifest in different forms like violation of rights of women, *adivasis*, *dalits*, children, transgender people, etc
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- The state of Kerala has achieved the highest status of women in India.
  - There is a considerable low participation of women in the political sphere and an increase in social problems, such as violence against women, and high suicide rate.
  - This questions the liberal assumption that formal equality, in terms of women's high status, produces changes in the power relations between women and men.

- Only in the 1980s that the women movement in Kerala picked up considerable strength.
  - Women organizations started functioning in several important districts. The main among these were:
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- *'Prachodbhana'* in Trivandrum
- *'Bodbhana'* in Kozhikode
- *'Manushi'* in Pattambi
- *'Chethana'* in Thrissur
- *'Grameena Vanitha Sangham'* in Thiruvalla
- *'Prabudhatha'* in Kanjangadu

- Some of the premier organizations include *'Kerala Stbree Vedi, Sakhi, Anweshi, Manushi and Abhaya.'*

- The long history of Dalits' deprivations and exploitations led to the emergence of *Dalit* protest movements in the state as in other parts of India.
- The social reform movements in the state during the latter part of the 19th century and the early part of the 20th century created a favourable environment for Dalit protest movements.
- The caste-ridden social structure of Kerala often resisted such liberation struggles of *Dalits* as their empowerment would defeat the interests of the upper castes.
- The peculiar features of the caste system in Kerala systematically kept *Dalits* as slave castes and the same class/caste structures continue to play a pivotal role in *Dalit* marginalization even today.



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➤ Radical *Dalit* politics in Kerala comprises multiple, diverse formations. For example, the identity politics professed by the *Dalit* Human Rights Movement (DHRM), an Ambedkarite movement in *Dalit* colonies, which has faced immense violence from the mainstream Kerala society.

## 5.2 Women: Problem of Representation

➤ During Sangam age - the first five centuries of the Christian Era - Women enjoyed complete freedom of movement as well as the right to full education.

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➤ Status of Women:

- Monarchy was the most important political institution in the land, the *Chera* kings used the names of the father as well as the mother along with their names as was the practice among the *Ikshwakus* or *Andhra Bhrityas*.
- The queen had a privileged status and she took her seat by the side of the king in all religious ceremonies. She was respectfully called *Perumtevi* (Chief Queen).
- The striking feature of social life in the early *Sangam* age itself was the high status accorded to women.

- The *Purdah* system was unknown. They took part freely in all the amusements of social life.

➤ Literacy:

- In view of the high level of female literacy the *Sangam* age produced many a gifted poetess. ~~Auvvaiyar who lived about 500 A. D. was the most outstanding poetess of the age.~~

➤ Marriage:

- Child marriage was unknown in the early *Sangam* age and adult marriage was the normal rule.
- Widow marriage was also permitted.
- The *Gandharva* system of marriage which allowed the voluntary union of man and woman in secrecy was very popular.
- Polygamy and concubinage were not unknown in those days, but female morality was generally high.

➤ Occupation:

- Women enjoyed the freedom to follow the occupation of their choice.
  - Many of them took to weaving several others engaged themselves in the sale of fish, salt, etc
- 
- They were employed as shopkeepers, domestic servants, field labourers and gardeners.

➤ Art:

- Music, poetry and dancing provided entertainment to the upper classes and they were systematically cultivated.
- There were professional poets and poetesses who composed poems in praise of their patrons and were generously rewarded by the latter.
- Mixed dances in which both men and women participated were not rare.

➤ The war Goddess *Kottavai* was the most favourite deity and she was propitiated with elaborate offerings of meat and toddy not only by kings but also by commoners like the *Vetas*, *Maravas*, etc.

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➤ From the 5<sup>th</sup> century onwards Aryan culture began to spread over large parts of Kerala and exercise a dominant influence in society.

➤ The caste system, called 'Chaturvarnya' introduced during Aryan period, from 500B.C. to 1000B.C. declined in the level of general literacy of women.

➤ The social status of a person came to be determined on the basis of the occupation in which he/she was involved.

➤ The social status of a person came to be determined on the basis of the occupation in which he/she was involved. Those who were engaged in occupations involving physical exertion were relegated to the lowest strata of society and came to be looked up on as low castes. Side by side with the social degradation of the Panas, the Parayas and other classes of earlier days, the status of women, especially of these classes also declined to a worsened stage.

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➤ Female education was neglected, even though the education of the Devadasis received special attention.

➤ Child marriages took the place and women were compelled to take to family life and they had been denied of intellectual and artistic pursuits at a very early age.

➤ Women no longer enjoyed the social freedom and equality of earlier days.

- The lives of widows were quite deplorable due to their alienation in the society.
- The period from 1000–1500 AD, saw the origin of, Marumakkathayam system, Joint family system and the institution of Polyandry. This period witnessed the evolution of the feudal polity in Kerala. Devadasi system had its worst features during this period.

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- During 1500 to 1900, women enjoyed adequate freedom in the society though there existed many social evils.
- Modern industry was started in Kerala in the middle of 19<sup>th</sup> century by the German missionaries and British planters were providing ample scope for the deployment of women labourers.
- The first cotton mill was started in 1881 in Kollam, which induced the women to enter into the industrial sector in this area.

- In twentieth century women involved in public affairs and acted efficiently in areas like education, medicine and literature.
  - In 1919, women in Travancore obtained partial voting rights.
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- In 1922-23, they were allowed to enter into 'Sreemoolam Prajasabha' and 'Legislative Council'.
  - Even though, there were no voting rights in Cochin, there were demand, for considering them by giving peculiar or special participation and were published in leading newspaper.
  - In 1924, Dr. Mary Punnan Lukose was appointed as Superior Officer in Medical Department and she occupied the position of council.
  - In 1930, women in Kerala occupied the position in legislatures.



*During* the post-independent period women in Kerala generally obtained educational gain, safety and better status in society. But the attitude and outlook of society towards the problem of women lacks something in all fields. The constitution provides equal rights to women and men, but religious superstition and caste wise groupings have destructed the rights of women today. The educational standards of women in generally high in the State, but with regard to economic, social and cultural field they are in a relatively backward position. The women infliction and other discrimination are increasing along with this.

- The State of Kerala is bestowed with leading women consultants, eminent scientists, mathematicians, doctors, artists, educationalists, managers, administrators, politicians, poetesses and business entrepreneurs, during this period.

- Women writers like Madhavikkutty, Sugathakumari, Sara Joseph and women liberation activist, Ajitha and Mayilamma from lower strata etc., are some glaring examples of leaders in their respective fields in Kerala.

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- Sakhi, a women's resource centre holds training programmes for women and Cochin Backwater Ladies circle, an organisation which is involved in arranging small events and programmes like immunization, literary workshops for women in Kochi, Kerala.
- Anweshi, women's counseling centre, in Kozhikodu, run a counseling, meditation and resource centre for women facing any kind of abusive situation.
- As a result of the economic crises of the 1980s and the commercialisation and modernisation of the economy, women lost employment in agriculture and industries.

- This led to the emergence of self-employment, largely in micro-businesses in the informal sector.
- Now women entrepreneurs in Kerala State are entering in the field of producing sophisticated electronic items like inverters, televisions, stabilizers, computers, etc.

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Technical and managerial personnel are hired by women entrepreneurs as most of them do not have the requisite industrial know how, though they highly educated.
- Women in Kerala are skilled in traditional and self acquired crafts like embroidery, lace, toys and doll making, weaving and so on.
- The dominant crops of Kerala are coconut, rice, tapioca, pepper, tea, rubber, betel nuts, cashew nuts, etc
- Most of the industrial units set up by women utilizes the raw materials that are locally available.

- Workers engaged in the unorganised sector do not have the benefit of several laws such as the Minimum Wages Act or the Factories Act.
- They are also not covered by statutory welfare measures such as maternity benefits, provident fund, gratuity, etc, all of which were put in place after intense struggles by the Indian working class in the pre-as well as post-Independence period.
- The use of contract workers to run canteens or do housekeeping and gardening, employing teachers on a clock-hour basis, and 'outsourcing' jobs such as data entry are some examples that may unravel the complex nature of employment in the unorganised/informal sector.
- For the empowerment of women so many schemes were introduced by the Government during the post independence period. The schemes include IRDP, TRYSEM, DWCRA, etc.

- DWCRA, a sub scheme of IRDP is exclusively for women, which is introduced in all the districts in Kerala.
- Women's well being depends on their empowerment in Social, cultural, political and economical aspects. Self Help Groups are in an important initiative for achieving this.

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- Kudumbashree, the major Self Help Group initiative in Kerala, is aiming at women empowerment, in rural as well as urban areas.
- Kudumbashree units are facilitated and supported by local self governments. But the members themselves initiate and enact their own development agenda and priorities. This also leads to increase confidence in these women.
- This project helps to raise incomes and encouraging poor households to enter the market economy.

- Kudumbashree assumes great importance in terms of their high employment potentials especially among the BPL women families.
- While striving to achieve equality - socially, economically, educationally, politically and legally, women continue to face discrimination and marginalisation both subtle and blatant, and do not share the fruits of development equally.

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- Even though, women have participation in fields such as legislative assembly, political agitation, productive sectors, literature, etc., there were so many unfavourable factors, which constrained them to enter into social activities.
- The world is moving fast to the participation age, which approves equal participation for all human beings irrespective of their sex. It is identified that women force is the catalysts of development.

➤ India is also moving in the same track recognising the need of the hour and taking fast steps in eradicating gender discrimination. Unfortunately all these movements are stirring the upper strata of the society and not touching the villagers and low income group.

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➤ Social gatherings like Kudumbashree and Self Help Groups are trying to fill the lacuna to a certain extent.

➤ The self learning process they undergo through practical experience enables them to excel in their life and it is an educational experience that no formal schools can offer.

➤ The wide spread coverage of community based organisations of Kudumbashree has reached every nook and corner of the state.

## 5.2.1 Violence against Women

- Crime against women in present India has become alarming.
- Violence against women is rooted in the tradition of discrimination that has been going on for centuries. Deeply discriminatory practices such as child marriage, honour killing, witch hunting and gender biased sex selection indicate profound vulnerability of and inequality towards girls/women in Indian society.
- Child marriage is not just a social norm but denial of childhood, with irreversible consequences, especially for girls.
- Witch hunting is not just a way of socially boycotting a woman who is seen as a threat to society but a way to control a woman who does not conform.



➤ Gender biased sex selection is not just about preference of boys over girls but practice that is eliminating girls from the families and societies, altering the social fabric and causing further vulnerability to abuse and violence for those alive.

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➤ Honour killing is not just a way of punishing the one who has brought dishonor to the family; it is indeed a barbaric murder, usually of girls.

➤ The unequal social and political status of women in India is an outcome of patriarchy and the deeply entrenched socio-cultural stereotypes about women. This is sometimes perpetuated by laws, regulations and policies which do not sufficiently address the subordinate status of women.

➤ Improving the legal status of women, therefore, involves a multi-pronged approach that looks first and foremost at the legislative inadequacies and state policies and schemes, closely followed by, addressing the inadequate implementation of laws by the state police and courts.

➤ Action for change will have to go beyond the formulation of laws, to incorporate strategies, policies and programmes that are based on the experiences and perceptions of women.

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➤ Violence against women is one of the major human rights issue and an important health issue.

➤ Prevalence of violence in the world as estimated by WHO is at least one in five women has been physically or sexually abused by a man at some time in her life.

➤ Studies in Bangladesh and India considered one of the determinants of violence as dowry. The abuse may have physical, verbal and emotional components. It includes sexual violence (rape, and sexual harassment) and domestic violence (partner violence and other domestic violence).

- The effects of violence can be devastating to a woman's reproductive health as well as to other aspects of her physical and mental wellbeing.
- Increased risk of adverse pregnancy outcomes, unwanted pregnancies and sexually transmitted diseases are some of the consequences of the violence against women with a history of physical or sexual abuse.
- In India, even though the government has taken action against all acts of violence against women by making laws and efforts to implement it, these crimes have been observed to be increasing.
- Despite these achievements in Kerala, a good proportion of women are victims of various kinds of violence in Kerala. The crux of the problem in gender relations lies in the fact that gender roles, rights and obligations are not just different but they are highly unequal. It's through a combination of family, caste, community, religion, among others, that patriarchal values and idea are get constantly reinforced and legitimized.

- Stereotyping of women and their roles exists in all institutions, private or public. Media with its huge potential to influence mindsets has not completely done so far.
- Though the crime rate against women in Kerala is less than the national average, recently the rate is going up. Cruelty by husband and relatives towards married women is always an issue in Kerala. The most reported crime in Kerala is torture by husband and in-laws for dowry.
- Death related to dowry was found to be low, but dowry and its associated problems are high. This implies that many women in Kerala live their lives in tears, with the fear of death.
- Although suicide is more among men, the number of attempted suicide is more among women.

- Rape cases are increasing in the state followed by molestation, which is the second most reported crime in Kerala.
  - Eve teasing, although is a less severe crime compared to other crimes, also increased. Kidnapping is the least reported crime in the state.
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- The decadal growth rates of the crime rates show that all types of crime are alarmingly on the increase which calls for attention from the part of the investigating and law enforcing agencies, policy makers and political leaders. In the current literature on domestic violence, different explanations have been given for its occurrence:

- cultural systems legitimise violence, legal authorities fail to protect women, economic structures subordinate women, and political systems marginalise women's needs;

- marital violence is more prevalent in societies in which patriarchal systems are strong and women have few options outside of marriage due to divorce restrictions and low access to economic resources, and where violence is an accepted means for conflict-resolution;
- 

- violence against women is a reflection of the power relationships between spouse;
- violence against women is linked to woman's lower self-esteem, severe depressive symptoms with minimal personal resources, and little institutional support;
- society encourages husbands to exercise their rights to dominate and control wives.

### 5.3 Children's Rights - Child Labour

- The modern concept of childhood dates back from the sixteenth century. 'Child' and 'childhood' are social categories. They refer to a set of people, children, and an age, childhood, as having something identifiable characteristic and significant in common, regardless of their parents and their gender.
- It was believed that a child's psyche is alive, absorbent, active, from the moment it draws its first breath. The concept of life stages existed in classical Indian tradition.
- The adoption of the United Nations Convention on the Rights of the Child (CRC) in 1989 has marked a watershed in the recognition of children's rights, formally identifying children as the bearers of rights- rights, which are distinct from those of others.

- Children constitute nearly 40 per cent of India's population.
- The Constitution provides legal framework for the protection and development of children. There have been several new policy documents, laws, and some significant court judgements.
- In India, the Census defines person below the age of fourteen as children. While making use of standard demographic data, social scientists include females in the age group of fifteen to nineteen years under the category of the girl child.
- Most of the government programmes on children are targeted to the age group below fourteen years. In India, the age at which a person ceases to be a child varies in different laws.



➤ The Constitution of India, which came into force in January 1950, contains comprehensive and far reaching reforms of child care and development. These are included both in Part III and Part IV of the Constitution pertaining to 'Fundamental Rights' and Directive Principles of State Policy.

➤ Some of the major constitutional provisions are given below:

- Article 15: Nothing in this article shall prevent the State from making special provision for women and children.
- Article 24: No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
- Article 39 : (e)... the tender age of children are not abused... and not forced by economic necessity to enter avocations unsuited to their age or strength; (f) that children are given opportunity and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood... protected against exploitation and against moral and material abandonment.

- Article 45 of the Constitution provides that the state shall strive to provide for free education of children below the age of 14 within ten years for the commencement of the Constitution.
- The 86th Constitutional Amendment was passed in 2002 making the Right to Education for children between the ages of six to fourteen a fundamental right. However, it does not provide for children in the 0-6 years age group.
- In August 2009 Right to Education Bill was passed by the parliament.
- The Constitution of India recognised how crucial children's well-being was to the functioning of India's democracy when it stated "that the state shall direct its policy towards ensuring that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment".

➤ Developments in the Supreme Court of India indicate how the judicial review of administrative action can make an important contribution to realising child rights. The courts in India have responded to the need of children especially in the areas of their improvement in institutions, prison, illegal confinement, sexual abuse, child labour, adoption, prohibition of corporal punishment in schools, etc.

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➤ Several of the issues were raised by NGOs, social activists or media, or taken *suo moto* by the courts. Some of the landmark judgements are: -

- Laxmikant Pandey vs. Union of India on adoption of children.
- Sheela Barse vs. the Children's Aid Society: In this case the Supreme Court directed that in no case should a child be kept in jail and a central law must be enacted to bring uniformity in juvenile justice system.
- Unnikrishnan J.P. vs. State of Andhra Pradesh: The court held that the right to education is implicit in the right to life.

- Vishal Jeet vs. Union of India: Several directions were issued to end sexual exploitation of children –
- MC Mehta vs. State of Tamil Nadu on the problem of child labour.

➤ The Court has enabled social activists, media persons, lawyers, academics and NGOs to approach the highest court for redress of injustice to children. The courts in India have ensured the implementation of progressive laws and the interpretation of restrictive laws in the best interest of the child.

➤ The Article 32 of the Convention of Child Rights accepts the right of the child to be protected from economic exploitation make them free from performing hazardous work and also engaging in work that affects their education, are harmful to health and also adversely affects their physical, mental, spiritual, moral or social development.

➤ The convention requested the state parties to take positive actions in providing a minimum age for employment, deciding the working hours, improving the conditions of employment and also giving penalties to ensure proper implementation of Article 32.

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➤ It is an unquestionable fact that poverty is the primary and root cause of economic exploitation.

➤ Parental illiteracy and ignorance, traditional view of making children learn ancestral works from the early childhood days, lack of rigidity in policy making for compulsory primary education, non-accessibility of schools, gender differential, etc are some reasons which force children to work.

➤ Violation of any type of right (need) of a child can be termed as exploitation.

- All needs of a child are important; they should be protected from every form of exploitation say, economic, social and cultural rights.
- When we say about economic exploitation of children, it reflects the consequences of child labour, because economic exploitation is a product of child labour.
- Child labour means work done by a child (below the age of 14) or any kind of work that places a child at risk. Child labour is equally harmful for physical, mental, social, emotional and psychological development of a child. The major causes of the child labour are illiteracy of the parents, poverty, the tradition of making children learn family skills, etc.
- In 2006, the government modified the Act by banning child labour in the domestic sector, hotels, dhabas, eateries, etc.

- Now child labour is banned in 13 industrial sectors and 52 types of work.
  - NGOs allege that despite the under-14 ban, thousands of children are still employed in hazardous industries listed in the Act due to poor implementation of the existing legislation.
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- Children under fourteen constitute around 3.6% of the total labour force in India. Nine out of every ten work in their own rural family settings. Nearly 85% are engaged in traditional agricultural activities. Less than 9% work in manufacturing, services and repairs and only about 0.8% works in factories.
  - The largest and most structured intervention in the area of child labour prevention in India is the National Child Labour Projects (NCLP), which includes special schools to provide children with the skills to be mainstreamed into the formal system.

- The adoption of the 1989 CRC and particularly the 1999 ILO Convention (No 182) concerning the prohibition and immediate elimination of the worst forms of child labour has taken hold and begun to spread.
- Southern states like Tamil Nadu & Kerala and industrially developed state of Haryana have been able to make good progress and their ratio of child labor to total population in the country has been steadily declining and also has been below the national average for the last three census periods.
- All the centrally administered union territories have showcased better performance in this regard, having their ratio of child labour to total population decreasing on a continuous basis.
- Among this Kerala is the only State where there is low incidence of child labour.



➤ The fact being that the State has higher literacy rate which has been possible through substantial investment in education sector. Kerala where the fertility rate is lowest, has achieved highest literacy rates in the country and the incidence of child labour is negligible.

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➤ Recently there is an increase in the child labour force, owing to the migrant labour increase.

➤ In previous decades, child labourers in Kerala were mostly from within the state or from Tamil Nadu. Their numbers gradually reduced.

➤ Now the migrant children from states as far as Bengal, Jharkhand and Arunachal Pradesh are coming to work in Kerala. There are no accurate statistics of these migrant child workers as they are largely invisible, often working within homes, cottage industries or in the back rooms of establishments. The migrant status of these children makes them highly vulnerable.

- Data on identified child labour cases lie scattered across different government departments, and it is not compiled.
- NGOs like Childline are getting cases of domestic work, bonded labour, hazardous work, beggary, children employed in restaurants/dhabas and families.
- Child workers who come to Kerala are from extremely deprived backgrounds, either brought by parents themselves or trafficked by agents.
- In trafficking cases, agents collect big amounts from employers, and give only a small lump sum amount to parents.
- Children are forced to work long, arduous hours, and often suffer physical abuse, and sometimes even sexual abuse.

- Patterns of child labour vary across districts. For instance, children have been rescued from cottage industries in Kozhikode and Malappuram districts in north Kerala. In Thrissur district, children below 14 years work in jewellery-making industry and in shops, including in branded showrooms and malls. In Ernakulam district, children aged 4-6 years are made to play nashik dhol, a type of drum, and Children are also seen working in roadside eateries. Children are used in hazardous work in plywood industries in the district as well. In Trivandrum, there have been reported cases of migrant children selling articles in tourist areas like Kovalam. Migrant children were also reported to be working in plantations in Idukki district.
- Other than the migrant child labour, there are cases of tribal children being used for work.
- While tribal boys are employed in cardamom, betel nut and palm fields, girls are used for domestic work.

- Many are instances of forced labour, in Idukki and Wayanad districts.
  - In the fishing community too, children tend to drop out of school and start working in many districts. In catering industry, children through the day, work for less than half the pay of an adult. Local children, especially those living in slums and colonies, also do this work.
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- A catering job often lasts through a weekend, during which the children work and stay alongside adults. These children sometimes are exposed to homosexual behaviour from adults, and to the use of drugs and alcohol.
  - If they are found to be trustworthy, they may be used for carrying drugs, and later as informers by sand mafia or even 'quotation' gangs.
  - CWC (Child Welfare Committee) gets at least one case per week of a child using drugs, and that many of these children were introduced to drugs through catering work.

➤ Adolescents also work in baking units which has a high demand for manpower, as well as in painting jobs where they get exposed to chemicals.

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➤ Activists say that child labour here is not due to lack of awareness, but because children can be exploited easily. They can be made to work for a longer time compared to adults, will not talk back, and can substitute for local labour power that has been steadily declining.

## 5.4 Dalits and Adivasis – Right to Development and Shelter

- Caste in India is a social phenomenon that is extraordinarily difficult to define because of the diversity of its nature.

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- In the villages the caste system is deep rooted and life is widely affected by it, as caste is “rooted in the religious order and may be thought of as a hierarchy of hereditary, endogamous, occupational groups with positions fixed and mobility barred by ritual distance between each caste”.
- The caste system has created impregnable walls between groups of human beings where birth solely determines the social position in society. This social position is whereby one is born into a certain caste because of his/her doing in the previous life
- In his view, the caste system is one of the worst forms of societal violations of human rights in India even today.

- This ancient tradition has been passed on down the age and it has a significant impact of the life of the rural people even today.
- People belonging to the lower castes are forced to live separately, away from the upper castes, mostly in the out skirts of villages.
- They are often denied the right to vote and they are also forced to work without any remuneration and treated as bonded labourers. Therefore what one sees is the age-old caste system which is still being practiced in its most humiliating form.
- In the traditional *varna* system, the fifth category is the untouchable or outcaste
- Mahatma Gandhi gave them the name '*Harijanas*' which means 'Children of God'.

- In India social exclusion is practiced on the base of caste.
- Due to chaturvarnya the shudras could not receive education, they could not think out or know the way to their salvation they were condemned to be lowly and not ~~knowing the way of escape and not having the means of escape they became~~ reconciled to eternal servitude, which they accepted as they inescapable fate.
- After independence members of the group prefer to call themselves *Dalits* meaning oppressed.
- *Dalits* are subjected to social, economical, political and cultural exclusion due to deeply imbedded social practices.
- *Dalits* are socially and physically separate they most live in outside areas of the village in rural areas and in specified areas in cities.



- They are denied basic human rights; not allowed to own property rights and to use public and common properties such as the wells, tanks and temples.
- After India's independence when India declared itself as a democratic nation with a written constitution, in which the practice of social exclusion in the form of untouchability is been eradicated and made it as a punishable offence under article 16, 17 and 18 and have made several developmental provision for the *Dalits*.
- In spite of all this, the practice of social exclusion and discrimination has been practiced in one or the other form and it still exists in a newer forms and strategies.
- The assignment of civil and economic rights is, unequal and hierarchical.

- The instruments of social ostracism and the caste system are reinforced further with justification and support from philosophical elements in the Hindu religion.
- Upper caste people at the top of the social order enjoys more rights at the expense of those located at the bottom of the caste hierarchy and have fewer economic and social rights. The untouchables who are at the bottom of the caste hierarchy suffered the most from unequal assignments and entitlements of rights.
- The untouchables suffered from social exclusion and discrimination involving certain rights which include civil, cultural, religious and economic rights.
- Dalit's right to enter in public places like temples, schools, hospitals, housings, etc. are practicing with restrictions and they are discriminated in educational institutions.

- Discriminations in schools take the form of denial of access to education and thereby skill development does not happen among the *Dalit* children.
- This reduces the quality of human resources and thereby the employability for quality jobs and forces them to fall back on low earning manual wage labor in farming and non farming activities.

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- Denial of education leads to high rate in illiteracy, low functional literacy and high dropout rates and limited skill development, high representation in menial jobs, low wages, low income and ultimately high poverty.
- The *Dalits* are made to practice some identifiable cultural practices which separate them from the society like separate gods, marriage system, the cremation system and different food culture from the other people of the society.

- Denial of equal rights and opportunities to the low caste groups, assets like agricultural lands, non-land assets, employments, social needs like education, health, housing and others which leads to lower income and high poverty among the *Dalits*.
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- In economic exclusion the *Dalits* or the members of excluded group are denied for jobs, they were denied of purchase and sale, assigned lower wages, the Dalits were forced to pay high interest for the loans taken in credit markets, etc. occurs.
  - While availing health facilities they were denied admission in the primary health centres, refused to visit their homes, denied of giving information about health facilities, lack of care leading to requirement of private medical attention for low income groups, etc.

➤ *Dalits* are denied to practice their political rights such as right to participate in the political process like elections and other programmes. They were denied of justice, freedom of expression and rule of law.

➤ ~~The constitution of India has made certain provisions to empower the *Dalits* politically but the exclusion has made them to think for newer ways of political participation. Because giving representation to the weak candidates from the *Dalit* community was one of the strategy followed by the political parties.~~

➤ In reserved constituencies the upper caste people decides the *Dalit* candidate who will represent the upper caste interest. Due to this the *Dalits* can't elect their representative who can participate on their behalf in the policy making.

➤ In the case of Kerala's Dalits, although they were integral to agrarian production, they were prevented from owning land in the traditional caste society.

➤ This situation did not change in any substantial manner with the introduction of land reforms in the late 1960s and early 1970s. These reforms made former tenants - mostly upper and middle-caste citizens - land owners, as they could prove their status as tenants by presenting rent receipts.

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➤ Dalits, as labourers, could not stake such claims on land. As a result, Dalits were given ownership of tiny plots of land that housed their huts.

➤ The total area of land that they could own under the rules of land reforms varied from 0.04 hectares in villages to 0.02 hectares in urban areas.

➤ This legal denial of ownership and access to land meant that Dalits would never evolve as land-owning peasants despite their continued role in agrarian society.

➤ More recently, scholars have drawn attention to the landlessness of Dalits and Adivasis that has rendered large segments of these social groups incapable of participating in the developmental process, and to the land struggles that have ensued as a result over the past decade

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➤ In 1975, a law passed by Parliament made it mandatory for the Government of Kerala to restore alienated lands to Adivasis who had lost out due to the in-migration of peasant communities from other parts of Kerala, who had access to better agricultural technologies, capital and organisational skills.

➤ These new settlers had a different notion of land that was directly related to property and ownership, a concept that Adivasis had not yet acquired.

➤ Under such circumstances, Dalit and Adivasi activists from various parts of Kerala began their movement in 2000 in claiming land for the landless Adivasis.

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➤ With the formation of the *Adivasi Gotra Maha Sabha* (the Grand Council of Adivasis), movements developed to occupy excess lands held by the Department of Forests and big plantations as well as lands under government control which were meant to be redistributed among landless people.

➤ These mobilisations, which began in the late 1990s, were new to Kerala's polity as they were organised by Dalit and Adivasi activists and not controlled by political parties.



# Unit 6

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# New dimensions of Human rights

- The recognition of new horizons of human rights are vital for a nation state to build peace, harmony and development within its territory
- The Vienna conference on human rights in 1993 put forth the important relationship between development, democracy and human rights.
- The preference of economic development of modern Nation States left the vulnerable population with extreme poverty and unequal resource distribution which brought new dimension to human rights.

# Right to development

- Development is defined as the upside movement of an individual as well as a social system.
- Post 1970 developmental discourses showed a shift from 'economic' to 'non-economic' aspects of developments such as Education, Health care, Environmental, Gender etc.
- The fundamental position of right to development approach is that '**It must begin and end with a concern for human conditions and a collective international responsibility.**' which are the two pillars of right to development.
- International Conference on human rights held in Tehran (May 1986), hold the view that right to development is a fundamental human need.
- Declaration on the right to development was Incorporated in the UN by a majority in 1986.

# Media in Protecting Human Rights

- The impact of media on society today is beyond doubt and debate.
- Role of medias in protecting human rights are as follows
  - Help people aware of their rights
  - Expose the violations of right
  - Focus attention on people and Areas in need of the protection
  - Propagation of peace, Non violence, Disarmament, Ecological Balance etc.
  - Give publicity to individuals and organisations who fight for human rights.
  - Making the authorities to aware of their duties.

# Globalization and Human Rights

## Positive effects

- The spread of liberal democracy with globalization also carries the idea of human rights across the borders.
- Information technology strengthening human rights.
- Globalization brings a universalism to human rights in 3 ways
  - a. It refers to the claims about the universal validity as well as the moral justification for human rights.
  - b. It describes the status of human rights in international law.
  - c. It refers to the generality of human rights to human beings.

# Globalization and Human Rights

## Negative Effects

- The concept of 'human rights' only have a minimalist role in a globalized world.
- The rising inequality brought by globalisation cannot sync with human rights.
- The ideas of indigenous people's right, local democracy, local development are all have been tampered by the west inspired mega developmental project.

# Civil war

- Defined as the societal conflicts that occurs with in a country.
- It may occur either retain power (State sponsored) or snatch it (Against the state - government)
- Civil wars are extra legal because violence is the key element of the struggle.
- There are mainly **2 types** of civil war
  1. Spontaneous civil war
    - Instability in political system leads to spontaneous outbreak of civil wars.
  2. Planned civil war
    - Deliberately structured systematic struggle to overthrow a government and hence gain authority and legitimacy.

# Civil war

**There are two major reasons behind a planned civil war**

1. When government continuously crushing the means of grievance redressal system with the use of force.
2. People loss faith in all peaceful grievance redressal system and hence choose violence as a means to resolve their problems.



# Civil war

Planned civil war have three major phases.

1. Building up a structure of resistance movement
  - Violence may be sporadic and un coordinated.
  - Geographical layout, community feelings such as tradition and customs, method of operation, population etc. All would take into account.
  - Structural elements such as civil leadership, Military Head quarters, Intelligence, communication, propaganda, Cadres, logistic support, Fighting arms(Guerilla), service providers (medical care, Documentation etc.) would be fixed.
2. Application of violence
  - Guerilla activities including underground duties and sabotage will start against various agents of government including police stations, Government offices etc.
  - Gather the support of common masses through violence and propaganda.
  - Using human rights violation as a weapon against state.
3. Result - Either they gain power or may destroyed in the bargain.

# Terrorism

- Derived from the French word 'terrorisme' which initially referred to state terrorism during 1793-94 under 'reign of terror'.
- Last 30 years shown an upsurge in the growth of international terrorism.
- Always acts against the public having different religious or political desires.
- Main reason behind the terrorism is the structural exploitation of the system.
- UN general secretary in his report (2004 November) defined terrorism as **Any act intended to cause death or serious bodily harm to civilian or non combatants with the purpose of intimidating a population or compelling a government or an international organisation to do/abstain from doing any act.**
- The term terrorism has been used by many political organization to achieve their aims (ANC leader Nelson Mandela at one point branded as a terrorist)

# Terrorism

## Types of Terrorism

1. Political terrorism
  - a. Use of terror for a political gain
  - b. Both government and non governmental groups political terror as a weapon.
2. Nuclear terrorism
  - a. Use of different types of nuclear materials by the terrorists.
  - b. Planting a conventional bomb with radio active materials are also an example of nuclear terrorism.
3. Religious terrorism
  - a. Based on faith oriented tenets.
  - b. Using violence to achieve/spread religious goals.
4. Bio terrorism
  - a. Affect public through Information Technology to get attention

# Terrorism

## Causes of Terrorism

- Political (Illegal migrant's issues, failure of government etc.)
- Economic Causes ( Inequality, Unemployment, Starvation etc.)
- Ethnic causes
- Religious causes

## Impacts of Terrorism

1. Psychological impact
  - Fear based oppression
2. Economic impacts
  - Lower GDP by negatively affecting consumer spending, Investment, Tourism etc.

# The Right to Peace

- 1984 November 12 UNGA (UN General Assembly) declared
  - People of this planet have a sacred right to peace.
  - It is the fundamental obligation of States to promote and ensure the peace of people.
- 1999 declaration by UN put forth the importance to establish a culture of peace throughout the world.
- After classical rights and Social rights, Right to peace is considered as the 3rd generation right.