HUMAN RIGHTS DISCOURSE AND EDUCATION IN INDIA

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<th>Name</th>
<th>Affiliation</th>
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</tbody>
</table>

Module Structure

|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Description of the Module

<table>
<thead>
<tr>
<th>Items</th>
<th>Description of the Module</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Name</td>
<td>Sociology</td>
</tr>
<tr>
<td>Paper Name</td>
<td>Education and Society</td>
</tr>
<tr>
<td>Module Name/Title</td>
<td>Human Rights Discourse and Education in India</td>
</tr>
<tr>
<td>Module Id</td>
<td>8</td>
</tr>
<tr>
<td>Pre Requisites</td>
<td>Relationship between human rights and education</td>
</tr>
<tr>
<td>Objectives</td>
<td>This module tries to analyse the need and relevance of human rights education in India</td>
</tr>
<tr>
<td>Key words</td>
<td>Education, Human Rights, Curriculum Framework</td>
</tr>
</tbody>
</table>
Human Rights Discourse and Education in India

Introduction

The discourse on human rights found a significant place in social science academia in a considerable way in the 21st century. Providing space for and protecting rights of human beings has been the fundamental duty of all modern nation-states. Today with increasing social tensions created by extremism and various forms of exploitation, it has become impossible for governments to provide and protect human rights all by themselves. There is a need for other basic social institutions to participate in this process, and education has the major responsibility for inculcating in individuals the spirit of respecting the rights of others.

The role of education in inculcating the knowledge of human rights is critical. In this context, both governments and civil society institutions have made many attempts at evolving educational policies and programmes to keep the human rights discourse alive in India. With this background an attempt is made in this module to give a conceptual understanding of human rights, besides analysing the impact of human rights discourse on the educational system in India and the attempts made by governments to incorporate human rights perspective in the curriculum.

Conceptual Understanding of Human Rights

Before attempting to understand what constitutes human rights it is important to know that the concept of human right originated in ancient civilizations, particularly among the Greeks. Aristotle (385 - 322 BC) examined human rights in a political context. He explained that human rights spring from the bond that exists between men and the created state, because 'Right' is the principle order in a political system. According to Aristotle man is both a 'social' and 'political' animal. It is but natural that every human being desires power. Therefore, a system of rights is needed for a government to work for protecting people's common interests. Freedom is guaranteed only if there are rights. Aristotle's conception of human rights persists even today (Barman, 2013).

The term 'Human Rights' refers to those rights that are considered universal to humanity, regardless of citizenship, residency status, ethnicity, gender or other considerations. Many a time 'human rights' have also been called 'fundamental rights'. The fundamental rights that humans have by the fact of being human are neither created nor can be abrogated by any government (Peter; 1988).

For the first time the term 'human rights' was systematically defined by the Scottish philosopher John Locke (1632-1704). According to him human rights are 'absolute moral claims or entitlements to life, liberty and property'. The Virginia Declaration of Rights of 1776 proclaims: "All men are by nature equally free and independent and have certain inherent rights, of which when they enter a state of society, they cannot, by any compact deprive or divest their posterity" (Jack, 2003).

Thus, human rights are the rights inherent in all human beings, whatever their nationality, place of residence, gender, national or ethnic origin, colour, religion, language or any other status. Every human being is entitled to enjoy his/her human rights. These rights are interrelated, interdependent and indivisible.

Human rights are commonly understood as inalienable fundamental rights to which a person is inherently entitled simply because he or she is a human being. Therefore, human rights are conceived as universal and egalitarian. Further, these rights may exist as natural rights or as legal rights in local, regional, national and international law (Peter, 1988).

An analysis of the definitions of human rights cited above brings out the following major characteristics of human rights:

- **Inherent**: Human rights are inherent because they are not granted by any person or authority.
- **Fundamental**: Human rights are fundamental rights because without them, the life and dignity of human beings will be meaningless.
Human rights are universal in application and they apply irrespective of one's origin, status or condition or place in which one lives. They are enforceable without national border.

Inalienable: These rights cannot be rightfully taken away from a free person.

Imprescriptible: They do not prescribe and cannot be lost even if human beings fail to use or assert them, even after a long passage of time.

Human Rights and United Nations

There were no significant efforts made to formalise and give recognition for human rights worldwide until the 1940s. But after the atrocities of the Second World War that resulted in large scale loss of human lives and resources concern for human rights grew, particularly through the United Nations. The fundamental basis for human rights was given by the United Nations and its Charter. Since the beginning of the Foundation of United Nations there have been many conventions, organisations, political parties and treaties which shaped the human rights discourse as well as practice.

The United Nations Charter acts as the constitutional body for enforcement of laws and treaties for protection of human rights at an international level. After the UN Conference on International Organization, the Charter of UN which contains 70 Articles was signed in 1945 in San Francisco. This is an obligatory agreement applicable to the members of United Nations. The preamble of the UN Charter grants essential base for member countries to reassure fundamental human rights to women and men equally. Article 1 of the Charter states that the major objective of the United Nations is to accomplish global cooperation for supporting respect for human rights for everyone without any discrimination on the basis of race, sex, religion or language and to solve problems of a social, economic and cultural nature in member countries worldwide. Articles 55 and 56 of the Charter state that the United Nations intends to achieve goals of economic and social development; enforce adherence to human rights among all the member countries and to arrive at solutions to all problems related to economic, social and health issues. Historically speaking, the Charter of United Nations was the first major step in treating human rights as fundamental rights that had to be respected by countries across the world.

In order to give human rights further recognition the United Nations brought out The Universal Declaration of Human Rights, which was accepted by the General Assembly of the United Nations in 1948. It can be regarded as the embodiment of common standards to be adopted for achievement of human rights. The Declaration lays down the fundamental rights that are applicable to all people in the world. It is not a legally binding document, but it places responsibility on the member countries to incorporate specifications in their laws and constitutions. The Universal Declaration of Human Rights contains thirty articles. All these articles state that member countries should promote human, social, civil and economic rights.

Since the adoption of the Charter and the Declaration many conventions and conferences have been organised to uphold human rights throughout the world. Some of the major conventions are listed below:

- The Geneva Convention (1949)
- The International Covenant on Civil and Political Rights (1966)
- The International Covenant on Social, Economic and Cultural Rights (1966)
- The UN High Commissioner for Human Rights (UNHCHR: 1993)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW: 2003),
- The United Nations Human Rights Council (2005)

Since India is a signatory to UN treaties on human rights it is but natural that the country has been addressing the human rights issue very seriously.

Human Rights Discourse in India

There are significant provisions in the Constitution in order to protect human rights. It is more often said, particularly by human rights organisations and social activists that in India the human rights of marginalised are constantly denied and violated, hence they continue to suffer exploitation and violence (South Asia Human Rights Documentation Centre, 2010).

In India, the current notion of human rights can be found in the works of M.K. Gandhi, B R Ambedkar, Aurobindo Gosh and others. The colonial encounters with Indians resulted in violation of human rights on many occasions and the emergence of the human rights perspective is rooted in ideas and struggles against this dominance (Barman, 2013). However, systematic development in efforts at providing and protecting human rights dates back to the period after independence. The Indian Constitution is rooted in the principles which directed the Indian Freedom Movement in opposition to the British rule during which human rights of the native Indian population were continuously under attack. Along with the freedom struggle, the socio-reform movements which resulted in the abolition of social evils such as Sati, child marriage and also upheld the rights of widows etc. could be treated as the beginning of the human rights movement in India. Further, backward caste movements and Dalit movements also gave an impetus for the protection of human rights, all of which greatly impacted the Constitution. In the Constitution the Preamble, the Fundamental Rights and the Directive Principles of State Policy portray the essence of human rights (Begum, 2010).

Social inequality is a condition where resources are distributed unevenly because of unequal access and utilisation of opportunities for leading a life of dignity. In a severely stratified society, resources and power are always inequitably distributed and it is this inherent inequality that results in suppression of human rights.

In India the roots of social inequality mainly lie in such factors as caste, class, region, religion and gender among others. For many centuries human rights of scheduled castes, scheduled tribes, women and children are being constantly violated. Thus the Constitution of India protects human rights of all the citizens and specially those of the vulnerable groups through the following provisions (Manish, 2004):

- Equality before law (Article 14)
- Non-discrimination on grounds of religion, race, caste, sex, and place of birth (Article 15)
- Equality of opportunity (Article 16)
- Freedom of speech, expression, assembly, association, movement, residence, acquisition, and disposition of property, practice of any profession, carrying out any occupation, trade, or business (Article 19)
- Prohibition of traffic in human beings and forced labour (Article 23)
- Prohibition of child labour(Article 24)
- Freedom of religion (Article 25)
- Non provision for religious instruction in any educational institution wholly maintained out of State funds (Article 28)
- Conservation of language, scripts, and culture (Article 29 [1])
- Right of minorities to administer educational institutions (Article 30)
- State guarantee of social order (Article 38 [1], Directive Principles of State Policy)
- Adequate means of livelihood, equal pay for equal work for both men and women, non-abuse of health of the worker, opportunity for children to develop in a healthy manner and in conditions of freedom and dignity (Article 39, Directive Principles of State Policy)


• Right to work, education, and public assistance in specific cases (Article 41, Directive Principles of State Policy)
• Provision for free and compulsory education of children up to 14 years of age (Article 45, Directive Principles of State Policy)
• Ensuring education and economic development of scheduled castes, scheduled tribes, and other weaker sections of society (Article 46, Directive Principles of State Policy).

In recent years with increasing advancement in information technology which, in turn has resulted in growing awareness of human rights, there have been many human rights movements in India spearheaded both by civil society groups and individuals. These include movements to safeguard the rights of dalits, tribals, women, landless labour, victims of ecological damage and deforestation and developmental projects that are unmindful of livelihood issues.

The genesis of human rights movement can be traced back to the era of emergency (1975-77) in India. Since then groups such as peasants, civil rights activists, women's organisations, trade unions and others have been keeping the human rights debate alive (Patel, 2010).

Human Rights Education

Education is not just expected to provide facts and knowledge to pupils but also help in the development of a wholesome personality. In particular, education system brings awareness on human rights, their importance and imparts the skills by which human rights have to be respected. As John Dewey says ‘school is a model of good society’ Thus educational systems are the first place where human rights can be respected, inculcated, supported and protected (Saxena, 1994).

Human rights education can be defined as education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting skills and moulding of attitudes directed to: the strengthening of respect for human rights and fundamental freedoms, the full development of the human personality and the sense of its dignity (Selby, 2007).

To emphasise the importance for Human Rights Education the United Nations declared the decade of 1995-2004 as United Nations Decade for Human Rights Education, which is a significant step in the direction of incorporating Human Rights Education in the curriculum worldwide. Through this declaration the UN promoted the interdependence and universality of human rights along with other rights.

The United Nations in 2004 announced the World Programme for Human Rights Education to carry forward the initiative that it had already taken in the direction of making human rights education a part of mainstream educational process. This global programme aimed at spreading the culture of human rights and also evolving a collective framework for spreading the message of human rights through education in all its member countries.

Even though the work in developing knowledge on human rights in India was started with the formation of University Grants Commission in 1980s more structured and systematic work in this direction began around 1995. The impetus for this came from the establishment of the National Council for Teacher Education. The Council had organised orientation programmes for teachers on human rights. At a later stage emphasis on incorporating human rights in school curriculum was given in the National Curriculum Framework (2005) and through programmes. It was accepted that human rights education provides protection from discrimination, unfair treatment, and undemocratic attitude, deterioration of cultural values and abuses of human rights at any level (Subrahmanyan, 2003).

Human Rights Discourse in Educational Policies

After independence various commissions were appointed and policies enacted from time to time to review the educational system and to give suggestions for development of a meaningful system of education. The major commissions/policies that impacted the system of education were the University Education Commission (1948); Secondary Education Commission (1952); Education Commission (D.S. Kothari) (1964-66); National Policy on Education (1968); Draft National Policy on Education
(1979); National Policy on Education (1986); National Policy on Education (1992); Sarva Shisha Abhiyan (SSA 2000) and the Right to Education Act (2010). All the reports of these committees invariably highlighted the importance of the right of education as a human right and also the role of education in human rights as an endeavour to transform the educational system (Pandey, 2005).

Many of the national commissions on education and government educational policies provide special space for vulnerable groups such as scheduled castes and tribes, women, religious minorities and physically disabled in the Indian educational system. These commissions also addressed many significant human rights issues. In particular, the National Education Policy 1986 set the stage for evolving the National Curriculum Framework, which discusses the promotion and protection of human rights through the system of education.

Human Rights Discourse in Curriculum Development

Curriculum is broadly defined as the totality of student experiences that occur in the educational process. The process of curriculum planning, formulating policy, implementation and evaluation is called curriculum development. Change is the law of nature. Every society changes over a period of time, so is the case with educational curriculum. Hence revitalisation of curriculum has to be a constant process and has to incorporate changes taking place in the society (Alston & Robinson, 2005).

In developing a curriculum, the human rights dimension must not be added in a detached manner, but built into as many courses subjects as possible. Elements of human rights should be incorporated into the educational system through the curriculum, because curriculum development is the most significant step in human rights education for schools, colleges and universities.

The major objectives of human rights education are to:

a) increase the knowledge and understanding of human rights
b) promote attitudes of tolerance, solidarity and integration
c) bring awareness of human rights
d) develop skills to protect human rights.

In imparting human rights education it is the inter-disciplinary approach that needs to be applied. Also both curricular and co-curricular activities have to be carried out in school/college settings to impart human rights education (Jain, 2005).

As mentioned earlier human rights education need not necessarily be treated as a separate subject, but its various dimensions need to be incorporated wherever it is possible and feasible. At different and diverse levels human rights education can be imparted through such themes as Constitution, national integration, tolerance of dissent and diversity, livelihood rights, secularism, sustainable environmental management, entitlements of marginalised groups etc. In fact in almost every subject it is possible to bring the human rights angle if a teacher could apply his/her imagination. The most important aspect, however is the concern which a teacher has for integrating the human rights approach in the teaching-learning process.

Panda (2004) has suggested the following ways by which human rights perspective could be incorporated into the curriculum:

- **The Formal Curriculum:** Schools may choose to examine their present curricula and identify areas where themes and elements of human rights education already exist. Human rights education is considered the most important part of the core curriculum of a good general education.
- **The Informal Curriculum:** Human rights education can also be promoted through extracurricular and co-curricular activities of the school.
- **The Hidden Curriculum:** Human rights education should also address the underlying but far reaching hidden curriculum of the school to create a school ambience that truly reflects
respect for human rights. Values, attitudes, knowledge, and patterns of behaviour should be integrated into the students’ personal experiences in order to help them view reality critically.

The Right to Education Act as a Human Right

The Indian Parliament on 4th August 2009 passed The Right to Education Act (RTE), which describes the modalities of the provision of free and compulsory education for children in the age group 6 to 14 years in India under Article 21A of the Indian Constitution. From 1st April 2010 India became one of the 135 countries to make education a fundamental right of every child. The right to education is a universal entitlement to education, a right that is recognised as a human right. According to the International Covenant on Economic, Social and Cultural Rights the right to education includes the right to free, compulsory primary education for all, an obligation to make secondary education accessible to all, in particular by the progressive introduction of free secondary education, as well as an obligation to develop equitable access to higher education, ideally by the progressive introduction of free higher education.

In principle, the RTE Act offers a great opportunity to cater to the basic need of the Indian population, to correct the anomalies in poor educational outcomes, and can actually ensure deliverance of the long standing commitment of providing basic and quality education to the demographic dividend of the country. The numerous studies conducted by NGOs and governmental organisations on RTE clearly show that the Act even today is facing very serious challenges in the path of successful implementation. Short-term political gains and poor judgment on the part of politicians and policy makers, lack of proper allocation of funds, lack of encouragement from both private and government schools continue to be major roadblocks in accomplishing this critical goal. The fast growing private sector which has by and large converted educational institutions into a profit making commercial enterprise has indulged in serving violation of human rights by infringing the dignity of the children from vulnerable groups admitted under the RTE Act. It is a sad reflection on the scenario of human rights that an Act which was brought in to safeguard human rights is itself being used to thwart the rights of large sections of India’s poor to a life of dignity.

Conclusion

Even though National Curriculum Framework (2005) suggested that human rights education must be integrated in the teacher education framework, many of the existing teacher education programmes do not reflect this vision. Most teacher trainees do not get a chance to familiarise themselves with concepts related to human rights in their course content or in their school activities. It is only when teachers understand how to incorporate the principles of human rights in the curriculum and its transaction; human rights education can be meaningfully imparted. If human rights awareness among students is to be achieved we need to orient our teachers first. Thus, ideally it must be started from the pre-programme level itself. The number of human rights violations is increasing day by day in India as well as in other countries.

After perusing the available data sources in the field of human rights and human rights education, it is evident that human rights education in India is still in an infant stage. But if due attention is not paid to this aspect at least now our education system will continue to remain indifferent to the issue of rights and entitlements.

References