

15. HUMAN RIGHTS

1) Do you have a cattle shed in your house? We keep cattle in the cattle shed and give them food and water whenever we like. Sometimes we forget. Do the cattle ever ask, “Isn’t your family able to eat to its fill only because of the hard work that I do? Then why don’t you feed me?”

Your house is brand new with all the amenities. It is sparkling clean. But look at the cattle shed. It is full of hay and mud. The floor is dirty. Do the cows at any time ask why their shed is kept so shabbily when your house is maintained so well? Do they ever ask, “You go out for strolls in the morning. Why am I kept tied up all day?”

2) We kill the goats that we feed and eat them. We eat our chickens too. Does the goat ask, “What right do you have to take my life?” Does the hen ask, “How many eggs I laid for you! You ate the eggs and now are you going to eat me too?”

Let us think for a while. Why does man alone raise questions? Why does he demand rights?

He talks of the right to live. He asks for a house to reside in. He talks of the right to clothing, food, and what not? Why is this so?

We saw that all living things long to live. All living creatures have a right to live but they do not have the intelligence to demand their right.

Only man has the intelligence to demand his rights. Man alone has the power to think. He wants to mingle with others and lead a life that is on par with others. Man alone thinks of his future and asks for individual rights. He also feels that protection of other people’s rights too is his duty.

Man makes new discoveries constantly. Man, who once lived in caves, now resides in big buildings. But birds and animals have remained the same. Have you seen a weaver bird’s nest? It is the same in all places on earth. It has continued to look the same way from the

Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

(Article 2.1, UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1984)

beginning till now. But man develops his knowledge by his thinking. He effects changes. It is because of this that he talks of rights.

Man can lead a complete life only when he can live with human rights. Only then he can grow as an individual.

An eight month old child sways its arms and legs as it wishes. It smiles at everyone, crawls, tries to get up and walk. The child babbles. What does this show? This is the first stage of its longing for rights.

eg: Right to laugh and be happy, Right to talk and converse, Right to walk and move about and Right to cohabit.

So, only when a person leads a life with human rights, he/she would be able to live a fulfilled life.

Human Rights:-

- 1. Inborn:** We are born with arms, legs and other organs. Likewise, we are entitled to Human Rights at birth.
- 2. Inseparable:** Our possessions can be robbed away from us but not our rights.
- 3. Common to all:** Human Rights are common to everybody, who is born as a human being on this earth. Human Rights are common to all, no matter which religion, or country they belong to and no matter which language they speak.
- 4. Confined to a limit:** Behaving according to one's own desire is not a human right. On the contrary one should respect other's rights and lead responsible lives. This is our duty too.
- 5. Defending duty:** When others' rights are robbed, it is our duty to protect their rights.

When do human rights become idle?

- a. When oppressed people lose hope.
- b. When peace and justice prevail.

THE UNIVERSAL DECLARATION ON HUMAN RIGHTS (1948)

What are Human Rights?

Human Rights are related to the dignity of human beings. These have been guaranteed by the constitutions created by nations and international human rights conventions and are being implemented by Indian Courts.

God has granted 3 boons to India

- a. Freedom of Speech
- b. Freedom of conscience
- c. The prudence never to practise either of them.

V.R. Krishnaiyyar,
Former Chief Justice of the Supreme Court

Right to Freedom, Equality

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

person. (Art. 02)

Everyone is entitled to all the rights. And freedom set forth in this Declaration. Without distinction of any kind. Such as race, colour, sex, language, religion, political, or other opinion, national or social origin, property, birth or other status (Art. 02)



Right to live

Every one has the right to life, liberty and security of person. (Art. 03)



Right to health

Everyone has the right to a standard of living adequate for the health and well being of himself and of his family. Including food, clothing, housing and medical care and necessary social services. (Art. 25.1)

Right to live without being subjected to torture

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. (Art. 05)





Cultural Rights

Everyone has the right freely to participate in the cultural life of the community. To enjoy the arts and to share in scientific advancement and its benefits. (Art. 27.1)

Right to marry the person one loves

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (Art. 16.1)

Marriage shall be entered into only with the free and full consent of the intent (Art. 16.2)



Right to Education

Everyone has the right to education. Education shall be free, atleast in the elementary and fundamental stages. Elementary education shall be compulsory Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (Art. 26.1)

Parents have a prior right to choose the kind of education in that shall be given to their children (Art. 26.2)



Right to Religion

Everyone has the right to freedom of thought conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with other and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. (Art. 18)



Right to reside and migrate

Everyone has the right to freedom of movement and residence within the borders of each state (13.1)

Everyone has the right to leave any country including his own. And to return to his country (13.2)



A man asked, “Ma’am. You are very beautiful!

What do you do to keep your body beautiful!?”

Guess what the woman said in reply!

“I use truth for my lips,

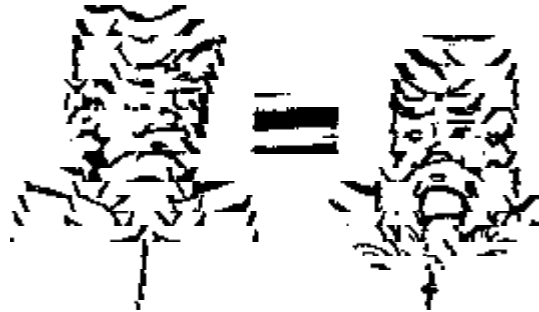
Sweetness for my voice,

Sympathy for my eyes,

*Will to give, for my hands and
love for my heart”.*

Equality and Protection of Law

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination (Art.7)



Right to form unions

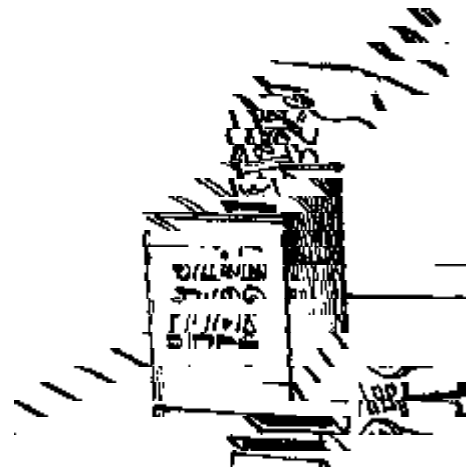
Everyone has the right to freedom of peaceful assembly and association. (20.1)

No one may be compelled to belong to an association (20.2)

Right to Vote

Everyone has the right to take part in the government freely chosen representatives. (21.1)

Everyone has the right to equal access to public service in his country. (21.2)





Right to property

Everyone has the right to own property alone as well as in association with others. (17.1)

Right to citizenship

Everyone has the right to nationality. (15.1)

No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. (15.2)



Right to Expression

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek receive and impart information and ideas through any media regardless of frontiers (Art 19)



Right to Work

Everyone has the right to work. To free choice of employment. To just and favourable conditions of work and to protection against unemployment (23.1)



- The rights of man are those which are due to a man in as much as he is a man.

- The rights of man are those which belong or should belong to all men and of which he should not be deprived.

I don't wish to be a slave to anyone
Nor do I wish to be a master
I view this as democracy.
If contradictions rise in this view,
Then, 'Democracy' is not the name for it.

- **Abraham Lincoln**

Human Rights can be divided into 6 categories.

Right	Example
1. Cultural Rights	Right to Education
2. Economic Rights	Right to get a fair salary
3. Social Rights	Right to lead an equal life
4. Religious Rights	Right to pray
5. Political Rights	Right to speak
6. Environmental Rights	Right to inhale clean air.

Class Exercise

1. List the rights you have in the above mentioned 6 categories.

Economic Rights	Social Rights	Religious Rights	Political Rights	Cultural Rights	Environmental Rights

2. Write down your duties and rights.

Learning to read and write - Right

(ex.) Going to the School regularly - Duty

My Rights

At home	At School

My Duty

At home	At School

Rights

Of Parents	Of the Child

Duties

Of Parents	Of the Child

Rights

Of the Teacher	Of the Student

Duty

Of the Teacher	Of the Student

Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination...

(Article 3.1, International Labour Conference: Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989)

Rights

Of the Employer	Of the Employee

Duty

Of the Employer	Of the Employee

3. (a) What are the rights that the people mentioned under have ?

Poor People	
1.	2.
3.	4.
5.	6.
Daily Wage labourers	
1.	2.
3.	4.
5.	6.
Women	
1.	2.
3.	4.
5.	6.

Children	
1.	2.
3.	4.
5.	6.
Dalits	
1.	2.
3.	4.
5.	6.

b) How are these people affected by the violations of their rights?

c) What can be done to protect their right?.

People	Violated Rights	Effects	Ways to Protect
1. Poor People			
2. Labourers			
3. Women			
4. Children			
5. Dalits			

4. Mark which is wrong and which is right. Then give reasons.

Violation of Right	Right	Wrong	Reasons
1. You shouldn't live in India since you are a Muslim.			
2. You shouldn't draw water out of the public well since you are a Dalit.			
3. You do not have the right to inherit property since you are a woman.			
4. You shouldn't travel to the places you like.			
5. You should not do the work that you want to.			
6. You can buy things only from certain shops.			
7. Women shouldn't be vehicle drivers.			
8. You should not speak in your mother tongue.			
9. When school time gets over, boys can play. Girls should do household chores.			
10. You should not practices the religion you desire.			
11. You should not marry the person you desire.			
12. Youth of the village/town shouldn't form clubs.			

For long, especially during the colonial period, the peoples of Asia suffered from gross violations of their rights and freedoms. Today large sections of our people continue to be exploited and oppressed and many of our societies are torn apart by hatred and intolerance. Increasingly the people realize that peace and dignity are possible only when the equal and inalienable rights of all persons and groups are recognized and protected... (*Preamble, Asian Human Rights Charter: A Peoples' Charter, 1998*)

5. Read the statements given below and mark if they are right or wrong. Cite reasons.

Statements	Right	Wrong	Reason
1. When big dams are built for the sake of the country's development, evacuating the people, who live there, is not wrong.			
2. Building houses for the poor, is not the Govt's duty because then the poor will become idle.			
3. Employees should work seven days a week.			
4. It is not wrong to make children below 14 years of age work for income.			
5. A widow should not remarry			
6. It is not fair that women and men get paid equally.			
7. It is not wrong to kill elephants to get tusks for making ornamental articles.			
8. The cause of poor people's agony is their idleness.			
9. Good wives should obey the words of their husbands.			
10. The demand that Dalits should be respected like others, is a just demand.			
11. Removing slums to beautify the cities is not wrong.			
12. It is not the Govt.'s duty to provide employment to youth.			
13. If children of the poor go to school, the livestock cannot be cared for. So, if they tend the cattle, it will prove useful for the family.			
14. The rich should be given priority, since they have money and status.			

6. Read the Rights given in the United Nations' Declaration on Human Rights given at the end of the lesson, in a group. Then list down the Rights.

- 1.
- 2.
- 3.
- 4.

etc.

2. Of the Rights given here, what are the Rights that you have come to know now?

- 1.
- 2.
- 3.

etc.

3. Of these Rights, which do you think are enjoyed by the people of our country. List them.

4. From your experience, list are the Rights that are denied to the people of our country.

Home Exercise

7.a) Select a Right that you like and write it here.

b) Draw a picture to symbolise it.

c) Show this illustration to your classmates and,

1. Tell them why you like this Right and,
2. How the illustration symbolises the Right.

d) Place this illustration on the class's notice board for others to see.

e) The teacher should put some questions to the students after seeing all the drawings (eg. Is the right, that you have selected, given to you by others or is it a one that come from your heart? How?)

f) Finally the teacher should share his/ her thoughts with the students about the rights?

What can laws do?

Social Disabilities Removal Act, 1833.

Travancore State's Declaration on Untouchability Abolishment, 1925.
Temple entry Act, 1939.

Protection of Civil Rights Act, 1950.

SC/ST Prevention of Atrocities Act, 1989.

Untouchability hasn't been removed although these laws have been enacted. Caste clashes continue to take place. Dalit colonies are still outside villages. These colonies do not have proper roads or crematoriums.

Even if there are graveyard/crematoriums, there is no path to reach the place. Dalits cannot enter temples or even touch temple chariots.

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

(Article 3.1, UN Convention on the Right of the Child, 1989)

16. MONARCHY AND DEMOCRACY

- Teacher** : Dear students, today we are going to learn something about an important lesson in human rights education.
- Student** : Sir, Are you going to tell us a story?
- Teacher** : No, we are going to discuss something which is very important for all of us.
- Student** : What is that? Tell us sir
- Teacher** : I am happy to see that all of you speak boldly in class.
- Student** : It is you, who tell us that we should be free. Only because of that we talk openly.
- Teacher** : You talk of Rights and Freedom. Who gave these to you?
- Student** : You
- Teacher** : Me? O.K. Let us keep it that way. Who gave them to me?
- Student** : Didn't you say that rights are not given by anybody, and that they were born with us? They can't be given by anybody. Am I right?
- Teacher** : Great !! You have expressed it beautifully. It is true that our rights are born with us. But don't we need the right to express them? Who gave them? This is the question. We are going to learn about this now. Before that, I'll ask you another question. Let's see how you answer that.
- Student** : (In one voice) What is the question?
- Teacher** : Who rules us now?
- Student 1** : The Chief Minister
- Student 2** : No, the Prime Minister
- Teacher** : OK. OK. who appointed this Minister?
- Student** : The Governor or the President.
- Teacher** : Can the Governor and President appoint anybody according to his/her will?
- Student** : That is not possible. They appoint the leader of the party, which has the majority.
- Teacher** : Who decides that which party has the majority?

- Student** : We decide. We vote for the representatives of the party, which we want to come to power. Only they can come to power.
- Teacher** : Now, we are coming to the crucial stage. Who elects the Chief Minister or the Prime Minister, who rules over us?
- Student** : We do.
- Teacher** : If so, we elect the Ministers and leaders who rule us. We do so by voting. If we are not there, no one can become a Minister. Isn't it so? We call this Democracy. We decide, who would do good to us and who would defend our rights. This rule is by the people, for the people and of the people. We say that all are kings of the nation since all of us form the government together.
- Student** : I have another doubt. You were talking of 'kings'. There can be only one king. How can everyone be a king?
- Teacher** : (Surprised) Human Rights Education is really effective. What a difficult question you have asked! There can be only one king. It is true. In monarchy, one person will have all the power. Only he can be the king. Sometimes the persons belonging to one family will be made kings, generation after another.
- Student** : If a king does something wrong, will he be questioned? Will he be punished?
- Teacher** : Nobody had the right to question the king. The people have neither the rights nor law to tell how the king should rule. You know the rights that we have in democracy. In monarchy, we can talk only of the duties of the people. No one can talk of rights.
- Student** : Are human rights possible only in a democracy?
- Teacher** : Yes. You said it correctly. Shouldn't a government created by the people, protect the rights of the people? It is because of this that we say that democracy should be protected. Democratic rule is a rule that respects the people and treats everyone equally. Only here, justice prevails.
- Student** : There have been many good kings. We have studied about them in our History class.

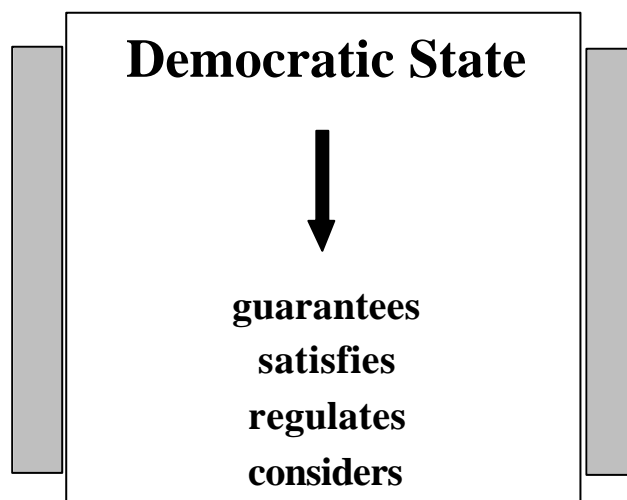
Teacher : It is true. I agree that there have been many kings, who have been generous, kind hearted and sympathetic. Let us suppose if some kings do not have these qualities. What can we do about it? Can we change the king? We can't. But in a democracy, if the Government we have elected did something wrong, and didn't respect our rights, we can take them away from power in the next elections, after 5 years. This is democracy.

I have to tell you something else too.

A king may do good for his people, out of kindheartedness and sympathy. Kind heartedness and sympathy are needed in a democracy too. I don't deny it. But in a democracy, it is the **duty of the government** to do good for the people. If the government doesn't do this, the people have the right to question the Govt. It is for this purpose that we have constitutional laws. We can go to court if the Govt. doesn't function according to the law.

Student : Is democracy so great? We have been thinking that Democracy means mere voting. We understand now that the people are the main force behind a Democracy.

Teacher : Do you know what we are called in a Democracy? In monarchy, all of us are subjects of the king. The king's subjects have to depend on him and obey him. But in a Democracy, we are citizens. Here, citizens have freedom, legal protection and right to citizenship. We have all the rights. We are citizens at all times, irrespective of the religion and gender we belong to.



Monarchy	Democracy
Individual's Power	People's Power
Grace	Duty
Favour	Right
In Monarchy, people are subjects with no rights.	In Democracy, people are citizens protected by the law.
In Monarchy neither food nor water is life. The king is life.	In democracy people are the life. All are kings of the nation.

Class Exercise

1) Students should form groups and prepare answers for the questions given below which should be shared in class later.

1.(a) Are the midday meal, free text books and school uniforms provided by the Government of Tamil Nadu favours or are they rights that we are entitled to? Why?

b) Do you consider the services that have to be done for people by the Government of Tamil Nadu favours or duties?

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a ¹[SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens:
 Political - do hereby adopt, enact and give to ourselves this constitution.
(Preamble , Constitution of India)

c) In democracy, when Govts. forsake their duties, do you think that we have the rights to question them? Whose rights are they? Why?

2) Model legislative assembly

a) You would have seen the proceedings of the legislative assembly, on the television. In the same manner form a model legislative assembly with a speaker, ruling party and opposition parties.

b) 'It is the Government's duty to provide medical facility.' Discuss this

or

'Drinking water is a basic need of the people. Receiving this is people's basic right. It is the Government's duty to provide this.' Debate on this.

c) In the activities of this legislative assembly's sessions, how were rights spoken of by people's representatives?

d) What were the rights talked about and how can they be protected?

Rights	How?
1.	
2.	
3.	
4.	
5.	

In Asian political societies, colonial laws and authoritarian habits and styles of administration persisted after independence. The State has become the source of corruption and the oppression of the people. The democratisation and humanisation of the State is a precondition for the respect for and the protection of rights. (**Article 5.1, Asian Human Rights Charter: A Peoples' Charter, 1998**)

e) What were the rights that Rights said to be violated?	How?
1.	
2.	
3.	
4.	
5.	

3.a) Read the list of basic duties carefully.

b) Say what are the important duties that we have to do for the public to lead a prosperous, protected life in the social setup of today, in Tamil Nadu. Explain with reasons.

c) What are your suggestions to implement the important duties that you have mentioned?

Write down the suggestions for each duty.		
1. Important Duties	Reasons	Suggestions
2.		
3.		
4.		
5.		

Home Exercise

4. Write your suggestions to promote and protect people's rights in our country.

a) 10 activities to be carried out by the ruling party that has formed the Government.

1. -----
2. -----
3. -----
4. -----
5. -----
6. -----
7. -----
8. -----
9. -----
10. -----

b) 10 activities that have to be done by the opposition parties.

1. -----
2. -----
3. -----
4. -----
5. -----
6. -----
7. -----
8. -----
9. -----

People must participate in public affairs, through the electoral and other decision-making and implementing processes, free from racial, religious or gender discriminations.

(Article 5.2, Asian Human Rights Charter : A Peoples' Charter. 1998)

10. -----

c)10 activities that have to be done by those in the Govt. administration.

1. -----

2. -----

3. -----

4. -----

5. -----

6. -----

7. -----

8. -----

9. -----

10. -----

d)10 Activities that have to be done by the Police Department

1. -----

2. -----

3. -----

4. -----

5. -----

6. -----

7. -----

8. -----

9. -----

The State, which claims to have the primary responsibility for the development and well-being of the people, should be humane, open and accountable...

(Article 5.2, Asian Human Rights Charter : A Peoples' Charter, 1998)

10. -----

e) 10 activities that have to be done by those in the judiciary.

1. -----

2. -----

3. -----

4. -----

5. -----

6. -----

7. -----

8. -----

9. -----

10. -----

f) 10 activities that have to be done by the Election Commission.

1. -----

2. -----

3. -----

4. -----

5. -----

6. -----

7. -----

8. -----

9. -----

10. -----

g) 10 activities that have to be done by the citizens.

1. -----

2. -----

3. -----

Organisation of village panchayats.- The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

Art. 40, Constitution of India

4. -----
5. -----
6. -----
7. -----
8. -----
9. -----
10. -----

h) 10 activities that have to be done by student citizens like us.

1. -----
2. -----
3. -----
4. -----
5. -----
6. -----
7. -----
8. -----
9. -----
10. -----

i) Students should read out these suggestions in class.

(j) The teacher should share his/her thoughts on the entire exercise.

(k) All the suggestions should be compiled and sent in the form of a letter to the following addresses.

(1) National Election Commission	(2) State Election Commission
(3) Newspapers	(4) National Human Rights Commission
(5) State Human Rights Commission	(6) Supreme Court
(7) High Court	(8) Leader of the opposition party
(9) District Court	(10) Speaker of the Legislative Assembly
(11) State Police Officer	(12) The Chief Minister's Chief Secretary.

Fundamental Duties

51-A. Fundamental Duties - It shall be the duty of every citizen of India -

- (a) *to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;*
- (b) *to cherish and follow the noble ideals which inspired our national struggle for freedom;*
- (c) *to uphold and protect the sovereignty, unity and integrity of India;*
- (d) *to defend the country and render national service when called upon to do so;*
- (e) *to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;*
- (f) *to value and preserve the rich heritage of our composite culture;*
- (g) *to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;*
- (h) *to develop the scientific temper, humanism and the spirit of inquiry and reform;*
- (i) *to safeguard public property and to abjure violence;*
- (j) *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.*

Part IV-A 51-A Fundamental Duties, Constitution of India