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The Human Rights



“Promotion and Protection of Human Rights of Women and Child through Education”

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Introduction:

Without Human Rights any human beings cannot live and develop their livelihood. These are the basic rights that a person cannot be denied to any human being irrespective of race, gender or any other background. Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, guaranteed by law, in the forms of international law, general guidelines issued by international institutions. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. Human rights entail both right and obligation. This article enhances the importance of human rights in day to day life and the role of education in protecting and promoting them. Promoting education to inculcate and imbibe the values of human rights and values in a person so that he can use them in his life. We are celebrating Human Rights Day on 10th of December of every year. Education plays an important role to for promotion and protection of human rights. Education makes us aware about our civil and political rights. Education is a tool to spread awareness and information among whole society. Education can play a crucial role at each of levels for promotion and protection of human rights. But, unfortunately our education system has yet not revised accordingly to accommodate Human Rights. The paper raises some issues of Indian citizen and provides some suggestions that should be taken as a part of education.

Social Structure and Human Rights: In India denial of human rights includes disappearances, poor prison conditions that are frequently life-threatening, arbitrary arrest and detention, and lengthy pretrial detention. The judiciary was overburdened, and court backlogs led to lengthy delays or the denial of justice. Authorities continued to infringe on citizens' privacy rights. The law in some states restricted forced religious conversion, and there were reports of arrests, but further action under laws.

Human Rights of Child and its Protection in India:-

India has adopted a National Policy on Children in 1974. The policy reaffirmed the constitutional provisions for adequate services to children, both before and after birth and through the period of growth to ensure their full physical, mental and social development.

Status of Children in India:-

Recent UNICEF (2005) report on the state of the world's children under the title "Childhood Under Threat", states that millions of Indian children are deprived of their rights to survival, health, nutrition, education and safe drinking water.

National Commission for Protection of Child Right:-

In order to India's commitment to UN declaration to this effect, the government of India set up a National Commission for Protection of Child Rights. The Commission is a statutory body notified under an Act of the Parliament on 29th Dec.2006.

Child Education and Human Rights:-

The constitution provides free education to children from 6 to 14 years of age, but the government has limitation to enforce this provision. The report of MWCD reported that 1,768 complaints received under violations to Right to Education Act during 2011-12. Reputed NGO Pratham, revealed from its study that 96.7% of children and 94.8% of eligible girls between ages 6 and 14 were enrolled in schools in 2011, NGO Pratham, noted further that i) 95% of schools in the country did not comply with the Right to Education's guidelines. ii) Only one in 10 schools in 2010-11 had drinking water facilities, iii) Two out of every five schools lacked a functioning toilet. iv) 36% of teaching positions were vacant.

Child Abuse:

The law provides for protection against various forms of child abuse, but child abuse remained common, including in school and institutional settings, and the government failed to adequately educate the public against child abuse or enforce the law. Although corporal punishment is banned, still teachers often used it. The government sponsored a toll-free 24-hour helpline for children in distress in 72 cities. A network of NGOs staffed the "Childline 1098 Service" number, accessible by either a child or an adult to request immediate assistance, including medical care, shelter, restoration, rescue, sponsorship, and counseling.

Sexual Exploitation of Children:-

The law prohibits child pornography and states that the legal age of consent is 18. As per law it is illegal to pay for sex with a minor or induce a minor into prostitution or any form of "illicit sexual intercourse," or to sell or buy a minor for the purposes of prostitution.

Child Soldiers:

No information was available on how many persons under the age of 18 were serving in the armed forces. There were allegations that government-supported Anti-Naxalite village defense forces recruited children. Armed groups, including Naxalites and groups in Jammu and Kashmir and in the Northeast States, were reported to be using children.

Displaced Children:

Displaced children, including refugees and street children, faced limits on access to government services and were often unable to obtain medical care, education, proper nutrition, or shelter. Such children were often physically and sexually abused and forced to work in hazardous jobs, such as rag picking and sorting garbage for recyclables.

Women and Violation of Human Rights:

Women in India now participate fully in areas such as education, sports, politics, media, art and culture, service sectors, science and technology, etc. The Constitution of India guarantees to all Indian women equality (Article 14), no discrimination by the State (Article 15(1)), equality of opportunity (Article 16), and equal pay for equal work (Article 39(d)). In addition, it allows special provisions to be made by the State in favour of women and children (Article 15(3)), renounces practices derogatory to the dignity of women (Article 51(A) (e)), and also allows for provisions to be made by the State for securing just and humane conditions of work and for maternity relief. (Article 42).¹⁴ However, rape, domestic violence, dowry-related deaths, honor killings, sexual harassment and discrimination against women are remaining serious problems all over the country.

Rape and Domestic Violence:-

Statistics shows that rape as the fastest growing crime in comparison to murder, robbery and kidnapping. The NCRB reported 24,206 cases of rape across the country in 2011, the late year for which data was available. Rape is considered an underreported crime. Law enforcement and legal avenues for rape victims were inadequate, overtaxed, and unable to address the issue effectively and immediately. The brutal gang rape and assault of a 23-year-old woman and her companion on a moving bus in New Delhi on 16th Dec.2011 sparked widespread public outrage and mass rallies against the Indian government's inability to control the rise in gender-based violence. ⁶ Dowry cannot be enforced, but families continued to offer and accept dowries, and dowry disputes are common and become a serious problem. The law also bans harassment in the form of dowry demand and empowers magistrates to issue protection orders. Deaths associated with the nonpayment of dowries rose in the past several years. According to the NCRB, in 2011 there were 8,618 reported dowry deaths, mostly bridal deaths at the hand of in-laws for failure to bring dowry. Uttar Pradesh had the highest number of dowry deaths with 2,322 cases, followed by 1,413 cases in Bihar. However, since many cases were not reported or monitored, statistics were incomplete. The NCRB reported that 23,280 persons were arrested and 6,503 persons were convicted for dowry death in 2011. ¹⁵

Honor killings:

Honor killing continued to be a problem, especially in Punjab and Haryana, where as many as 10% of all killings were honor killings. In some cases the killings were the result of extrajudicial decisions by traditional community elders such as "Khaph Panchayats,

unelected caste-based village assemblies that have no legal authority. Statistics for honor killings were difficult to verify, since many were unreported or passed off as suicide or natural deaths by family members. NGOs estimated that at least 900 such murders occurred every year in Haryana, Punjab, and Uttar Pradesh alone. The most common justification for the killings offered by those accused or by their relatives was that the victim married against her family's wishes. It is an alarming fact that out of 12 million girls born in India, 3 million do not see their fifteenth birthday, and a million of them are unable to survive even their first birthday. Every sixth girl child's death is due to Gender discrimination. All these facts are shame to India.16

Need of Human Rights Education:-

Public Interest Litigation - an expansion of class action under the common law - is a procedural innovation, which the Indian judiciary has by now fairly perfected on the basis of a concept borrowed from the United States. The rule of 'locus standi' normally dictates that he who approaches the court must prove his legal standing vis-a-vis the claim he seeks to vindicate, usually in terms of a legal right or a legal obligation violated by the defendant & respondent causing thereby some injury or damage to him for which law provides a remedy. On the other hand, the public interest litigation is based on the principle that:

We cannot write off the weaker victims of injustices; the court's door when they knock shall open ... How can a bonded labourer working in a stone quarry ever know of moving the Supreme Court, asks Justice Krishna Iyer, a redoubtable public interest activist judge of the Supreme Court of the seventies. He explains that public interest litigation, chiefly, the realm of public law assists 'all people concerned with governmental lawlessness, negligence of the administration, environmental pollution, public health, product safety, consumer protection and social exploitation being served by professionals like lawyers and public interest lobbies working for 'reform of decision-making processes in Government and outside, affecting the public at large'. Public Interest Law offers new challenges and opportunities for the committed lawyers and social groups to serve the unequal segments of society better. This sensitive development is part of democracy (of the disabled) and of the movement to vindicate social justice through professions for the people. As a result, 'judges with a vision have new universes to behold, and mansions of people's justice to build.'

Threats before Human Rights:

2011 census data revealed a further decline in India's female/male sex ratio, pointing to the failure of laws aimed at reducing sex-selective abortions. A series of "honor" killings and rapes rocked the country in 2011 but there has been no effective action to prevent and effectively prosecute such violence. The government has yet to improve health services for survivors of sexual assault but has taken steps to provide compensation for rape survivors. At this writing the government was revising its medico-legal protocols for evidence collection from rape survivors, excluding the degrading and inhuman "finger" test that classifies many rape survivors as "habituated to sexual intercourse," causing humiliation to victims and at times affecting the outcome of criminal trials. Despite considerable progress on maternal health, vast disparities remain and a spate of maternal deaths continues to be reported from Madhya Pradesh and Rajasthan states.