

HISTORICAL DEVELOPMENT OF HUMAN RIGHTS EDUCATION IN INDIA

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ABSTRACT

Rights to life, liberty, equality, and dignity of the individual are related to Human Rights. Human rights are those rights that a person should have in order to be a human being. These are the rights that every person should enjoy to lead an honorable life as a human being. All individuals should enjoy these rights without any distinction of race, religion, caste, color or sex. These laws have been given a proper place in the constitutions of almost all the democratic "countries" of the world including India. Human Rights must be ensured by all human beings for their prosperity, happiness and concern about the protection of human rights. The United Nations adopted on December 10, 1948 as the Universal Declaration of Human Rights Day. This paper presents the historical development of human rights education in India.

INTRODUCTION

The first king of ancient Persia, the Great Cyrus Cylinder conquered the city of Babylon in 539 B.C. After capturing the Babylon city he freed the slaves, declared that all people had the right to choose their own religion, and established racial equality. Today this ancient record made by Cyrus Cylinder has been recognized as the world's first charter of human rights ⁽¹⁾.

THE FIRST GENEVA CONVENTION (1864)

The International Committee of the Red Cross was founded in 1863 to protect human life and health, to ensure respect for all human beings, and to prevent and alleviate human suffering ⁽²⁾. In 1864, the first Geneva Convention was conducted by the sixteen European countries and several American states attended in Geneva by the initiative of the Geneva Committee. The diplomatic conference was held for adopting a convention for the treatment of wounded soldiers in combat or war ⁽²⁾.

THE AFTERMATH OF THE SECOND WORLD WAR

The 2nd world war had raged from 1939 to 1945 because of German emperor Adolf Hitler. During the war, millions of people were dead 50 million to 85 million fatalities, millions were homeless and starving. On 23 April 1945, the Soviet ground forces started to fight in the outer suburbs of Berlin and the city was completely cut off from the outside world. The battle in the city continued until 2 May 1945. At the same time, In the Pacific, US Marines were still battling entrenched Japanese forces. Fifteen countries representatives met in San Francisco before the end of the 2nd world war in April 1945, for the United National Conference on International Organization with full of optimism and hope with the aim of forming to promote peace and to prevent future wars. The ideals of the organization were stated in the preamble to its proposed charter: “We the peoples of the United Nations are determined to save future generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind (3,4).”

UNITED NATIONS HUMAN RIGHTS COMMISSION (4,5)

After the 2nd world war during the year in 1948, the United Nations’ new Human Rights Commission had captured the world’s attention under the dynamic Chairmanship of Mrs. Eleanor Roosevelt (5). Mrs. Roosevelt and the representatives of the United States and other nations made a draft of the document that became the Universal Declaration of Human Rights. Eleanor Roosevelt was the first lady who chaired the UN Commission on Human Rights and drafted The Universal Declaration of Human Rights (UDHR). The UDHR was adopted on December 10, 1948, in UN General Assembly. Roosevelt, credited with its inspiration, referred to the Declaration as the international Magna Carta (Magna Carta was the first document imposed upon a King of England by a group of his subjects, the Feudal barons, in an attempt to limit his powers by law and protect their rights) for all mankind. In a statement, she told that Where, after all, do universal rights begin? In small villages are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination.

HUMAN RIGHTS COMMISSION OF INDIA DURING BRITISH PERIOD:

During the British period Regulating Act of 1773, was introduced by the British Empire and the Britishers completely in context to social, economic, and political Justice (6) suppressed all Indian. The Indians have no religious rights and they were told that they do not have to deserve

for rights. Basic fundamental rights such as rights to life, right to freedom, right to expression, right to equality, right to preach, etc were denied to them. In such an atmosphere, the Indian leaders & people feel that their rights had been lost in the hands of the colonial rule, so they thought of diverting back to fight for their rights. The fundamentals rights appeared in the Constitution of India Bill 1895. The Bill guaranteed the fundamental rights for every Indian to the right to expression, right to equality before the law, right to property, right to personal liberty, right to education, etc. The resolutions for the demand for civil rights and equality were passed between 1917 & 1919 for demanding civil rights & equality. The major developments were drafted by “Mrs. Besant’s Common wealth in the year 1925.” The Bill contained a list of seven fundamental rights such as:

- (i) Liberty of person.
- (ii) Freedom of religion.
- (iii) Freedom for expression of opinion.
- (iv) Free elementary education.
- (v) Use of roads, public places, courts of justice.
- (vi) Equality before the Law
- (vii) Equality of the sexes

Nehru was the Chairman of the resolution which was passed in 1927 which came into effect on May 1928, and it is known as Nehru Report ⁽⁷⁻¹⁰⁾. The resolution declared that its first concern of Indians was “to secure the fundamental rights that had been denied to them.” The fundamental right was the Karachi resolution adopted by the congress session held on March 1931. The development of fundamental rights in the Indian context was the “Sapra Committee Report” was published at the end of 1945.

PREAMBLE (11, 12, 13)

It is the sort of introductory statement that gives the guiding purpose & principle of the document. The Constitution of India is a secular Constitution and it establishes a Secular state. The preamble of the Constitution outlines the main objectives of the Constitution. It serves as a key to the Constitution. The original text of preamble of the draft Constitution of India is given below:

PREAMBLE

“ We, The People of India,

have solemnly resolved to constitute India into a

SOVEREIGN DEMOCRATIC REPUBLIC

and to secure to all its 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 of the Nation;

IN OUR CONSTITUENT ASSEMBLY

this twenty-sixth day of November 1949, do

HEREBY ADOPT, ENACT AND GIVE TO

OURSELVES THIS CONSTITUTION.”

Thus, the preamble to the Constitution had provided that, India would be “Sovereign Democratic Republic”. It is important to note that the words “Socialist” and “Secular” were not mentioned in the preamble. The first line of the preamble starts with the words: It summarizes that we, the people of India, have solemnly resolved to constitute India, which means that the people of India are authors of the preamble. It is an integral part of the same. The Preamble objectives shall be to ensure justice, equality, fraternity and liberty^(11, 12, 13) for the masses.

42ND AMENDMENT PASSED BY THE PARLIAMENT (12, 13)

During the Emergency in December 1976 in India, the Indira Gandhi government pushed through several changes in the 42nd Amendment of the constitution. This amendment is enacted after being constituted to study the question of amending the constitution in the light of experience. The words "socialist" and "secular" were added between the words "Sovereign" and "Democratic" and the words "Unity of the Nation" were changed to "Unity and integrity of the Nation" in this 42nd amendment. From 1977 onwards the 3 words Secular, Socialist, and Integrity were added to the constitution. From 26th January 1977 onwards The Preamble of the Constitution changed the description of India from "Sovereign Democratic Republic" to a "Sovereign, Socialist, Secular Democratic Republic", and also changed the words "unity of the nation" to "unity and integrity of the nation". The Amend Preamble read from 26th January 1977 as Thus-

PREAMBLE

"We, the People of India,

have solemnly resolved to constitute India into a

Sovereign, Socialist, Secular Democratic Republic

and so on....

The Preamble to the Constitution indicates the "Secular" Constitution of the Indian Constitution. It also shows how Secular is being given great importance in the Constitution. Unity and integrity of the Nation: Embraces both psychological and territorial dimensions of National integration. The Union means indestructible nature. This sentence aims at overcoming hindrances to national integration like communalism, regionalism, casteism, linguism, and secessionism.

NATIONAL HUMAN RIGHTS COMMISSION OF INDIA (10)

India is one of the oldest civilizations and rich cultural heritage in the world. It covers an area of 32,87,263 sq.km. India's population is 1.3 billion. India has a federal democratic set up of governance having 30 States & 7 Union Territories. One of the world's most linguistically

diverse nations, with 22 official languages and English as an associate language, recognized by the Constitution of India. India is a secular country. The Indian National Human Rights Commission ⁽⁷⁾ (NHRC) is an autonomous body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by the Protection of Human Rights Act, 1993 (PHR). The NHRC is the national human rights commission, is responsible for the protection and promotion of human rights, defined by the Act as "rights relating to life, liberty, equality, and dignity.

The NHRC consists of the following:

- A Chairperson
- One Member is Judge of the Supreme Court of India.
- One Member is the Chief Justice of a High Court
- Two members to be appointed those who had knowledge of human rights.
- Chairpersons of four National Commissions

FIVE PRIMARY CATEGORIES OF HUMAN RIGHTS

Civil Rights, Political Rights, Economic Rights, Social Rights, and Cultural Rights are privileges in human rights. Human Rights are only concerned with violations.

HUMAN RIGHTS EDUCATION ^(14, 15)

The Human Right to Education Program provides training materials and workshops for social justice organizations. According to Article 26th of the United Nations Human Rights Commission, "Everyone has the right to education...The same "Right to Education" has been inserted as Article 21-A in the Constitution of India to provide free and compulsory education for all children in the age group of 6 to 14 years as a Fundamental Right in such a manner as the State may, by law, determine as per the Constitution (Eighty-sixth Amendment) Act, 2002⁽¹³⁾. Development of the human personality through education and to the strengthening of respect for basic freedom and human rights"

1. Everyone has the right to education.
2. Development of the human personality through education

3. Rights to choose the choice of education by the parents to their children.

This Article 26, of UNHR, confers the Basic right to education to everyone. According to this, education should serve the purpose for which it is to pursue. This conjoins the saying and the philosophy advocated by Swami Vivekanda educating ourselves with values, morals and with a particular purpose to serve the needs of the society and as well oneself. This article emphasizes the importance of education as a tool to enrich people to enjoy their rights guaranteed both nationally and internationally:

- a) Education to everyone alone promotes the strengthening of respect and helps for the promotion of human rights and fundamental freedoms.
- b) The full development of the human personality and the sense of its dignity could be achieved only when the significance of human person is realized
- c) It helps to understand tolerance, promotes gender equality and friendship with all other human beings across the world.
- d) It enables all people to take part freely and effectively in the development of society and states, economically, politically, socially, legally and culturally.
- e) Education alone provides a goal to achieve the objectives of human rights, by inculcating values, morals, and ethical perspective of mankind.

In order to achieve these main goals which contribute for the furtherance of common brotherhood and one world concepts, the United Nations Education, Scientific, and Cultural Organization (UNESCO) formulate a number of policies and programmer to help the states to achieve cent percent literacy. Accordingly, the UN declared 2005-2014 as the Decade of Education for Sustainable Development. It hopes to achieve literacy to a maximum extent. In tune with the policy perspectives of the UN and other international organizations, the Government of India has adopted the Right to Education Act 2002, making education a compulsory aspect for every citizen of India..”

GREAT LEADERS STRUGGLE FOR HUMAN RIGHTS

Gandhiji believed that education was the most powerful weapon that would make people aware of their rights and duties. It would also build their character in such a way that they would not hesitate to fight for their rights. Gandhiji has gone but not thoughts remain. He continues to inspire the people who work for human dignity and freedom throughout the world. Martin Luther King and Nelson Mandela have followed Gandhiji as a source of inspiration in their struggles to achieve equal rights for their people. Many of the resolutions and activities adopted by the UN related to human rights have been inspired by Mahatma Gandhi. As a tribute to him, the United Nations has declared October as the International day of nonviolence.

NOBEL PEACE PRIZE A VICTORY FOR EDUCATION ⁽¹⁶⁾

Recently The United Nations Educational, Scientific and Cultural Organization (UNESCO) held a high-level event at its Paris headquarters in support of girls' education. It was organized to pay a special tribute to Malala Yousafzai, a 15-year-old girl who was shot by the Taliban in October. On October 9, 2012, Malala Yousafzai was shot and severely wounded by a gunman as she was taking a bus from school in Swat, Pakistan. The same day, she was airlifted to a Military hospital in Peshawar and four days later she was sent to an intensive care unit in Birmingham, England.

Once she was in the United Kingdom, though she would require multiple surgeries, including repair of a facial nerve to fix the paralyzed left side of her face, she had suffered no major brain damage. After weeks of treatment and therapy, Malala was able to begin attending school in Birmingham in March 2013. The militant Islamist group Tehreek-e-Taliban Pakistan claimed responsibility. Six months earlier to that in September 2014, the Pakistani army announced that they had arrested 10 members of a militant group for their role in this attack.

India's Kailash Satyarthi and Pakistan's Malala Yousafzai⁽¹⁶⁾ were awarded the Nobel Peace Prize for the year 2014 for "showing great personal courage" and their struggle against the suppression of children and young people and for the right of all children to education. At age 17, Malala became the youngest to be awarded the globally prestigious annual prize.

It is the honor of students around the world for awarding the 2014 Nobel Peace Prize to the 17-year-old activist Malala Yousafzai who take great risks to learn in the face of adversity and conflict. Yousafzai is a strong-willed advocate for the rights of all children, and girls. Malala

Yousafzai won the prize jointly with Indian children rights activist Kailash Satyarthi. He has campaigned a global movement for decades in India, against child labor, bonded labor and rescued thousands of children from exploitative labor. Honoring Satyarthi and Yousafzai draw attention to the world in enforcing the child rights and protections in the subcontinent.

CONCLUSION

The United Nations Human Rights Council is a functional council to make things right without crossing the boundaries and respecting the sovereignty and territorial integrity of nations. Apart from the United Nations, it is the duty and responsibility of the nation or state to protect the human rights proclaimed by the UDHR and the people of the United Nations to practice the culture of human rights.

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