



TEST - 16
Corruption in Public Life and Anti corruption Measures

8 th Civics	Unit - 4	Human Rights And Uno
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Unit - 2
Human Rights and UNO

Introduction:

Everybody is born equal. Each individual in the world has the right to lead a dignified life of his or her own choice. Human rights are related to individuals and society. Human rights denotes all those rights that are inherent and ensure that we live as free people and exercise our choices. The state's role is to ensure that people have equal rights.

What are Human Rights?

Human Rights are rights inherent to all human beings regardless of race, sex, nationality, ethnicity, language and religion. Human rights include freedom from slavery and torture, freedom of opinion and expression and fair trial, the right to life work and education.

Where do Human Rights come from?

A set of basic rights and freedoms has deep roots in European and American countries.

a. Written Precursors of Human Rights Documents

The Magna Carta of 1215(England) - gave people new rights and made the king subject to the law.

The Petition of Right 1628(England) - set out the rights of the people.

The Habeas Corpus Act of 1679(England) - an act for the better securing liberty of the subject

The English Bill of Rights of 1689 - set out certain basic civil rights.

The French Declaration on the Rights of Man and Citizen 1789 - a document of France, stating that all citizens are equal under the law.

The US Constitution and Bill of Rights 1791- safeguards the rights of the citizens.

b. The Birth of United Nations

The idea of human rights emerged stronger after the Second World War. This War led to an unimaginable violation of human rights. During the times of war, human lives lost its value and those affected by war had to struggle till the end of their life. Atrocities during the Second World War made clear that previous efforts to protect individual rights from government violations were inadequate. The rights of man were prevented or eliminated in several parts of the world due to several factors. It is proved that the government of some countries alone could not protect human rights. People wanted to ensure that never again would anyone be unjustly denied life, freedom, food, shelter, and nationality. These voices played a critical role in the San Francisco meeting in which the United Nations Charter was drafted in 1945. At this juncture, an International body, the United Nations Organisation (UNO) which was established on 24th October 1945 took up the issue. Human Rights is an important theme in all UN policies and programmes in the areas of peace and security, development, humanitarian assistance and economic and social affairs.

c. The Universal Declaration of Human Rights (UDHR)

One of the greatest achievements of United Nations is the creation of human rights law. To advance this goal, the UN established a Commission on Human Rights. The Commission guided by Eleanor Roosevelt's (wife of former US president Franklin D Roosevelt) forceful leadership captured the world's attention. Finally, the Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly in 1948. It is a milestone document in the history of Human rights. The Declaration was proclaimed by the UN General Assembly in Paris, France on 10th December 1948 (General Assembly resolution 217A). In remembrance of every year 10th December is observed as the Human Rights Day and its

Preamble of UDHR

All men are born free and all are equal in status and rights. They are endowed with intelligence and conscience and obliged to promote the spirit of common brotherhood amongst all men.

regular observance commenced from 1950. It is also known as modern International Magna Carta of Human Rights. Its principles have been incorporated into the Constitutions of most of the (more than 185) nations. UDHR has been translated into more than 500 languages. It is the most translated document in the world.

The Cyrus Cylinder 539 BC (BCE)

Cyrus the Great, the first king of ancient Persia, freed the slaves and declared that all people had the right to choose their own religion and established racial equality. These and other decrees were recorded on a baked clay cylinder in the Akkadian language in cuneiform script. It is translated into all six official languages of the United Nations and its provisions parallel the first four Articles of the Universal Declaration of Human Rights.

Human Rights are based on the values of

- a. Dignity** -The right to life, the right to integrity, the prohibition of enforced labour, slavery and degrading punishment.
- b. Justice**- The right to fair trial, proportional punishment to crime, the right not to be trialed more than once for the same crime
- c. Equality**- Equality before law. No discrimination on race, religion, gender, age, ability/disability etc.

Basic Characteristics of Human Rights

Inherent – they are not granted by any person or authority.

Fundamental – they are fundamental rights because without them, the life and dignity of man will be meaningless

Inalienable – they cannot be taken away from the individual.

Indivisible – they can't be denied even when other rights have already been enjoyed .

Universal - they are universal. They apply irrespective of one's origin or status. They are enforceable without national border.

Interdependent - they are interdependent because the fulfillment or exercise of one human right cannot be had without the realization of the other

Human Rights Day is celebrated annually on 10th December every year. It is to honour the United Nations General Assembly for declaring the human rights universally.

Kinds of Human Rights

There are 30 Articles incorporated in the Universal Declaration of Human Rights.

These rights are broadly classified into Five primary categories. They are as follows

a. Civil Rights

The term civil rights refers to the basic rights afforded by laws of the government to every person. This is the right to be treated as an equal to anyone else. It includes the rights to life, liberty, freedom from slavery and arbitrary arrest.

b. Political Rights

Political rights are exercised in the formation and administration of a government. The Civil and Political rights are directly related to modern democracy. They protect the individual from the misuse of political power and recognise every individual's right to participate in their country's political process. It includes the freedom of expression, and peaceful assembly, the right to take part in the government of one's country, the right to vote, the freedom of speech and obtain information.

c. Social Rights

It is necessary for an individual to fully participate in the society. Social rights are those rights necessary for an adequate standard of living including the right to education, health care, food, clothing, shelter and social security.

d. Economic Rights

The right to participate in an economy that benefits all and to desirable work. Economic rights guarantee every person to have conditions under which they are able to meet their needs. This includes the rights to employment and fair wage, the reasonable limitation of working hours, shelter, education and adequate standard of living, and the right to property.

e. Cultural Rights

The right to freedom of religion and to speak the language and to practice the cultural life of the community, the right to share in scientific advancement, and right to the protection of moral and material interest.

The Difference between Human Rights and Civil Rights

Human Rights	Civil Rights
Human rights belong to everyone, everywhere, regardless of nationality, sexuality, gender, race, religion or age.	Civil rights are those rights that one enjoys by virtue of citizenship in a particular nation or state
Human rights are considered universal to all human beings and universal in all countries	Civil rights vary greatly from country to country or government to government. It is related to the Constitution.
No nation may rightfully deprive human rights to an individual.	Different nations can grant or deny different civil rights and liberties.
Human rights are basic rights inherent with birth	Civil rights are creation of the society.

Human Rights Commission

The Economic and Social Council (ECOSOC), a principal organ of the United Nations was empowered to set up a commission for the promotion of human rights. National level and State level human rights commissions were established to ensure the protection of human rights.

a. National Human Rights Commission

The National Human Rights Commission (NHRC) of India was established on 12th October, 1993. It is an independent statutory, and non-constitutional body. Its headquarter is

located in New Delhi. NHRC is a multimember body which consists of a Chairperson and other members. The President appoints the Chairperson and other members. They are appointed for 5 years or till the age of 70 years whichever is earlier. NHRC has five divisions. Law Division, Investigation Division, Policy Research & Programmes Division, Training Division and Administrative Division. The National Human Rights Commission is responsible for the protection and promotion of human rights in India.

b. State Human Rights Commission

The state Human Rights Commission of Tamil Nadu was formed on 17th April, 1997. It functions at the state level. It consists of three members including a Chairperson. A state Human Rights Commission can inquire into violation of human rights related to subjects covered under State list and Concurrent list in the seventh schedule of the Indian Constitution. (not if NHRC already enquiring)

Human Rights Organisations

Many organisations around the world have taken their efforts to protect human rights and for ending human rights abuses. These Nongovernmental organisations monitor the actions of governments and pressure them to act according to human right principles. Some of these organisations are Amnesty International, Children's Defense Fund, Human Rights Watch.

Indian Constitution Article

24 - prohibits child labour.

39(f) - provides for children to develop in healthy manner.

45 - provides that the state shall endeavor to provide early childhood care and education for all children until they complete the age of six years.

Child Rights

According to Article 1 of the United Nations Convention on the Rights of the Child 1989, 'a child means every human being below the age of eighteen years'. The Convention on the Rights of the Child was proclaimed by UN on 20th November 1989.

The child is considered as an important national asset. The future of a nation depends on how its children mature and develop. So protection of children from all kinds of exploitation and abuses has become the main objective of our society. There are laws in India protecting the rights of the children.

UNO has declared

1978 as International year of women.

1979 as the International year of children.

a. Right to Education Act

Article 21A provides that the state shall provide free and compulsory education to all children aged six to fourteen years.

b. The Child Labour Act (Prohibition and Regulation Act 1986)

It provides no child who has not completed 15 years of age can be employed

c. The Juvenile Justice Act 2000 (Care and Protection of Children)

This Act tries to protect children deprived of adequate care and to reform the children by adopting child friendly approach.

d. POCSO Act 2012

Protection of Children from Sexual Offences Act regards the best interest of the child as being paramount importance in every state.

1098 Child Line This is India's first 24 hours' free emergency phone service for children in need of assistance. Special care is given for vulnerable children those affected by child labour, child marriage and children affected by any abuse.

Women Rights

Women and girl's rights are human rights. Women are entitled to the full and equal enjoyment of all of their human rights and to be free from all forms of discrimination. This is fundamental to achieve human rights, peace and security and sustainable development. The Charter of the United Nations guarantees equal rights to both women and men.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is described as an International bill of rights for women.

In 1995 the Fourth World Conference of Women, held in Beijing, developed a Platform for Action to recognise women's rights and improve women's livelihood worldwide, and follow-up meetings monitored progress towards meeting these goals. The United Nations Development Fund for Women (UNIFEM), has worked since 1995 to implement the Beijing Platform for Action. Only when women and girls have full access to their rights will true equality exist

Maintenance and Welfare of Parents and Senior Citizen Act 2007

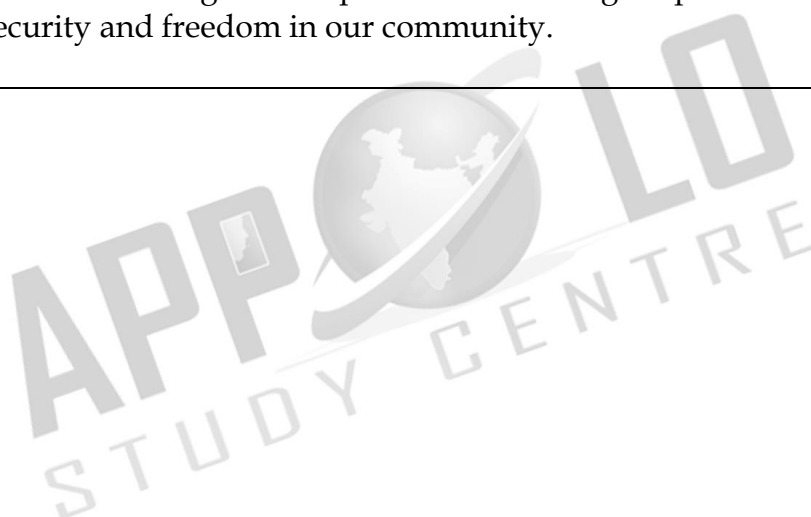
This Act makes it legal obligation for children and heirs to provide maintenance to senior citizens and parents. Protection and support during old age are envisaged as human rights.

Legislations	Provisions
The Hindu Widow Remarriage Act 1856	Legalised widow remarriage.
The Hindu Marriage Act 1955	States that the marriageable age for women is 21.
The Hindu Succession Act 1956	Ensures the right to women to inherit their parental property.
The Dowry Prohibition Act 1961	Provides drastic punishments for those ill-treating the bride in the name of

	dowry
The Eve Teasing Act 1997	Gives relief to women.
Indecent Representation Act 1999	Prohibits the indecent representation of women in magazine, newspapers etc.
The Factory Act 1948, The Plantation Labour Act 1951, The Mines Act 1952 The Maternity benefit Act 1961	Protects the women workers.
Protection of Women from Domestic Violence Act 2005	Protects women from harassment by husband and family members.

Conclusion:

Human rights are about equality and fairness for everyone and it ensures that everyone is treated with dignity and respect. The protection of human right is everyone's responsibility. An understanding and respect for human rights provides the foundation for peace, harmony, security and freedom in our community.



9th Book

UNIT 3 - HUMAN RIGHTS

The U.N.O defines Human rights as “The right inherent to all human beings, regardless of race, gender, nationality, ethnicity, language, religion or any other status. Everyone is entitled to these rights without discrimination.”

Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights is a milestone document in the history of human rights. It was drafted by the representatives with different legal and cultural backgrounds from all regions of the world. The Declaration was proclaimed by the United Nations General Assembly in Paris on 10th December 1948 (General Assembly resolution 217A) as a common standard of achievement of all people and all nations. The first time it sets out the fundamental human rights to be universally protected and the UDHR has been translated into many languages.

There are 30 articles in the Universal Declaration of Human Rights and it guarantees freedom of expression as well as civil, political, social, economic and cultural rights. These rights apply to all people, irrespective of their race, gender and nationality, as all people are born free and equal.

This general explanation of Human Rights by UDHR is not a legally binding document; however it has a political and moral importance and many of its guarantees have become standard norms today.

Social, Economic and Cultural Rights

Social, economic and cultural rights are integral part of the human rights law that developed due to the aftermath of World War II.

Social rights are necessary for full participation in the society. Economic rights guarantee every person to have conditions under which they are able to meet their needs. They are a part of a range of legal principles through which economic equality and freedom are preserved in a State.

Cultural rights are human rights that aim at assuring the enjoyment of culture and its components in conditions of equality, human dignity and non-discrimination.

Civil and Political Rights

Civil and political rights protect an individual's freedom from infringement by the government, social organizations and private individuals. These rights ensure one's ability to participate in the civil and political life of the society and state.

The term 'Civil rights' refers to the basic rights afforded by laws of the government, to every person regardless of race, nationality, colour, gender, age, religion etc.,

Political rights exercised in the formation and administration of a government. They are given to the citizens by law. These rights give power to the citizens to participate either directly or indirectly in the administration.

Fundamental Rights in India

Fundamental rights are required for the all round development of a human being. They make the life of people meaningful by giving them rights like speech and to live in an area of their choice.

The fundamental rights are :

- Right to Equality
- Right to Freedom
- Right against Exploitation
- Right to Freedom of Conscience and Religion
- Cultural and Educational Rights for minorities
- Right to Constitutional Remedies

Right to Equality

It refers to equality before law and equal protection of law. Prohibition or discrimination on the grounds of religion, caste, races, gender or place of birth is offensive and one can seek justice from court

Right to Freedom

Six different types of freedom are mentioned in the Constitution. They are:

- a. Freedom of speech and expression.
- b. Freedom to assemble peacefully without arms.
- c. Freedom to form associations and unions.
- d. Freedom to reside and settle in any part of India.
- e. Freedom to move freely throughout the territory of India.
- f. Freedom to practice any profession and carry on any occupation, trade or business.

Right against Exploitation

It is against the law to employ children below 14 years of age in mines, factories or other occupations. Neither contractor nor an employer can force a worker to do a job against their will.

Right to Freedom of Conscience and Religion

This right gives the citizens freedom to follow and practice a religion of their choice. All citizens have the freedom of conscience or ideas. The citizens also have the freedom to follow their own ways for practicing any religion.

Cultural and Educational Rights

The Constitution gives us the right to preserve, protect and promote culture. We have the right to open schools, associations and societies to preserve and promote our tradition and culture. Similarly a group of people may open a school for imparting religious education to children. The government also promotes such activities by giving grants. However, such institutions cannot deny admission to anyone based on their caste, colour, creed or even religion.

Differences Between Human Rights and Fundamental Rights	
Human Rights	Fundamental Rights
<ul style="list-style-type: none"> The rights that a human being deserves to survive with respect and freedoms. 	<ul style="list-style-type: none"> The elemental rights of the citizens of a country, which are listed in the constitution and enforceable under the law is known as fundamental rights.
<ul style="list-style-type: none"> Human rights include those rights which are basic to a real life and are absolute, i.e. it cannot be taken away. 	<ul style="list-style-type: none"> Fundamental rights includes only those rights which are basic to a normal life.
<ul style="list-style-type: none"> Human rights are recognised at international level. 	<ul style="list-style-type: none"> Fundamental rights are guaranteed under the constitution of the country.

Human rights as declared by the UN, suggest minimum standards of rights to be adopted by Government and these serve more or less like Directive Principles.

Right to Constitutional Remedies

Fundamental Rights are guaranteed by the Constitution. By this right, a person can adopt Constitutional means and approach a court if he is denied the Fundamental Rights. The court then issues orders which are called 'Writs' to the government to restore the rights to the citizen. The Constitutional Remedies put to right anything which may be wrong in terms of the Constitution. This right therefore protects and safeguards all other rights.

Fundamental Duties

These are in the form of duties and responsibilities of citizens. 'The original Constitution which came into force with effect from 26th January, 1950 did not contain Fundamental Duties.

These were incorporated in the Constitution by the 42nd Amendment Act in 1976. The Constitution states eleven Fundamental Duties as given below:

1. Respect for the Constitution and its ideals and institutions, the National Flag and the National Anthem.
2. To follow and cherish the noble ideals which inspired our National Struggle for freedom.
3. To uphold and protect the sovereignty, unity and integrity of India.
4. To defend the country and render national service when called upon to do so.
5. To promote harmony and spirit of common brotherhood amongst all the people of India, transcending religious, linguistic, regional or sectional diversities, to renounce practices derogatory to the dignity of women.
6. To value and preserve the rich heritage of our composite culture.

7. To protect and improve the natural environment including forests, lakes, rivers and wildlife and have compassion on living creatures.
8. To develop the scientific temper, humanism and the spirit of inquiry and reform.
9. To safeguard public property and to abjure from violence.
10. To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavor and achievements.
11. To provide opportunities for education by the parent and guardian to their child or ward up to the age of 14 years.

National Human Rights Commission

The National Human Rights Commission is an autonomous body constituted on **12th October 1993** under the protection of Human rights Act, 1993. It consists of a chairman and few other members. NHRC is responsible for the protection and promotion of human rights in India defined by the Act as rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the international covenants.

Functions of NHRC

- To inquire into the violation of human rights or negligence in the prevention of such violation by a public servant
- To intervene in court proceedings relating to human rights
- To undertake and promote research in the field of human rights
- To engage in human rights education among various sections of society
- To encourage the effects of NGOs and institutions working in the field of human rights.

State Human Rights Commission (SHRC)

Every state in India has a **State Human Rights Commission** established in accordance with the power conferred on the state under section 21 of the Protection of Human Rights Act, 1993. The protection and promotion of human rights constitute the principal concern of the Commission. Moreover, the procedures adopted by the Commission to conduct its proceedings, the suo motu actions taken on complaints regardless of the sources received and the transparency of the proceedings of the SHRC add strength to its functioning in a state.

Functions of SHRC

- The SHRC shall enquire into violation of human rights in respect of matters specified in the state and concurrent lists.
- Its objectives and duties are the same as NHRC, but confined only to the state. It has a chairman and two members.
- It has the power of a civil court and can take cognizance of cases if received or in suo motu.
- It can also recommend compensation to victims.

Child Rights

Apart from the fundamental rights described by the Constitution, we have to ensure certain other rights. A child is a person who has not completed the age of 18 years i.e. a minor as per UNO. This principle is exhibited in Article 25 of the Universal Declaration of

Human Rights. Based on these principles, the declaration of the Rights of the child was accepted and adopted in the UN General Assembly on 20th November, 1989.

POCSO Act - Protection of Children from Sexual Offences Act



The Protection of Children from Sexual Offences Act, 2012 regards the best interest of the child as being of paramount importance at every stage.

Salient features of POCSO Act

- The Act defines a child as any person below eighteen years of age, to ensure the healthy, physical, emotional, intellectual and social development of the child.
- When the abuse is committed by a person in a position of trust or authority vis-à-vis the child, like a family member, neighbours or any other acquaintances.
- The statement of the child is to be recorded exactly as the child narrates.
- A child not to be called repeatedly to testify.

An ordinance providing the death penalty for rapists of girls below 12 years of age and other stringent penal provisions for rape has been promulgated in April 2018. The Criminal Law Amendment Ordinance, 2018, amended the Indian Penal Code. Another salient feature of this amendment is that the fine imposed shall be just and reasonable to meet the medical expenses and rehabilitation of the victim.

- Right to life
- Right to family environment
- Right to Education
- Right to benefit from Social security
- Right against sexual exploitation
- Right against sale or trafficking
- Right against other forms of exploitation like Child labour.

Contribution of Dr.B.R. Ambedkar



Dr.B.R. Ambedkar's contribution to labourers.

- Reduction in Factory Working Hours (8 hours a day)
- Compulsory Recognition of Trade Unions
- Employment Exchange in India
- Employees State Insurance (ESI)
- Minimum Wages
- Coal and Mica Mines Provident Fund

Right to life

A child has the right to survive even before its birth. The right to survival also includes the right to be born, the right to basic needs of food, shelter and clothing and a dignified living.

Right to Family Environment

A child has the right to live a normal childhood in a family environment. Children who have been left destitute, abandoned or orphaned also have the right to live. These children can be given for adoption to caring families.

Right to benefit from Social security

Children should get financial support from the country when their parents or guardians are unable to provide them with a good standard of living by themselves, due to any illness, disability or old age

Right to Education

Right to Education Act is an Act of the Parliament of India enacted in 2009 for free and compulsory education for children from 6 to 14 years of age as under Article 21A of the Constitution.

Right against sale or trafficking

Children should be treated as individuals with fundamental human rights. Children are vulnerable. There are root causes such as poverty, gender discrimination, broken families etc., behind the sale or trafficking of children.

Children are subjected to sale or trafficking for various reasons – economic exploitation, sexual exploitation, sexual abuse, drug trafficking and child labour.

Right against sexual exploitation

The state should protect children from sexual exploitation and abuse, when they are forced or persuaded to take part in sexual activities physically or mentally.

Right against other forms of exploitation like Child labour

Children are often employed in several industries. These children are deprived of their childhood, health and education. This will lead to a life of poverty and want. These children are made to work in glass, match-box, lock-making factories, rag-picking, carpet – making industry, beedi – rolling, mining, stone quarrying, brick kilns and tea gardens etc. Work is mostly gender – specific, with girls performing more home – based work, while boys are employed as waged labour. Since these children work in agricultural fields, restaurants, motor repair workshops and home – based industries, elimination of child labour remains a challenge.

Women Rights

The National Commission for Women (NCW) is constituted in India to review the Constitutional and legal safeguards for women, recommends remedial measures and advises the government on all matters of policy affecting the welfare and development of women in the country.

In modern India, women have held high offices including that of the President, Prime Minister, Speaker of the Lok Sabha, Leader of the Opposition, Union Ministers, Chief Ministers and Governors.

Women's rights under the Constitution of India mainly include equality, dignity, and freedom from discrimination; additionally, India has various statutes governing the rights of women.

SC and ST Rights

In order to ensure the dignity and security of Adi Dravidars (mostly referred as Scheduled Castes in other States) and remove all forms of exclusion, marginalization, untouchability and discrimination the Government formulate policies, plans, budgets, schemes and programmes for ensuring the right to social equity, access to entitlements and right to dignity. These rights facilitate the betterment of their socio-economic conditions as well as conferring democratic and political rights.

Furthermore, the Scheduled Tribes constitute a total of 8.6 percent of India's population. They continue to practice their native norms and customs and on most occasions remain inaccessible to the rest of the world. This has become an important ground for the preservation of their rights.

Reservations

The state of Tamil Nadu provides 69% of reservation to the Scheduled Classes, Scheduled Tribes, Backward Classes, Most Backward Classes, Most Backward Classes, Denotified communities and Minorities. in employment and educational institutions. Government of Tamil Nadu provides inner reservations for Muslims in BC and for Arunthathiyar in SC category. The following table gives us a very clear picture of the percentage of reservations for various communities by the Government of Tamil Nadu.

Communities	Reservation in (%)
Backward Classes	26.5
Backward Class Muslims	3.5
Most Backward Classes/Denotified Communities	20
Scheduled Castes	18
Scheduled Tribes	3
Total	69

Under each reserved category and in General category 33% is reserved for women and 4% is reserved for differently abled persons. Special reservation offered to Arunthathiyars within the seats reserved for Scheduled castes. For persons studied in Tamil medium 20% seats are offered under each category on priority basis.

Right to Information Act (RTI)

The Right to Information Act is a revolutionary act that aims to promote transparency in the government institutions in India. This act was enacted in October 2005.

A common man can demand any government organization to provide information. The information must be provided within thirty days. If not, a fee will be collected as penalty from the concerned official.

It is one of the most powerful laws of the country. This act is people friendly; even an illiterate person can ask any Public Information Officer to write it down for him. All

government agencies like Municipal Corporations, Government departments, Government Schools, Road Authorities, etc., come under this Act.

Through RTI one can get even copies of government documents such as records, reports, papers, etc., Personal information of individuals and organizations related to the country's defence and intelligence, such as BSF, CRPF, Intelligence Bureau are exempted from the RTI.

- Sign the Application form with your full name and address along with the date and send it through a registered post to the office of the concerned authority.
- If a reply is not received within 30 days, an appeal can be filed with the Appellate Authority.

Labour Rights

The Constitution ensures right to equality, equality of opportunity in public employment, right to form associations and unions, right to livelihood, prohibits trafficking, forced labour and child labour. Article 39(d) ensures equal wages to male and female workers for equal work.

"The rights of every man are diminished when the rights of one man are threatened" said John F. Kennedy. Civilized nations of the world insist on equality. Nations pay more attention on human rights to ensure equality. This helps in maintaining peace, harmony and development of the country.
