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2<sup>nd</sup> Year, BBA LL.B. (Hons.).**HUMAN RIGHTS LAWS IN INDIA AND ROLE OF EDUCATIONAL  
INSTITUTIONS IN PROMOTING HUMAN RIGHTS****Introduction**

As per the Cambridge Dictionary, Human Rights can be defined as, “The basic rights to fair and moral treatment that every person is believed to have.”<sup>1</sup>

Section 2(d) of the Protection of Human Rights Act, “Human rights are the rights which relate to the life, liberty, equality and dignity of an individual guaranteed by the Indian Constitution or embodied under any International Covenant and enforceable by the Indian courts”<sup>2</sup>

In simple terms, Human Rights can be referred to as the basic rights which are granted to an individual by virtue of his birth. Such rights cannot be discriminatory on the basis of caste, religion, sex, etc. A human being cannot be relinquished of such rights except in certain situations where the right can be restricted. For instance, matters relating to national security, national emergency etc.

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<sup>1</sup> Definition of Human Rights, Cambridge Dictionary, <https://dictionary.cambridge.org/dictionary/english/human-rights>.

<sup>2</sup> Protection of Human Rights Act, 1993, S. 2(d).

Emphasis has always been laid on advocating Human Rights in educational institutions because it is important that one is aware of such rights. It embodies within us the basic principles of fairness, equality, tolerance and respect. More importantly, if we are aware of such rights it gives us the confidence to raise our voice and challenge if our rights are being violated.

### **Sources and Types of Human Rights**

The foremost source of Human Rights is the United Nations Universal Declaration of Human Rights followed by International Treaties and Conventions, Customs, Judicial decisions and Official documents such as UN reports, Law Commission Reports, etc.

The UDHR lays down five kinds of human rights which are, economic, social, cultural, civil, and political. They can broadly be divided under two types:

1. **Social, Economic and Cultural Rights:** These rights are inclusive of the right to work, right to basic amenities such as food, water and housing and the right to education. The Economic, Social and Cultural rights are protected under the International Covenant on Economic, Social, and Cultural Rights, 1976. Additionally, we have in place the Convention on the Rights of the Child which safeguard the interests of the specific target groups. At the end of the day, it is the responsibility of the state to implement and protect the rights of the citizens by enacting national laws in correspondence to International covenants. A few examples of such rights are, Right to work in a safe environment, Fair payment of wages, Access to mental and medical health care, sanitation and clean drinking water, Right to take part and enjoy in cultural festivities, etc.
2. **Civil and Political Rights:** These rights refer to the rights of the people/citizens of a nation to freely participate and exercise their civil and political rights without any fear, compulsion or discrimination. Civil rights relate to protection from slavery, torture, etc. They are inclusive of rights such as that of Right to privacy, Right to Asylum and Right to free trial to mention a few. International Covenant on Civil and Political Rights protect such rights.

### **Evolution of Human Rights in India**

The history of Human Rights development in India can be dated back to the 15<sup>th</sup> Century. In the ancient period, Vedas threw light on the aspects of human rights. The famous Vedic quote which said, Let everyone be happy and free from ill will denotes that the King was expected to protect and promote the physical and mental well being of all.

The principles of Buddhism and Jainism were to promote liberty, fraternity and happiness among individuals. Ashoka, the Great who followed the Buddhist principles worked for his entire life in order to serve the humanity. Tolerance and respect for every religion was also one of the most appreciated features under Ashoka's rule. Furthermore, the ancient jurisprudence was largely based on the principles of freedom, equality and liberty for all.

British era marked the beginning of the modern development in the area of Human Rights. When Indians were subjected to torture by the British rulers, there came up many Indian leaders to protect and preserve the rights of the Indian citizens. Mahatma Gandhi, Raja Ram Mohan Roy, IC Vidyasagar and other leaders decided to set India free and abolish practices such as that of Sati, child marriage, untouchability etc.

It was in the Constitution of India Bill, 1895 that the Indian National Congress demanded that the basic human rights such as that of equality, liberty, freedom of speech and expression be included in the Constitution. Furthermore, the Fundamental Rights and other provisions incorporated in the Constitution is representative of the human rights to all.

### **Human Rights and the Indian Constitution**

India signed the Universal Declaration of Human Rights on 1<sup>st</sup> January, 1942 and the same was enforced in the Indian Constitution, most importantly, under Part III (Fundamental Rights). Additionally, Civil and Political rights which are a part of the International Covenant on Political and Civil Rights, 1966 (ICCPR) have also been incorporated under Part III of the Constitution of India. Fundamental rights are directly enforceable against the state in case they are violated. Article 13(2) of the Constitution prohibits the state from making any law which violates the Fundamental Rights as guaranteed under the Constitution.

**Article 14:** Equality before Law<sup>3</sup>

**Article 15:** Prohibition of discrimination on grounds of religion, race, caste, gender, and place of birth<sup>4</sup>

**Article 16:** Equal opportunity in matters of public employment<sup>5</sup>

**Article 17:** Abolition of Untouchability<sup>6</sup>

**Article 19:** Freedom of speech, Freedom to move freely in any part of the country, Freedom of Profession, Right to Information<sup>7</sup>

**Article 21:** Right to life and personal liberty<sup>8</sup>

**Article 23:** Prohibition of Human Trafficking and Forced Labor<sup>9</sup>

**Article 24:** Prohibition of Child Labor<sup>10</sup>

**Article 25:** Freedom to practice and profess any Religion<sup>11</sup>

**Article 26:** Freedom to maintain and establish religious institutions<sup>12</sup>

**Article 30:** Guarantees right to the minority groups to freely establish and administrate Educational Institutions<sup>13</sup>

**Article 32:** Right to constitutional remedies<sup>14</sup>

**Article 45:** Right to free and compulsory education for all children until the age of 14 years<sup>15</sup>

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<sup>3</sup> INDIAN CONST. art. 14.

<sup>4</sup> INDIAN CONST. art. 15.

<sup>5</sup> INDIAN CONST. art. 16.

<sup>6</sup> INDIAN CONST. art. 17.

<sup>7</sup> INDIAN CONST. art. 19.

<sup>8</sup> INDIAN CONST. art. 21.

<sup>9</sup> INDIAN CONST. art. 23.

<sup>10</sup> INDIAN CONST. art. 24.

<sup>11</sup> INDIAN CONST. art. 25.

<sup>12</sup> INDIAN CONST. art. 26.

<sup>13</sup> INDIAN CONST. art. 30.

<sup>14</sup> INDIAN CONST. art. 32.

<sup>15</sup> INDIAN CONST. art. 45.

**Article 46:** Promotion of interests, educational and economic, of the SC, ST and other backward classes<sup>16</sup>

### **Role of Educational Institutions in Promoting Human Rights**

“Without education we cannot view the global reality of independence. Education is necessary for realizing and sharing hopes of different religion and races”, said Kofi Anan<sup>17</sup>.

Hundreds and thousands of cases of trafficking, exploitation, etc. can be witnessed in India on a regular basis. While some of them are reported, many often go unreported and the reason why that happens is because of the lack of education. People will only know that they are subjected to something wrong and unlawful when they will be aware of the rights guaranteed to them. Education is essential as it imparts and instills the necessary skills for protection of one’s own rights. It plays a noteworthy responsibility in strengthening and preserving these rights by dissemination of knowledge.

It is the dire need of the hour that people be educated. Even though schools and colleges have now started to impart knowledge of law to its students, we must not ignore the fact that we live in a country of 1.3 billion people and not everyone is fortunate enough to attend school.

The main aim behind promoting human rights education is to infuse in human beings the values of love and respect for all. It helps nourish friendly terms with other nations and eliminate discrimination on the basis of cast, creed, sex and religion. The central and state governments to see that no one should be deprived of the basic human rights by enforcing laws and by setting up an appropriate judicial mechanism. Therefore, it is a collective responsibility of both the citizens as well as the nation to impart awareness about these rights and the steps a person can take if his rights are being violated or he is subjected to ill behavior. NGOs can also play an important role by creating street acts, plays and by conducting seminars in villages and schools in the local language.

### **Conclusion**

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<sup>16</sup> INDIAN CONST. art. 46.

<sup>17</sup> Former Secretary of United Nations.

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