

9th Social Science Lesson 10 Notes in English

10. Human Rights

What are 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. Every one 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 back grounds 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.

Differences Between Human Rights and Fundamental Rights	
Human Rights	Fundamental Rights
• The rights that a human being deserves to survive with respect and freedoms.	• 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.
• Human rights include those rights which are basic to a real life and are absolute, i.e. it cannot be taken away.	• Fundamental rights includes only those rights which are basic to a normal life.
• Human rights are recognised at international level.	• Fundamental rights are guaranteed under the constitution of the country.

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.**

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 endeavour and achievements.
11. To provide opportunities for education by the parent and guardian to their child or ward upto 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 **Articles 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**.

- 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.

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 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.**
- The findings of an international survey reveals that children with disabilities are **3.4% more sexually abused than normal children.**

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.**

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.
- 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 with in 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 organisations 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.

More to Know:

1. 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

2. It is a great victory for female workers who stand all the time **more or less 12-14 hours** per day while they are working in shops and commercial malls in Kerala for decades as **Government of Kerala** amended the shops and commercial establishment **Act in July 2018**. Female workers who are working in shops and commercial malls are not allowed to sit or even lean on the wall. They were allowed only **5 minutes** of break two times a day to take rest. There was a strong voice against this inhuman practice among women workers for a long time. Considering this, the Government of Kerala has decided to redress by amending the Shops and **Commercial Establishment Act in July 2018**.

3. 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.

4. Women Labourers' Welfare and Ambedkar

Dr B.R. Ambedkar framed many laws for women workers in India such as the '**Mines Maternity Benefit Act**', '**Women Labour Welfare Fund**', '**Women and Child Labour Protection Act**', '**Maternity Benefit for Women Labour**', and '**Restoration of Ban on Employment of Women on Underground Work in Coal Mines**'.

5. In Tamil Nadu, ancestral property rights were given to women through Hindu Succession (**Tamil Nadu Amendment**) **Act 1989**. The Central Government amended the **Hindu Succession Act in 2005**. By this amendment, women are now given equal shares in inheritance of the undivided property.

6. Rosa Parks- a Symbol of Dignity

By refusing to give up her seat to a white man on a **Montgomery, Alabama, city bus in 1955**, one Rosa Parks (**1913–2005**) helped to initiate the civil rights movement in the United States. The leaders of the local Afro -American community organized a bus boycott that began the day (**same Monday, every week**) Parks was convicted of violating the segregation laws. Led by a young Rev. **Dr. Martin Luther King Jr.**, the boycott lasted more than a year—during which Parks not coincidentally lost her job—and ended only when the U.S. Supreme Court ruled that bus segregation

was unconstitutional. Over the next half-century, Parks became a nationally recognized symbol of dignity and strength in the struggle to end entrenched racial segregation.

Children are the foundation of any nation. When girls get married early, they lose many privileges like childhood happiness, availing education and a healthy life. The society in turn gets affected by child marriage. Thus child marriage should be avoided at any cost.

7. **Kailash Satyarthi** is a Nobel Peace Prize recipient and the founder of **Bachpan Bachao Andolan**, and many other child rights organisations. More than **86,000** children in India have been liberated by him and his team members from child labour, slavery and trafficking. An **80,000 km** long Global March against Child Labour was led by **Kailash in 1998** which turned the world's attention towards the issue of Child labour.

8. Child Rights in the Indian Constitution

- Article 24 – No child below the age of 14 must be employed in hazardous employment.
- Article 45 – Free and compulsory education for all children until they attain the age of 14 years.

9. 1098

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

10. 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.

11. The **Kavalan SOS App** is launched by the Government of Tamil Nadu for public use during emergencies. Anyone in a critical situation, not only women, can easily and directly access the State Police Control Room using this App.

12. **Malala - Nobel Peace prize laureate says** "I loved school. But everything changed when the fundamentalist took control of our town in Swat Valley. They said girls could no longer go to school. I spoke out publicly on behalf of girls and our right to learn. And this made me a target. In October 2012, on my way home from school, a masked gunman boarded my school bus and asked, **"Who is Malala?"** He shot me on the left side of my head. I woke up 10 days later in a hospital in Birmingham, England. After months of surgeries and rehabilitation, I joined my family in our new home in the U.K. I determined to continue my fight until every girl could go to school. Every day I fight to ensure all girls **receive 12 years of free, safe, quality education. With more than 130 million girls out of school today**, there is more work to be done. I hope you will join my fight for education and equality. Together, we can create a world where all girls can learn and lead. If you were Malala, what would you have done? Is Malala's fight necessary? Are girl children treated and given education equally?

13. **The Right of children To free and compulsory Education (RTE) Act, 2009**, means that every child has a right to formal Elementary Education. This right of children provides free and compulsory education till the completion of elementary education in a neighbourhood school. The child need not pay any kind of fee for completing elementary education.

14. **Maintenance and welfare of parents and Senior Citizens Act, 2007** is a legislation passed in 2007 by the Government of India. This Act is a legal obligation for children and heirs to provide maintenance to senior citizens and parents.

15. **WRIT** is a written order from the court or other legal authority ordering to do an act or not to do it.

16. End of Apartheid

Apartheid was the highest form of discrimination that existed in **South Africa**. Places of residence were determined by racial classification. It was the governing policy in the country by the minority whites over the majority non-whites. The people of South Africa protested against racial discrimination. Nelson Mandela raised his voice against apartheid. When he organised defiant campaigns against the government, he was imprisoned. Amid growing domestic and international pressure and with the fear of a racial civil war, **President F. W. de Klerk released him in 1990**. The efforts taken by Mandela and de Klerk put an end to apartheid. In **1994**, a multiracial general election was held, in which Mandela led the African National Congress to victory and became President.