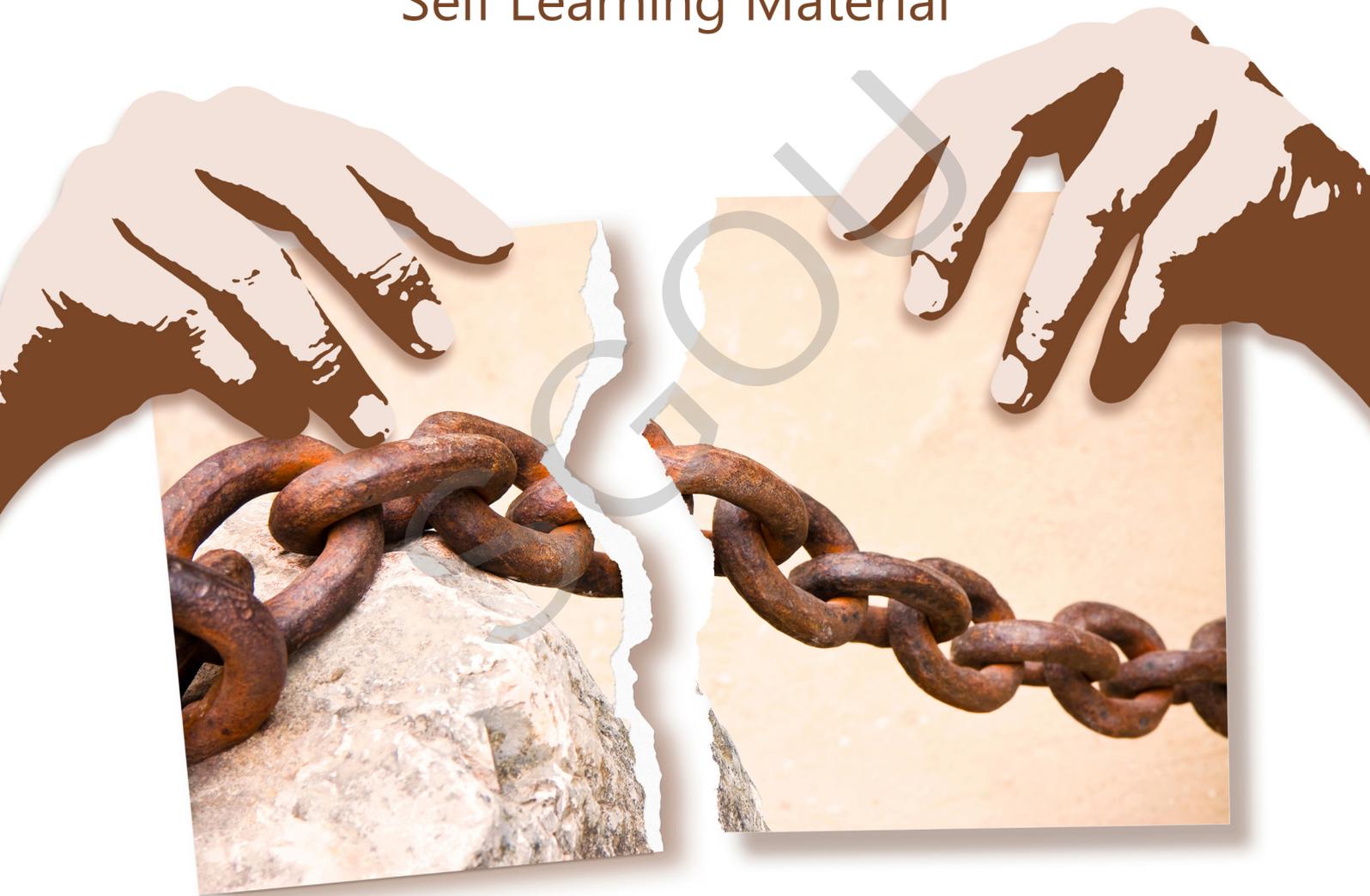


HUMAN RIGHTS

COURSE CODE: M23PS01DE

Postgraduate Programme in Political Science
Discipline Specific Elective Course
Self Learning Material



SREENARAYANAGURU
OPEN UNIVERSITY

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The State University for Education, Training and Research in Blended Format, Kerala

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Course Code: M23PS01DE
Semester - III

Discipline Specific Elective Course
Postgraduate Programme in Political Science
Self Learning Material
(With Model Question Paper Sets)



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HUMAN RIGHTS

Course Code: M23PS01DE

Semester- III

Discipline Specific Elective Course
Postgraduate Programme in Political Science

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Regards,
Dr. Jagathy Raj V.P.

01-10-2025

Contents

Block 01	An Introduction to Human Rights	1
Unit 1	Human Rights: Nature and Scope	2
Unit 2	Evolution of Human Rights	18
Unit 3	Types of Human Rights	46
Block 02	Approaches to Human Right	60
Unit 1	Western and Liberal	61
Unit 2	Socialist and Third World	76
Unit 3	Feminist and Black Rights	91
Block 03	Human Rights at Global Level	110
Unit 1	United Nations & UDHR	111
Unit 2	International Covenants	126
Unit 3	Amnesty International and Human Rights Watch	141
Block 04	Human Rights in India	151
Unit 1	Fundamental Rights and Directive Principles	152
Unit 2	National and State Human Rights Commission	173
Unit 3	Human Rights of Women, Children, SCs and STs, Minorities (Sexual and Cultural) and Disabled	189

BLOCK 1

An Introduction to Human Rights



UNIT 1

Human Rights: Nature and Scope

Learning Outcomes

Upon completion of studying this unit, learners will be able to:

- ▶ Define human rights and explain their fundamental nature as inherent, inalienable, and universal.
- ▶ Identify the various dimensions of human rights, including civil and political rights, economic and social rights, and collective rights.
- ▶ Identify the moral imperative and foundational belief in human dignity from which the concept of human rights stems.
- ▶ Recognise the role of human rights in safeguarding individuals from oppression, discrimination, and injustice, and their function as a safeguard against arbitrary power in modern societies.
- ▶ Explain the dynamic nature of human rights and the ongoing process of their evolution, requiring continuous advocacy, legal reforms, and international cooperation.

Background

Human rights form the bedrock of human dignity, freedom, and equality, serving as the essential foundation for just and fair societies globally. These inherent rights transcend national, cultural, and ideological boundaries, ensuring that every individual, irrespective of their background, is entitled to fundamental freedoms that protect their dignity and well-being. Rooted in the intrinsic worth of every person, human rights are crucial for safeguarding individuals from oppression, discrimination, and injustice, encompassing civil, political, economic, social, and cultural dimensions, along-

side emerging rights like digital privacy and environmental justice. They provide a vital legal and ethical framework within modern societies, upholding democratic values, the rule of law, and social justice, and act as a powerful instrument for addressing historical injustices, fostering inclusivity, and promoting global peace and stability. Despite broad recognition, significant challenges persist in their realisation and enforcement, including political repression, economic inequality, armed conflicts, and systemic discrimination. The evolution of human rights is a continuous process that demands ongoing advocacy, legal reforms, and international cooperation, with governments, civil society, and international organisations all playing critical roles in their advancement. Education and awareness are equally vital in nurturing a culture of human rights, empowering individuals to confront injustices and demand accountability.

Keywords

Human Dignity, Inalienable Rights, Universal Rights, Civil and Political Rights, Economic, Social, and Cultural Rights, Rule of Law, Justice, Equality, Enforcement Mechanisms, International Cooperation

Discussion

1.1.1. Human Rights

Human rights are the foundation of human dignity, freedom, and equality, forming the basis of just and fair societies. These rights, inherent to every individual, exceed national, cultural, and ideological boundaries. They ensure that all people, regardless of race, gender, nationality, or socioeconomic status, are entitled to fundamental freedoms that protect their dignity and well-being. Human rights are enshrined in legal frameworks at national, regional, and international levels, providing mechanisms for their protection and enforcement.

► Human Rights

The recognition of human rights is not merely a legal obligation but a moral imperative. The concept of human rights stems from the fundamental belief in human dignity and the intrinsic worth of every person. These rights are essential in safeguarding individuals from oppression, discrimination, and

► Moral Imperative

injustice. They encompass various dimensions, including civil and political rights, economic and social rights, and emerging rights relevant to contemporary global challenges such as digital privacy and environmental justice. Their indivisibility and interdependence mean that no right can be fully realised in isolation; all rights contribute to the overall development and well-being of individuals and communities.

► Safeguarding Democracy

In modern societies, human rights function as a safeguard against arbitrary power and ensure accountability in governance. They provide a legal and ethical framework that upholds democratic values, the rule of law, and social justice. From freedom of speech and the right to a fair trial to access to education and healthcare, human rights define the essential conditions necessary for individuals to lead fulfilling lives. They also serve as a powerful tool for addressing historical injustices, promoting inclusivity, and fostering peace and stability on a global scale.

► Contemporary Challenges

Despite the broad recognition of human rights, challenges persist in their realisation and enforcement. Political repression, economic inequality, armed conflicts, and systemic discrimination continue to hinder the full enjoyment of human rights for millions worldwide. Technological advancements bring new dimensions to human rights discourse, raising concerns about digital surveillance, misinformation, and the ethical implications of artificial intelligence. Climate change and environmental degradation also pose significant threats to fundamental rights, particularly for vulnerable communities.

► Ongoing Evolution

The evolution of human rights is an ongoing process, requiring continuous advocacy, legal reforms, and international cooperation. Governments, civil society, and international organisations play a crucial role in upholding and advancing human rights protections. Education and awareness are vital in fostering a culture of human rights, empowering individuals to stand against injustices and demand accountability.

► Future Directions

This document explores the nature and scope of human rights, analysing their fundamental characteristics, legal foundations, and the mechanisms that ensure their protection. It also examines contemporary challenges and future directions in human rights advocacy. As the world continues to evolve, the commitment to upholding human rights remains essential in building inclusive, just, and sustainable societies.

Human rights are fundamental and universally recognised

► Universal Principles

principles. These rights are inalienable and indivisible, regarded as inherent to all human beings. The American Declaration of Independence (1776) and the French Revolution (1789) both underpin this fundamental premise. Every individual is entitled to life, liberty, and personal security, with legal protections in place to safeguard these rights.

► Natural Rights

Humans are inherently endowed with certain rights, existing independently of societal acknowledgment. Some of these are perpetual in nature and are commonly referred to as “natural rights”. Such rights are not bestowed by any authority, which is why they are termed natural rights.

► Fundamental Rights

1.1.2. Definition of Human Rights

Human rights are rights that are essential for the development of human personality. These rights aim to provide natural justice for those who are deprived of it for various reasons. In a sense, human rights are those minimal rights which every individual must have against the state or other public authority by virtue of their being a ‘**member of the human family**’, irrespective of any consideration. The **Universal Declaration of Human Rights (UDHR) 1948** defines human rights as ‘**rights derived from the inherent dignity of the human person**’. Human rights, which are guaranteed by a written constitution, are the fundamental law of the state.

1.1.3. Nature of Human Rights

1. **Human Rights are Fundamental.** They are considered natural to all human beings. In the absence of human rights, society would be in a deplorable state.
2. **Human Rights are Inalienable.** These rights are conferred on an individual due to the very nature of their existence. They are inherent in all individuals irrespective of their caste, creed, religion, sex, and nationality. Human rights are conferred upon an individual even after their death. They cannot be rightfully taken away.
3. **Human Rights are Essential and Necessary.** In the absence of human rights, no individual can develop their moral, spiritual, physical, and intellectual personalities. They also provide suitable conditions for the material and moral upliftment of individuals.

4. **Human Rights are Irrevocable.** They are available against states and cannot be taken away by any power or authority because these rights originate from the social nature of man in the society of human beings. They belong to a person simply because they are a human being.
5. **Human Rights are Necessary for the Fulfilment of the Purpose of Life.** Human life has a purpose. The term 'human right' is applied to those conditions which are essential for the fulfilment of this purpose.
6. **Human Rights are Universal.** These rights are not a monopoly of any privileged class of people. These rights are universal in nature, without consideration and without exception. They are available to all people equally, without taking into account varied differences.
7. **Human Rights are Not Absolute.** The state can impose certain conditions for their enjoyment. Each right has its limitations which are imperative for public health, order, and morality. These rights are not unbridled; however, these limitations are just, fair, and reasonable.
8. **Human Rights are Dynamic.** Human Rights are not static; they are dynamic. They continue to expand alongside social, economic, cultural, and political developments within the state. Judges must interpret laws in a manner that aligns with the evolving social values.
9. **Human Rights are limits to state power.** This implies that every individual has claims upon their society for certain freedoms and benefits. Thus, human rights limit the state's power. These may take the form of negative restrictions or positive obligations on the state.
10. **Human Rights are interdependent.** These rights are interdependent on other rights.

1.1.4. Scope of Human Rights

The scope of Human Rights can be broadly classified into:

1. **Civil and Political Rights:** These rights protect individuals from state interference and ensure their political participation. Examples include the right to life and liberty, freedom of expression, freedom of religion, the right to a fair trial, the right to vote, and participation in the political process of the state.

► Rights Scope

- 2. Economic, Social, and Cultural Rights:** These rights enable individuals to participate fully in society and enjoy a decent standard of living. Examples are the right to work, the right to education, the right to health, the right to social security, and housing.
- 3. Specific Groups:** Human Rights also encompass the rights of specific groups, such as women, children, minorities, refugees, and people with disabilities.
- 4. Collective Rights:** These include the right to self-determination, development, and a healthy environment.

1.1.4.1 Scope of Protection

The scope of Human Rights refers to the range of activities and situations where these rights apply. It also defines the boundaries of rights and what limitations are permissible.

► Protection Scope

- 1. Human Rights Education:** Human Rights Education is crucial for empowering individuals to understand and claim their rights, as well as to respect the rights of others.
- 2. Protection and Enforcement:** International and national laws and institutions play a vital role in protecting and enforcing human rights. The Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948, is a fundamental document in this regard.

Thus, the scope of Human Rights is not static and continues to evolve to address new challenges and emerging issues.

1.1.5. Examples of Human Rights:

- 1. Right to Life:** Every individual has the right to live with human dignity. No one can be arbitrarily deprived of their life.
- 2. Freedom of Expression:** Individuals have the right to express their opinions and beliefs without interference.
- 3. Freedom from Torture:** No one should be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.
- 4. The Right to Education:** Every individual has the right to access education and develop their full potential.

► Rights Examples



5. **The Right to Health:** Individuals have the right to the highest attainable standard of physical and mental health.
6. **The Right to Equality.**
7. **The Right to Peaceful Assembly and Association.**
8. **The Right to an Adequate Living Standard.**
9. **Freedom of Belief and Religion.**
10. **Freedom of Opinion and Information.**

Human beings can develop all their mental, physical, and spiritual qualities only if they are entitled to certain rights and privileges. The questions to be considered in this direction are:

► Rights Importance

1. What specific social conditions are referred to as Human Rights?
2. Can a person lead a good life without these rights?

1.1.6. Legal Frameworks and Enforcement

Legal frameworks and enforcement mechanisms are essential for maintaining order, ensuring justice, and protecting the rights of individuals and organisations. A legal framework consists of laws, regulations, and guidelines that govern behaviour within a society, while enforcement mechanisms ensure compliance with these laws. This document explores the key components of legal frameworks, the role of enforcement bodies, and the challenges in legal enforcement.

► Legal Frameworks

1.1.6.1 Components of a Legal Framework

A comprehensive legal framework includes:

1. **Constitutional Law** – The foundational legal principles that define the structure of government, individual rights, and the rule of law.
2. **Statutory Law** – Laws enacted by legislative bodies such as parliaments or congresses that address specific legal issues.
3. **Regulatory Law** – Rules created by governmental agencies to ensure compliance with statutes and oversee specific sectors such as finance, healthcare, and envi-

► Legal Components

ronmental protection.

4. **Case Law (Judicial Precedent)** – Legal principles established through court decisions that serve as references for future cases.
5. **International Law** – Treaties, conventions, and agreements that govern relations between nations and influence domestic legal systems.

1.1.7. Enforcement Mechanisms

Enforcement ensures that laws are followed and violators are held accountable. Key enforcement bodies include:

1. **Law Enforcement Agencies** – Police forces, federal investigative agencies, and specialised units responsible for crime prevention, investigation, and public safety.
2. **Judiciary** – Courts at various levels (local, national, and international) that interpret laws and administer justice through legal proceedings.
3. **Regulatory Authorities** – Agencies that oversee compliance in specific industries, such as securities commissions, consumer protection bodies, and environmental agencies.
4. **Correctional Institutions** – Prisons and rehabilitation centres that manage convicted individuals and enforce judicial sentences.
5. **Alternative Dispute Resolution (ADR)** – Mechanisms such as arbitration and mediation that provide non-litigation means to resolve conflicts.

► Enforcement Bodies

1.1.8. Challenges in Legal Enforcement

Despite robust legal frameworks, enforcement faces several challenges:

1. **Corruption and Abuse of Power** – Corrupt practices within law enforcement and judicial bodies undermine the rule of law.
2. **Resource Constraints** – Limited financial and human resources hinder effective policing and judicial processes.

► Enforcement Challenges



3. **Jurisdictional Conflicts** – Overlapping or unclear jurisdiction among legal bodies can lead to enforcement inefficiencies.
4. **Technological Advancements** – Rapid technological developments create new legal issues, such as cyber-crime and data privacy, which require updated laws and enforcement methods.
5. **International Enforcement Difficulties** – Cross-border crimes, such as human trafficking and financial fraud, require international cooperation, which is often challenging.

1.1.9. Challenges and Violations of Human Rights

The Future of Human Rights

Human rights have long been the foundation of democratic societies, ensuring dignity, freedom, and equality for all individuals. Over the decades, the global landscape of human rights has evolved, influenced by political, economic, and technological developments. As the world continues to change, the future of human rights will be shaped by emerging challenges and opportunities. This paper explores the key trends, potential threats, and strategies for strengthening human rights in the coming years.

► Future Prospects

1.1.9.1 Emerging Trends in Human Rights

1. **Technological Advancements and Digital Rights:** The rise of artificial intelligence (AI), big data, and surveillance technologies has created both opportunities and challenges for human rights. While technology can be used to promote freedom of expression, access to information, and online activism, it also poses significant threats, such as mass surveillance, misinformation, and the digital divide. Ensuring that human rights keep pace with technological progress will require the development of international regulations that prioritise digital privacy and data protection.
2. **Climate Change and Environmental Rights:** Climate change is increasingly recognised as a human rights issue, as it disproportionately affects vulnerable populations. Rising sea levels, extreme weather events, and

► Emerging issues

environmental degradation threaten access to clean water, food, and shelter. The future of human rights will depend on the global community's commitment to addressing climate justice, ensuring that policies focus on protecting the most affected communities and holding corporations accountable for environmental harm.

- 3. Expanding LGBTQ+ and Gender Rights.** While significant progress has been made in advancing LGBTQ+ and gender rights, challenges remain, particularly in regions where discrimination and violence persist. The future will likely see continued efforts to secure equal legal protections, increase representation, and challenge cultural and institutional barriers. Advocacy for gender equality, reproductive rights, and protections against gender-based violence will remain critical components of the human rights movement.

Refugee and Migration Rights Global conflicts, economic instability, and climate change are driving large-scale displacement, leading to a rise in refugees and migrants. The future of human rights will depend on how governments and international organisations address migration policies, combat xenophobia, and ensure that displaced populations receive legal protections, humanitarian aid, and pathways to citizenship.

► Migration Rights

1.1.9.2 Potential Threats to Human Rights

- 1. Authoritarianism and Political Repression** The rise of authoritarian regimes threatens fundamental freedoms such as freedom of speech, assembly, and the press. Governments in various regions continue to suppress dissent through censorship, imprisonment of activists, and media control. The global human rights community must remain vigilant and support grassroots movements advocating for democracy and transparency.
- 2. Erosion of Multilateral Institutions.** Institutions such as the United Nations (UN) and the International Criminal Court (ICC) play vital roles in enforcing human rights standards. However, geopolitical tensions and declining support for multilateralism pose a risk to their effectiveness. Strengthening these institutions and fostering international cooperation will be essential for upholding global human rights standards.

► Human Rights
Threats



- 3. Economic Inequality and Exploitation** Economic disparities continue to deepen, leading to the exploitation of vulnerable workers, child labour, and limited access to basic resources. The future of human rights will require stronger labour protections, fair wages, and corporate accountability to ensure that economic growth benefits all individuals, not just the privileged few.

1.1.10. Strategies for Strengthening Human Rights

Human rights are fundamental to the dignity and well-being of individuals worldwide. Despite significant progress, challenges such as discrimination, political repression, economic inequality, and conflict continue to undermine human rights. Strengthening these rights requires a multi-faceted approach involving legal frameworks, institutional reforms, education, and international cooperation. This paper explores key strategies for reinforcing human rights globally.

► Rights Strategies

Strengthening Legal Frameworks

- A robust legal system is the foundation of human rights protection. Governments should:
- Ratify and implement international human rights treaties, such as the Universal Declaration of Human Rights and regional conventions.
- Strengthen national legal frameworks by enacting and enforcing laws that protect vulnerable populations.
- Ensure independent judicial systems to provide fair trials and protect individuals from state overreach.
- Criminalise human rights violations, including torture, human trafficking, and discrimination.

► Legal Strengthening

1.1.11. Institutional Reforms and Good Governance

Strong institutions are essential for the effective implementation of human rights. Governments and civil society should:

- Establish independent human rights commissions to investigate abuses and recommend corrective actions.
- Promote transparency and accountability in governance to prevent corruption and abuse of power.

► Institutional Support

- Strengthen law enforcement agencies with proper human rights training and oversight mechanisms.
- Encourage civic participation and protect journalists, whistleblowers, and activists from persecution.

1.1.12. Human Rights Education and Awareness

Education plays a vital role in fostering a culture of respect for human rights. Governments, schools, and organisations should:

- Incorporate human rights education into school curricula to create awareness from an early age.
- Organise public awareness campaigns on issues such as gender equality, racial justice, and freedom of speech.
- Train government officials, law enforcement, and military personnel on human rights standards and responsibilities.
- Support grassroots organisations working to educate marginalised communities about their rights.



1.1.13. Economic and Social Empowerment

Addressing economic disparities is crucial for human rights advancement. Strategies include:

- Implementing policies that promote economic inclusion, fair wages, and decent working conditions.
- Strengthening social safety nets, including healthcare, education, and housing for disadvantaged populations.
- Encouraging businesses to adopt corporate social responsibility (CSR) programmes that respect human rights.
- Supporting initiatives that empower women, indigenous communities, and other marginalised groups through economic opportunities.



1.1.14. International Cooperation and Advocacy

Human rights are a global concern, and international collaboration is essential. Steps to enhance cooperation include:

► Global Cooperation

- Strengthening the role of international organisations like the United Nations, the International Criminal Court, and regional human rights bodies.
- Encouraging countries to impose diplomatic and economic pressure on regimes that violate human rights.
- Promoting cross-border initiatives that address global challenges such as refugee protection and climate change.

► Human Rights Future

Enhancing collaboration between governments, NGOs, and private entities to develop sustainable solutions for human rights challenges. Human rights are the cornerstone of justice, peace, and dignity in society. While significant progress has been made in recognising and enforcing these rights, challenges remain. Ongoing efforts from governments, international organisations, and individuals are crucial for ensuring that human rights are upheld universally. As new threats and opportunities arise, adapting and expanding human rights protections will be vital for the future of humanity.

Summarized Overview

"An Introduction to Human Rights" delves into the foundational principles that underscore human dignity, freedom, and equality, serving as the bedrock for just and fair societies across the globe. These rights are presented as inherent, inalienable, and universal, meaning they apply to every individual regardless of their background, culture, or geographic location. The unit emphasises that human rights are not merely abstract concepts but are vital safeguards against oppression, discrimination, and injustice. It explores the diverse dimensions of human rights, encompassing the traditional categories of civil and political rights (like freedom of speech and the right to vote), economic and social rights (such as the right to education and healthcare), and collective rights.

Furthermore, the overview highlights the moral imperative and the foundational belief in human dignity from which the entire concept of human rights springs. It details how these rights function as a crucial legal and ethical framework within modern societies, upholding democratic values, promoting the rule of law, and fostering social justice. Human rights are also presented as a powerful tool for addressing historical injustices, encouraging inclusivity, and contributing to global peace and stability. Despite their widespread recognition, the unit acknowledges that significant challenges persist in the full realisation and enforcement of human rights worldwide, including issues like

political repression, economic inequality, armed conflicts, and systemic discrimination. Therefore, the unit concludes by stressing that the evolution of human rights is an ongoing and dynamic process that necessitates continuous advocacy, legal reforms, and robust international cooperation among governments, civil society organisations, and international bodies. Education and awareness are also underscored as critical components in cultivating a global culture of human rights, empowering individuals to challenge injustices and demand accountability.

Self-Assessment Questions

1. What are human rights? Explain the meaning of the terms *inherent*, *inalienable*, and *universal* in relation to human rights.
2. How are civil and political rights different from economic, social, and cultural rights? Give two examples of each.
3. Why is human dignity considered the foundational moral principle of human rights?
4. In what ways do human rights protect individuals from oppression, discrimination, and arbitrary power?
5. List and briefly explain any three essential characteristics of human rights.
6. What is meant by the interdependence and indivisibility of human rights?
7. Define collective rights and provide examples. How do they differ from individual rights?
8. Why is the evolution of human rights considered a dynamic process?
9. Identify and explain three major challenges to the full realisation and enforcement of human rights.
10. Choose any two keywords related to human rights (e.g., Justice, Rule of Law, Equality) and explain their significance.

Assignments

1. Define human rights, explaining their inherent, inalienable, and universal characteristics. Provide examples to illustrate each characteristic.
2. Differentiate between civil and political rights and economic, social, and cultural rights. Give at least two examples for each category and explain why this distinction is important.
3. Discuss how the concept of human dignity serves as the foundational moral imperative for the existence and recognition of human rights.
4. Analyse the role of human rights in safeguarding individuals from oppression, discrimination, and injustice. How do they act as a safeguard against arbitrary power in modern societies?
5. Explain why the evolution of human rights is considered a dynamic process. What factors contribute to this ongoing evolution, and why is continuous advocacy essential?
6. Identify and explain at least three significant challenges to the full realisation and enforcement of human rights globally, as mentioned in the unit's background.
7. How do human rights contribute to upholding democratic values and the rule of law within a society? Provide specific examples.
8. Elaborate on the importance of international cooperation in the advancement and protection of human rights. What roles do governments, civil society, and international organisations play?

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Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.



UNIT 2

Evolution of Human Rights

Learning Outcomes

Upon completion of studying this unit, learners will be able to:

- ▶ Define hu Trace the historical roots and development of human rights from ancient to modern times.
- ▶ Explain the influence of classical, medieval, and Enlightenment thinkers on human rights philosophy.
- ▶ Analyse the impact of revolutionary movements on the political framing of human rights.
- ▶ Identify the significance of 20th-century global developments in institutionalising human rights.
- ▶ Evaluate how evolving global challenges shaped different "generations" of human rights.

Background

The evolution of human rights is a complex and transformative journey that spans ancient civilisations to contemporary global frameworks. While the modern concept of human rights is relatively recent, its philosophical roots are deeply embedded in ancient codes, classical ideas of justice, and religious doctrines. Early civilisations like Mesopotamia, Egypt, India, China, and Greece introduced the notions of moral responsibility, social order, and dignity. Medieval political thought, especially Christian and Islamic perspectives, emphasised divine justice and the inherent worth of individuals. The Enlightenment period marked a major turning point by introducing natural rights and social contract theory, advocated by thinkers like Locke, Rousseau, and Hobbes. These ideas significantly influenced political revolutions, leading to landmark declara-

tions such as the English Bill of Rights, the American Declaration of Independence, and the French Declaration of the Rights of Man. The 19th century saw a growing emphasis on civil liberties, the abolition of slavery, and women's political movements. The horrors of two World Wars catalysed the creation of global institutions like the United Nations, leading to the Universal Declaration of Human Rights in 1948. The evolution continued with the development of legally binding treaties and the recognition of new rights addressing emerging global challenges. Today, human rights are categorised into generations—from civil-political and socio-economic rights to collective and digital rights—each responding to the changing needs of humanity. This dynamic evolution reflects humanity's ongoing struggle for dignity, justice, equality, and global solidarity.

Keywords

Natural Rights, Social Contract, Enlightenment, Magna Carta, UDHR, Civil Liberties, Political Rights, Abolition, Collective Rights, Digital Rights

Discussion

1.2.1. Ancient and Classical Foundations

The concept of human rights, as recognised today, has evolved over centuries; it is a relatively modern development. However, its roots lie deep in ancient and classical civilisations, where early notions of human dignity, justice, and legal protection were formed. These early ideas laid the groundwork for the universal human rights frameworks that would emerge much later.

► Historical Origins

1.2.1.1 Human Dignity in Early Civilisations

Human dignity, the intrinsic worth of individuals, was acknowledged in various forms by the earliest civilisations. In Mesopotamia, the **Code of Hammurabi** (circa 1754 BCE) was among the first attempts to formalise justice through a written legal code. Though hierarchical and class-based, it recognised the need for laws that protected individuals from



arbitrary actions, offering a primitive notion of legal protection and accountability.

▶ Ma'at Principle

In ancient Egypt, the concept of **Ma'at** represented truth, balance, and justice, and was considered essential for maintaining societal harmony. Pharaohs were seen as guardians of this cosmic order, suggesting an early recognition of moral responsibility toward the governed.

▶ Ethical Governance

Similarly, in ancient India, texts such as the **Dharmaśāstra** emphasised duties, ethical conduct, and social responsibility, underscoring respect for life, compassion, and justice. In **Confucian China**, moral governance and the ruler's obligation to serve the well-being of the people reflected an early sense of human dignity grounded in ethical relationships.

1.2.2. Greek Democracy

▶ Greek Democracy

The political philosophy of ancient Greece, particularly in Athens, introduced the revolutionary idea of **democracy**, where free male citizens had the right to participate in governance. Though exclusionary by today's standards, Athenian democracy embodied the principle that citizens should have a say in laws and decisions affecting their lives. Thinkers like **Socrates, Plato, and Aristotle** debated the nature of justice, virtue, and the ideal society, helping to shape enduring ideas about political participation and civic duty.

▶ Isonomia Principle

Athenian democracy also emphasised **isonomia**, or equality before the law, reflecting an early aspiration toward legal fairness and political equality, key pillars of modern human rights thought.

1.2.3. Roman Law

▶ Roman Law

The Roman contribution to the evolution of human rights is most evident in its legal legacy. The **Roman Republic** and later the **Empire** developed a complex legal system that influenced Western legal traditions for centuries. The **Twelve Tables** (451–450 BCE), Rome's earliest codification of law, promoted transparency and legal predictability.

▶ Natural Law

Roman jurists introduced the idea of **natural law (ius naturale)**—the belief that certain rights are inherent and universally recognisable through human reason. This concept would later profoundly influence Enlightenment thinkers and the development of international human rights norms.

► Citizenship Rights

► Classical Foundations

► Medieval Developments

► Medieval Natural Law

► Aquinas Philosophy

Additionally, **Roman citizenship** granted individuals certain legal protections and rights, such as the right to a fair trial. While not universal, this institutional recognition of legal status and personal rights was a significant advance in the conceptual history of rights.

The ancient and classical foundations of human rights reveal a gradual evolution from hierarchical, duty-based systems toward the recognition of individual dignity, legal equality, and participatory governance. Though limited and imperfect by today's standards, early civilisations, Greek democracy, and Roman law each contributed essential building blocks to the modern human rights tradition. These legacies continue to inform contemporary debates about justice, law, and human dignity.

1.2.4. Medieval Political Thought

The medieval period, often mischaracterised as intellectually stagnant, was in fact a rich era of philosophical and theological development that played a crucial role in the evolution of human rights. Thinkers of this time built upon ancient traditions, especially classical natural law theory, and introduced new religious and moral dimensions to the concept of human dignity and justice. The fusion of theology, philosophy, and law during this period laid an enduring foundation for the later emergence of modern rights discourse.

1.2.4.1 Natural Law and Moral Order

The medieval understanding of **natural law** was deeply influenced by classical thinkers such as Aristotle and Cicero, but it was most significantly developed by **Christian theologians**, especially **St. Augustine** and **St. Thomas Aquinas**. Natural law was conceived as a universal moral order, rooted in reason and accessible to all humans. According to this view, human beings possess an innate understanding of right and wrong—a law “written in the heart,” as the Apostle Paul described in his Epistle to the Romans.

St. Thomas Aquinas (1225–1274), in his *Summa Theologica*, articulated a synthesis of Aristotelian philosophy and Christian theology. For Aquinas, natural law was part of a divine cosmic order, derived from **eternal law** (God's reason). Human laws, he argued, must be grounded in natural law to

be just. This idea—that law must reflect moral truth—would later become a cornerstone in the development of human rights theory, particularly the notion that unjust laws lack legitimate authority.

► Law and Justice

Natural law provided a framework for evaluating the justice of laws and the legitimacy of rulers. This was particularly important in an age when divine right and absolute monarchy were emerging. Medieval thinkers began to emphasise that rulers were bound by a higher moral order, and that tyrannical authority could be resisted.

1.2.4.2 Religious Influence on Rights

► Religious Influence

Religion was central to medieval conceptions of justice, dignity, and the human condition. Both **Christianity** and **Islam**, as dominant faith traditions, contributed significantly to the moral foundations of human rights.

1.2.4.3. Christianity

► Christian Ethics

Christian thought, particularly through the teachings of the Church Fathers and medieval theologians, emphasised the **inherent dignity of the human being** as created in the image of God (*imago Dei*). This theological anthropology underscored the sanctity of life and the moral worth of every individual. Christian teachings promoted ideals of **charity, justice, and the moral responsibility** of rulers to protect the weak and uphold the common good.

► Magna Carta

Documents such as the **Magna Carta** (1215) in England, though primarily a political settlement between King John and the barons, reflected an emerging idea that even kings were subject to the law and that certain rights and liberties (such as protection from unlawful imprisonment) must be respected. The Church played a role in mediating this legal framework, supporting the idea that secular power should be limited by moral and legal constraints.

1.2.4.4. Islam

Islamic political and legal thought also made profound contributions to early notions of rights and justice. The **Quran** and **Hadith** (sayings of the Prophet Muhammad) emphasise principles of **justice** (*‘adl*), **consultation** (*shura*), and the protec-

► Islamic Thought

tion of individual and communal rights. Early Islamic jurists developed sophisticated theories of law (*shari'a*) that included protections for life, property, family, and religion.

► Maqasid al-Shari'a

The **Maqasid al-Shari'a** (objectives of Islamic law) were developed by scholars such as **Al-Ghazali** and later **Al-Shatibi** to articulate the fundamental purposes of law—preservation of religion, life, intellect, lineage, and property. These concepts aimed to safeguard essential human interests and can be viewed as precursors to modern formulations of basic human rights.

► Dhimmi Rights

Furthermore, the **Pact of Umar** and other legal instruments acknowledged the rights of non-Muslims (dhimmis) within Islamic empires, establishing early forms of pluralism and legal protection, albeit within a hierarchical framework.

► Medieval Legacy

Medieval political thought contributed deeply to the evolution of human rights by linking law to moral and divine order. The idea of **natural law** as a universal standard of justice, and the belief in the **moral dignity of the human being** derived from religious teachings, laid the groundwork for the modern concept of rights that transcend temporal authority. While medieval notions of rights were often limited by hierarchy and exclusivity, they nonetheless provided essential philosophical and theological foundations for the later secular and universal theories of human rights.

1.2.5. The Enlightenment and Liberal Thought

► Enlightenment Era

The Enlightenment era of the 17th and 18th centuries marked a decisive turning point in the evolution of human rights. Building on earlier religious and philosophical traditions, Enlightenment thinkers introduced a new, rationalist framework for understanding politics, society, and the individual. Central to this intellectual revolution were the concepts of **natural rights**, **social contract theory**, and **individual liberty**, which collectively laid the foundation for the modern doctrine of universal human rights.

1.2.6. Natural Rights and the Social Contract

► Natural Rights

The Enlightenment popularised the belief that all individuals possess **natural rights**—inherent, inalienable entitlements not granted by governments or rulers but derived from human nature and reason. These rights, typically including **life**, **liber-**

ty, and property, were considered universal and self-evident.

The idea of a **social contract** provided a rational justification for political authority and the legitimacy of government. According to this theory, individuals voluntarily consent to form a political community and establish a government to protect their natural rights. The legitimacy of the state, therefore, rests not on divine right or tradition, but on its capacity to uphold justice and safeguard individual freedoms.

► Social Contract

This shift from a hierarchical, theologically grounded order to a rational, secular, and contract-based society was revolutionary, particularly in its implications for individual dignity, political equality, and resistance to tyranny.

► Secular Shift

1.2.7. Thinkers: Hobbes, Locke, Rousseau

1.2.7.1 Thomas Hobbes (1588–1679)

In his work *Leviathan* (1651), **Hobbes** argued that in the state of nature—without government—human life would be “solitary, poor, nasty, brutish, and short.” To escape this anarchy, individuals entered into a social contract, surrendering certain freedoms to an absolute sovereign in exchange for security and order. While Hobbes emphasised authority over liberty, he contributed to the evolution of rights by introducing the idea of contract-based governance and the need for state legitimacy.

► Hobbes Theory

1.2.7.2 John Locke (1632–1704)

Locke, often regarded as the father of classical liberalism, offered a more optimistic vision in his *Two Treatises of Government* (1689). He asserted that individuals are born with **natural rights to life, liberty, and property**, and that governments exist primarily to protect these rights. If a government fails in this duty or becomes tyrannical, citizens have the right to revolt. Locke’s ideas strongly influenced the American and French revolutions and became central to modern liberal democratic thought.

► Locke Philosophy

1.2.7.3 Jean-Jacques Rousseau (1712–1778)

Rousseau, in his seminal work *The Social Contract* (1762), introduced the concept of the **general will**—the collective will

► Rousseau Ideas

of the people aimed at the common good. He believed in popular sovereignty and direct participation in democratic life. While his model emphasised community and collective rights, Rousseau's insistence on freedom, equality, and participatory governance deeply shaped modern understandings of political and civic rights.

1.2.8. Birth of Modern Individual Rights

The Enlightenment's intellectual advances culminated in the **birth of modern individual rights**, particularly through revolutionary political documents:

► Modern Rights

- The **U.S. Declaration of Independence** (1776) proclaimed that “all men are created equal” and endowed with “unalienable Rights” to “Life, Liberty and the pursuit of Happiness.”
- The **French Declaration of the Rights of Man and of the Citizen** (1789) enshrined liberty, property, security, and resistance to oppression as universal rights.

► Rights Institutionalised

These declarations institutionalised Enlightenment ideals, affirming that governments derive their legitimacy from the consent of the governed and must uphold fundamental human freedoms. For the first time in history, rights were formally recognised as **universal, equal, and inherent**, applicable to all citizens regardless of status.

► Enlightenment Legacy

The Enlightenment and liberal political thought transformed the evolution of human rights from abstract moral ideals into practical political principles. By advocating for natural rights, rational governance, and the social contract, thinkers like Hobbes, Locke, and Rousseau laid the philosophical groundwork for the modern rights-based legal and political systems we know today. The birth of modern individual rights during this period represents a defining moment in the human journey toward freedom, equality, and dignity.

► Revolutionary Movements

1.2.9. Revolutionary Movements and Political Rights

The late 17th and 18th centuries witnessed a series of transformative revolutionary movements that redefined the relationship between individuals and the state. These movements, driven by Enlightenment ideals, were crucial in translating abstract concepts of natural rights into concrete polit-



ical frameworks. Central to this era were three foundational documents—the **English Bill of Rights (1689)**, the **American Declaration of Independence (1776)**, and the **French Declaration of the Rights of Man and of the Citizen (1789)**—each marking a significant milestone in the evolution of human and political rights.

1.2.9.1 The English Bill of Rights (1689)

Following the **Glorious Revolution** of 1688, in which King James II was deposed and William and Mary were invited to assume the throne, the **English Bill of Rights** was enacted in 1689. This document marked a fundamental shift in the balance of power between the monarchy and Parliament, emphasising **constitutional monarchy** and **parliamentary sovereignty**.

The Bill of Rights affirmed key political liberties, including:

- **Freedom of speech** within Parliament
- **Regular elections** to Parliament
- Protection from **cruel and unusual punishment**
- **The right to petition the king**
- Prohibition of standing armies in peacetime without parliamentary consent

Though limited in its scope—it primarily served the interests of the landed elite—it set a powerful precedent. It asserted that rulers must govern **according to law**, and it helped to institutionalise the idea that **governments exist to protect rights**, not to suppress them. The English Bill of Rights thus provided a constitutional foundation that influenced subsequent rights-based revolutions.

1.2.9.2. The American Declaration of Independence (1776)

Rooted in Enlightenment philosophy, especially the ideas of **John Locke**, the **Declaration of Independence** was adopted by the American colonies on **July 4, 1776**, as a formal statement of separation from British rule. Drafted by **Thomas Jefferson**, it proclaimed that “**all men are created equal**” and endowed with **unalienable rights**, including “**life, liberty, and the pursuit of happiness.**”

► English Bill

► Political Liberties

► Legal Precedent

► American Independence

The Declaration argued that:

► Government Consent

- Governments derive their **just powers from the consent of the governed**
- When a government becomes destructive of these rights, the people have the right to **alter or abolish** it
- King George III had violated the colonists' rights, justifying their rebellion

► Moral Manifesto

The Declaration was not a legal document but a **moral and political manifesto**, establishing the principle that **individual rights are universal** and that **popular sovereignty** is the foundation of legitimate government. It inspired both the **American Revolution** and broader global movements for liberty and self-determination.

1.2.9.3. The French Declaration of the Rights of Man and of the Citizen (1789)

Issued during the early stages of the **French Revolution**, the **Declaration of the Rights of Man and of the Citizen** (Déclaration des droits de l'homme et du citoyen) became a foundational text of modern democratic theory. Strongly influenced by **Rousseau's** idea of the **general will** and **Lockean** notions of natural rights, the Declaration asserted that:

► French Declaration

- “**Men are born and remain free and equal in rights**”
- The purpose of government is to **preserve the natural and imprescriptible rights of man: liberty, property, security, and resistance to oppression**
- Law is the expression of the **general will**
- All citizens are equal before the law and have the right to **participate in its formation**

► Universal Framework

This document provided a **universal framework** for rights, rejecting privilege based on birth and calling for legal equality, freedom of expression, and protection from arbitrary detention. While it did not initially extend rights to women or the enslaved, its language and principles influenced future human rights declarations and movements worldwide.

The revolutionary movements of the 17th and 18th centuries played a pivotal role in transforming the concept of human rights from philosophical ideals into **political realities**.

► Revolutionary Legacy

Through the English Bill of Rights, the American Declaration of Independence, and the 1 Declaration of the Rights of Man, the world witnessed the emergence of modern political rights grounded in **law, liberty, equality, and democratic governance**. These landmark documents not only redefined the structure of political authority but also laid the cornerstone for the **universal human rights frameworks** that would develop in the centuries to follow.

► 19th Century

1.2.9.4. 19th Century Political Developments

The 19th century was a period of dramatic transformation in the evolution of human rights. Fuelled by Enlightenment ideals and revolutionary momentum from the late 18th century, the political landscape of the 19th century saw the emergence of **liberal democratic values, expanded civil liberties**, and a growing awareness of **social justice**. Key developments during this era included the growth of liberalism, the abolition of slavery, the rise of women's political movements, and the early formation of social and economic rights discourse.

1.2.9.5. Liberalism and the Expansion of Civil Rights

Liberalism in the 19th century emerged as a powerful political and philosophical force advocating **individual liberty, constitutional government, rule of law, and civil rights**. Inspired by thinkers like **John Stuart Mill**, liberalism called for freedom of speech, freedom of the press, religious tolerance, and protection from arbitrary state power.

This era witnessed significant legal and constitutional reforms across Europe and the Americas. Parliaments and representative institutions began to replace monarchies, and **civil liberties** were increasingly enshrined in national constitutions. Notable examples include:

► Liberalism Rise

- The **Reform Acts** in Britain (1832, 1867, 1884), which gradually expanded voting rights to a broader portion of the male population.
- The **U.S. Bill of Rights** gaining greater judicial application in the protection of individual freedoms.
- The spread of liberal constitutionalism in European states such as **France, Italy, and Germany** during their

unification and nation-building processes.

While the benefits of liberalism were initially limited to property-owning males, it laid the groundwork for broader inclusion and democratic participation.

1.2.9.6. Abolition of Slavery and Human Equality

Perhaps the most profound human rights achievement of the 19th century was the **abolition of slavery**. Grounded in both **humanitarian** and **liberal ideals**, the abolitionist movement challenged the moral legitimacy of human bondage and campaigned for universal human dignity and equality.

Key milestones included:

- The **abolition of the slave trade** by Britain (1807) and the United States (1808).
- The **Slavery Abolition Act** (1833) in the British Empire, which freed enslaved people across its colonies.
- The **Emancipation Proclamation** (1863) during the American Civil War, followed by the **13th Amendment** to the U.S. Constitution (1865), which legally abolished slavery.

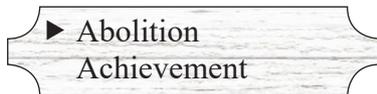
Abolitionist leaders such as **Frederick Douglass**, **Sojourner Truth**, **William Wilberforce**, and **Harriet Tubman** became symbols of resistance and advocates of universal human rights. The end of slavery represented a major step toward the recognition of **racial equality** and the **indivisibility of human dignity**.

1.2.10. Women's Suffrage and Political Participation

The 19th century also saw the rise of organised campaigns for **women's rights**, particularly the right to vote and participate in political life. While traditional liberal theory initially excluded women from public life, reformers challenged these limitations by arguing that women, too, were rational individuals entitled to autonomy and representation.

Notable developments included:

- The **Seneca Falls Convention** (1848) in the United States, which issued the **Declaration of Sentiments**, demanding women's suffrage and legal equality.



► Women's Suffrage Movement

- The emergence of suffrage organisations in **Britain, the U.S., and Europe**, such as the **National Woman Suffrage Association** and the **Women's Social and Political Union**.
- Increasing visibility of figures like **Elizabeth Cady Stanton, Susan B. Anthony, Emmeline Pankhurst, and John Stuart Mill**, who became outspoken advocates for women's rights.

While full suffrage would not be achieved until the 20th century in most countries, the 19th century marked the **foundation of the feminist movement** and the demand for equal political participation.

1.2.11. Rise of Social and Economic Rights

Alongside political liberalism, the 19th century also witnessed the **birth of social thought** that emphasised economic justice and collective welfare. The **Industrial Revolution**, while generating unprecedented economic growth, also brought about stark inequalities, urban poverty, and labour exploitation. These conditions spurred demands for **social and economic rights** beyond mere civil and political freedoms.

► Rise of Socialism

Thinkers like **Karl Marx** and **Friedrich Engels** criticised liberal capitalism for failing to address the needs of the working class. Socialist and labour movements began advocating for:

- **The right to work**
- **Fair wages and safe working conditions**
- **Access to education and healthcare**
- **Social security and protection against poverty**

► Early Labour Reforms

While these rights were not fully institutionalised in the 19th century, this period saw the formation of trade unions, the passage of early labour laws (e.g., Factory Acts in Britain), and the ideological groundwork for the **welfare state** that would develop in the 20th century.

The 19th century marked a critical phase in the evolution of human rights. Liberalism expanded the sphere of **civil liberties**, the abolition of slavery affirmed **universal human dignity**, women's movements initiated the struggle for **gender**

► Foundations of Modern Rights

equality, and early socialist thought introduced the idea of **economic and social rights**. Although progress was uneven and incomplete, the century laid the moral, legal, and political foundations for the more inclusive and comprehensive human rights frameworks that would emerge in the modern era.

1.2.12. 20th Century and the Internationalisation of Rights

► Globalisation of Rights

The 20th century witnessed a profound transformation in the understanding and implementation of human rights. While previous centuries laid the philosophical and political groundwork, the 20th century globalised human rights, turning them into a **universal legal and moral framework**. Central to this evolution were the **devastating impacts of the two World Wars**, the establishment of the **United Nations in 1945**, the adoption of the **Universal Declaration of Human Rights (1948)**, and the creation of **binding international covenants and treaties**. These milestones reshaped the global order and institutionalised human rights as a cornerstone of international relations and law.

The Impact of the World Wars

The two World Wars, particularly **World War II**, served as powerful catalysts for the global human rights movement.

► World Wars' Impact

- **World War I (1914–1918)** revealed the destructive potential of modern warfare and led to the formation of the **League of Nations**, a first attempt at international cooperation to maintain peace. However, its inability to prevent future conflicts exposed the need for a stronger framework.
- **World War II (1939–1945)** had a far more profound impact. The war resulted in the deaths of over 70 million people and was marked by **unprecedented atrocities**, including **the Holocaust**, where six million Jews were systematically exterminated by the Nazi regime. The horrors of genocide, totalitarianism, and indiscriminate violence exposed the **inadequacy of national protections** and the urgent need for **universal moral standards** and **international oversight**.

In the aftermath of such devastation, the world recognised that protecting human dignity could no longer be solely the responsibility of individual states—it required **global cooper-**



ation and legally binding standards.

1.2.13. Formation of the United Nations (1945)

Out of the ashes of World War II, the **United Nations (UN)** was established in **1945** with the primary mission of preventing future conflicts, promoting peace, and fostering international cooperation. Unlike its predecessor, the **UN Charter** incorporated the protection of human rights as a **core principle** of global governance.

► United Nations Formation

Article 1 of the UN Charter outlined one of the organisation's purposes as:

“To promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”

The **UN's creation institutionalised the idea that human rights were not merely domestic matters, but issues of international concern.** It provided a platform where states could collectively address violations and work toward the realisation of fundamental rights for all people.

1.2.13.1 Universal Declaration of Human Rights (1948)

The most defining moment in the internationalisation of human rights came with the adoption of the **Universal Declaration of Human Rights (UDHR)** by the UN General Assembly on **December 10, 1948**. Drafted by a committee chaired by **Eleanor Roosevelt**, the UDHR was the first comprehensive articulation of fundamental human rights applicable to all people, everywhere.

► Universal Declaration 1948

- The UDHR included **30 articles**, affirming rights such as:
- The right to **life, liberty, and security of person**
- Freedom from **torture, slavery, and arbitrary detention**
- The right to **education, work, and social security**
- **Freedom of thought**, religion, expression, and assembly
- Equal protection under the law and access to justice

While not legally binding, the UDHR served as a **moral compass** and laid the foundation for subsequent legal instruments. It became a **universal standard of human rights**, widely accepted and referenced by nations, courts, and international organisations.

1.2.13.2. International Human Rights Covenants and Treaties

▶ International Bill

Following the UDHR, the UN moved to **translate its principles into binding international law**. This led to the development of two major treaties, which, together with the UDHR, formed the **International Bill of Human Rights**:

▶ ICCPR 1966

1. **International Covenant on Civil and Political Rights (ICCPR)** – adopted in 1966, entered into force in 1976. It protects rights such as:

- Freedom of speech, religion, and assembly
- The right to a fair trial and political participation
- Protection from torture and arbitrary detention

ICCPR 1966

▶ Economic & Social Rights

2. **International Covenant on Economic, Social and Cultural Rights (ICESCR)** – also adopted in 1966 and entered into force in 1976. It recognises rights including:

- The right to work and just conditions
- The right to education, healthcare, and an adequate standard of living
- The right to form trade unions and participate in cultural life

Additionally, a range of **international human rights treaties** emerged to address specific issues, such as:

▶ Thematic Treaties

- **The Convention on the Elimination of All Forms of Racial Discrimination (1965)**
- **The Convention on the Elimination of All Forms of Discrimination Against Women (1979)**
- **The Convention on the Rights of the Child (1989)**
- **The Convention Against Torture (1984)**

► Accountability Mechanisms

These instruments **bind signatory states to respect, protect, and fulfil the rights enshrined** within them. They have become key tools for civil society, human rights defenders, and international bodies to hold governments accountable.

► Modern Human Rights Regime

The 20th century marked a historic shift in the conception and enforcement of human rights, from national declarations to **universal principles embedded in international law**. The catastrophic world wars highlighted the need for global standards, leading to the creation of the United Nations and the landmark Universal Declaration of Human Rights. Through international covenants and treaties, human rights became **not only a shared aspiration but a legally recognised framework** guiding state behaviour and shaping international relations. This era laid the groundwork for the modern global human rights regime that continues to evolve in the 21st century.

► Three Generations

1.2.14. Generations of Human Rights

Karel Vasak, a scholar on Human Rights, introduced the idea of the **three generations of Human Rights**, which enables us to understand the evolution of Human Rights. The first generation of Human Rights comprises civil and political rights. The second generation includes economic, social, and cultural rights, and the third generation is called solidarity rights, which involve collective rights.

► First Generation Rights

First Generation – Civil and Political Rights (Liberty)

The first-generation Human Rights are called civil and political rights, which are the initial form of natural rights. They aim to protect individuals from government overreach and ensure personal freedoms. These rights are known as **‘blue rights’** because they emphasise non-interference by the state. Their core principle is liberty.

The **roots of first-generation Human Rights** lie in centuries of political and philosophical evolution. They were influenced by historical documents and movements that championed individual freedoms:

- **Magna Carta (1215):** The document was signed by King John of England as a practical solution to the political crisis faced in 1215. Magna Carta established, for the first time, that everybody, including the King, shall be subject to law. It remains the **cornerstone of the British Constitution**. It provides freedom, the right to

justice, and a fair trial. Some of the Magna Carta's core principles are echoed in the United States Bill of Rights, and many other constitutional documents around the world, as well as the Universal Declaration of Human Rights and the European Convention on Human Rights.

► Roots of Civil Rights

- **Rights of Englishmen (17th Century):** A set of legal traditions that established rights like trial by jury, habeas corpus, and freedom from cruel punishments.
- **English Bill of Rights (1689):** A landmark document that reinforced parliamentary supremacy over the monarchy and granted rights such as free elections, free speech in parliament, and protection from excessive bail and fines.
- **U.S. Bill of Rights (1791):** The first ten amendments to the U.S. Constitution, securing freedoms like speech, religion, press, and the right to bear arms, became a model for modern Human Rights frameworks.
- **French Declaration of the Rights of Man and of the Citizen (1789).**

After the Second World War, the UDHR formalised civil and political rights on a global scale, influencing constitutions and legal systems worldwide.

First-generation Human Rights are predominantly **negative rights**. They include the right to life, the right to liberty, and the right to property. They have been expanded to include non-discrimination, freedom from arbitrary arrest, freedom of thought, freedom of religion, freedom of movement, and more.

1.2.15. Second Generation Human Rights: Advancing Social and Economic Justice (Equality)

► Second Generation Rights

In the 20th century, especially after the Second World War, second-generation Human Rights began to gain greater predominance. The economies of countries were torn by war, and there was mass destruction as a result of the conflicts. Therefore, the effort for economic, social, and cultural rights developed during the 20th century. These rights are referred to as '**red rights**' as they require active state intervention to promote equality and social justice.

Unlike the first generation, second-generation rights de-



► Economic and Social Rights

mand positive action from the government to create fairer societies by reducing inequalities in wealth, health, and education. Their core principle is **equality**, which contrasts with the first-generation rights and the notion of liberty. The second-generation rights include the right to work, the right to healthcare, the right to education, the right to housing, the right to a decent standard of living, and the right to social security. These rights are incorporated into various national and international legal frameworks, including the UDHR (1948), the International Covenant on Economic, Social and Cultural Rights (1966), and the Indian Constitution (Directive Principles of State Policy).

► Third Generations Rights

1.2.16. Third Generation Human Rights: The Era of Collective and Global Rights

The third generation of Human Rights, also known as ‘**solidarity rights**’, encompasses collective rights that go beyond individual freedoms and focus on global cooperation, social justice, and sustainable development. These rights transcend national boundaries and require international collaboration to address issues affecting humanity as a whole.

► Challenges of Solidarity

These rights emerged in response to global challenges like environmental degradation, economic inequality, war, and cultural exploitation. Unlike the first and second generations of rights, the third generation faces several challenges, including a lack of legal enforceability, broad and vague definitions, conflict between national and global interests, and political and diplomatic barriers.

► Collective Human Rights

The third-generation rights focus on humanity as a whole. They include the right to self-determination, the right to development, the right to a healthy environment, the right to peace and security, the right to cultural heritage, and the right to humanitarian assistance. These rights have started gaining acknowledgment as a result of growing globalisation.

► Global Rights Agreements

These rights have been promoted in various international agreements and declarations, such as the Stockholm Declaration on the Human Environment (1972), the U.N. Declaration on the Right to Development (1986), and the Paris Agreement (2015).

1.2.17. The Rise of Fourth-Generation Human Rights: Navigating the Digital Age

► Fourth Generation Rights

In the 21st century, rapid technological advancements have reshaped the way we live, work, and interact. As societies become increasingly digital, new challenges and ethical dilemmas emerge, giving rise to what many scholars call **'Fourth-Generation Human Rights'**. The fourth generation emphasises the ethical and legal implications of emerging technologies such as artificial intelligence (AI), biotechnology, big data, and cyberspace governance. As digital technology becomes an inseparable part of our daily life, these rights seek to protect individuals from digital exploitation, privacy breaches, and algorithmic discrimination.

With the rise of AI, data-driven economies, and digital governance, the following rights have become critical:

1. **Right to Digital Privacy:** Protection from mass surveillance, unauthorised data collection, and cyber intrusion.
2. **Right to Access Digital Information:** Ensuring fair access to the internet, preventing digital exclusion, and fighting censorship.
3. **Right to Data Protection:** Regulating how personal data is stored, processed, and shared by corporations and governments.
4. **Right to Algorithmic Transparency:** Ensuring AI and machine learning systems make ethical and non-discriminatory decisions.
5. **Right to Cyber Security:** Protection from cyber threats, hacking, identity theft, and digital fraud.
6. **Right to Disconnect:** The right of employees to be free from work-related digital communication beyond working hours.

► Digital Rights Overview

► Digital Rights Initiatives

Global initiatives like the **General Data Protection Regulation (GDPR)** in the EU, the Right to be Forgotten ruling, and UNESCO guidelines on AI ethics highlight the growing importance of these rights in shaping responsible digital governance.

Human Rights in Political Ideologies and Contemporary Challenges



► Political Ideologies and Rights

Human rights are not only legal and moral claims but are also deeply influenced by **political ideologies, regional frameworks, and global developments**. The way rights are defined, prioritised, and protected often reflects the ideological and institutional context in which they are embedded. In today's world, human rights face both unprecedented opportunities and complex challenges—from the rise of authoritarianism to the environmental crisis and the digital revolution. This essay explores how different political ideologies conceptualise human rights, the functioning of regional rights systems, and key contemporary issues in the global human rights landscape.

1.2.18. Liberal Democracy and Rights Protection

In **liberal democratic systems**, the protection of human rights is foundational. Rooted in Enlightenment ideals, liberal democracies prioritise **civil and political rights**, such as:

► Liberal Democracy Rights

- Freedom of speech and expression
- The right to a fair trial
- Voting rights and political participation
- Freedom of religion and assembly

► Liberalism Challenges

Liberal democracies uphold **the rule of law, separation of powers, and constitutional protections** to guard against arbitrary authority. Independent judiciaries and free media further strengthen accountability. However, liberal systems often face criticism for their emphasis on individual rights while sometimes neglecting **economic and social justice**, especially in the face of rising inequality.

► Socialist Rights Focus

1.2.19. Socialist Perspectives on Social and Economic Rights

Socialist ideologies have historically emphasised **collective welfare and economic equality** as integral to human dignity. From this perspective, civil and political rights are incomplete without:

The Right to Work and Fair Wages

▶ Economic Equality Rights

- Access to healthcare, housing, and education
- Social security and redistribution of wealth

▶ Socialist State Rights

In socialist states, such as those influenced by Marxist thought, the **state is often seen as a central guarantor** of economic rights. However, this has also led, in some cases, to **restrictions on civil liberties**, justified by the need for the collective good. Contemporary democratic socialist movements seek to reconcile individual freedoms with social justice within pluralistic political systems.

Authoritarian Regimes and Suppression of Rights

Authoritarian regimes, whether secular or religious, are often characterised by the **suppression of fundamental rights**, including:

▶ Authoritarian Rights Suppression

- Censorship and restricted freedom of expression
- Arbitrary detention and lack of due process
- Repression of political opposition and civil society

Such regimes may pay **lip service to certain** rights, such as development or cultural rights, but often suppress dissent and limit accountability. In these contexts, **international pressure and civil society activism** play vital roles in promoting and defending human rights.

▶ Regional Rights Systems

1.2.20. Regional Human Rights Systems

To reinforce global human rights standards, **regional systems** have developed to address specific cultural, political, and legal contexts. These frameworks often provide **greater enforceability** and **localised mechanisms** for rights protection.

European System

▶ European Human Rights

The **European Convention on Human Rights (1950)**, enforced by the **European Court of Human Rights (ECHR)**, is one of the most advanced regional systems. It has jurisdiction over member states of the **Council of Europe** and allows **individual** petition, making it a powerful tool for accountability.

Inter-American System

▶ American Human Rights

The **American Convention on Human Rights (1969)** and the **Inter-American Court of Human Rights** focus on Latin America and the Caribbean. This system has been crucial in

addressing abuses during military dictatorships and in advancing indigenous and socio-economic rights.

African System

▶ African Human Rights

The **African Charter on Human and Peoples' Rights (1981)** reflects a unique emphasis on **collective** rights, duties, and cultural values. The **African Court on Human and Peoples' Rights** and the **African Commission** play key roles, though challenges remain in enforcement and political will.

1.2.21. Role of Regional Courts and Institutions

Regional human rights courts and commissions are critical for:

▶ Regional Courts Role

- **Adjudicating violations** beyond domestic courts
- **Monitoring state compliance**
- Providing **legal redress** and symbolic justice to victims
- Shaping jurisprudence on evolving rights issues

Despite their importance, these institutions often face **challenges such as limited funding, state resistance, and lack of enforcement mechanisms**.

Contemporary Issues in Human Rights

Global Justice and Inequality

▶ Structural Inequalities

The unequal distribution of wealth, resources, and power continues to undermine human rights globally. Issues of **economic exploitation, systemic racism, colonial legacies, and corporate impunity** have led to renewed calls for **global justice frameworks** that address **structural inequality** and not just individual abuses.

Migration, Refugees, and Statelessness

Ongoing conflicts, climate change, and economic instability have created **massive flows of displaced** people. Refugees and migrants often face:

▶ Refugee Rights Challenges

- Discrimination and xenophobia
- Detention and deportation
- Lack of access to legal status and services

The **1951 Refugee Convention** and the **Global Compact for Migration** seek to protect rights, but **national interests often override humanitarian** obligations, leaving millions vulnerable.

1.2.22. Environmental and Digital Rights

Environmental degradation threatens the **right to health, livelihood, and life** itself, especially for indigenous communities and future generations. The **recognition of a right to a healthy environment** is gaining momentum globally.

► Environmental and Digital Rights

At the same time, the **digital age** has introduced new rights concerns:

- **Surveillance, data privacy, and algorithmic bias**
- **Online freedom of expression** vs. hate speech and misinformation
- **Digital divides** that exclude marginalised populations

Emerging movements advocate for **digital rights** as essential components of modern human rights frameworks.

1.2.23. Human Rights and Global Governance

In an interconnected world, **global governance structures** like the **United Nations, World Health Organization, and International Criminal Court** play critical roles in **standard-setting, monitoring, and accountability**. However, global governance is often constrained by:

► Global Governance Challenges

- **Geopolitical tensions**
- **State sovereignty and non-cooperation**
- **Selective enforcement** and accusations of double standards

To remain credible, global governance must be **inclusive, transparent, and grounded in international law**, while supporting the empowerment of local and grassroots human rights defenders.

Human rights remain one of the most powerful moral and legal frameworks for protecting human dignity in a complex world. While different political ideologies and regions interpret rights differently, the global community continues to

evolve toward a more inclusive understanding that addresses **civil, political, economic, social, environmental, and digital** rights. The challenges of the 21st century—climate change, inequality, displacement, and technological disruption—demand not only stronger legal protections but also **greater solidarity, innovation, and moral courage** in the defence of human dignity for all.

Summarized Overview

This unit explores the chronological development of human rights, demonstrating how the concept has grown through historical phases and philosophical revolutions. It begins with the ancient world, where early legal codes and religious doctrines emphasised justice, dignity, and order. Classical civilisations laid foundational concepts of governance, law, and morality. During the medieval era, thinkers integrated theology and natural law to justify the moral responsibility of rulers and individual worth. The Enlightenment era became a watershed moment with the emergence of natural rights and democratic ideals, prompting revolutions that redefined the state-individual relationship. The English, American, and French political revolutions played critical roles in institutionalising individual rights through formal declarations. The 19th century expanded the scope of rights with the abolition of slavery, the rise of liberalism, and growing advocacy for women's suffrage and labour reforms. The 20th century marked a global transformation, with the catastrophic impact of two world wars inspiring the creation of the United Nations and the Universal Declaration of Human Rights. This century also saw the birth of legally binding international covenants and the recognition of economic, social, and cultural rights. The classification into generations of human rights—from civil-political to environmental and digital rights—highlights how global challenges and ideologies have shaped the human rights discourse. The unit provides a comprehensive lens through which the learner can understand not only the origins of human rights but also their relevance in addressing contemporary global issues.

Self-Assessment Questions

1. What is the significance of the Code of Hammurabi in the history of human rights?
2. How did Greek democracy contribute to the development of political rights?
3. Explain the concept of natural law as developed during the medieval period.
4. What were the key ideas of John Locke and how did they influence human rights thought?

5. Compare and contrast the contributions of Hobbes, Locke, and Rousseau to the social contract theory.
6. What were the major provisions of the English Bill of Rights (1689)?
7. How did the American Declaration of Independence advance human rights principles?
8. What rights were emphasised in the French Declaration of the Rights of Man and of the Citizen (1789)?
9. How did the abolitionist movement impact the understanding of human dignity and equality?
10. What role did the World Wars play in the global institutionalisation of human rights?

Assignments

1. Trace the evolution of human rights from ancient civilisations to modern times.
2. Discuss the role of religion (Christianity and Islam) in shaping early human rights principles.
3. Analyze how Enlightenment philosophy contributed to the emergence of modern political rights.
4. Explain the significance of the Magna Carta in the context of legal rights and liberty.
5. Evaluate the impact of revolutionary documents (English, American, French) on the development of human rights.
6. Describe the contribution of the 19th-century abolitionist and women's movements to the expansion of human rights.
7. How did the Universal Declaration of Human Rights (1948) become a milestone in human rights history?
8. What are the key differences between first, second, and third-generation human rights?
9. Discuss the emergence and relevance of fourth-generation (digital) human rights in the 21st century.
10. Assess the challenges faced in enforcing human rights across different political ideologies.

Reference

1. **Andrew Clapham (2015)** – *Human Rights: A Very Short Introduction*, Oxford University Press.
2. **James Nickel (2007)** – *Making Sense of Human Rights*, Blackwell Publishing.
3. **R.K. Tiwari (2011)** – *Introduction to Human Rights*, B.R. Publishing Corporation.
4. **Jack Donnelly (2013)** – *Universal Human Rights in Theory and Practice*, Cornell University Press.
5. **Lynn Hunt (2007)** – *Inventing Human Rights: A History*, W.W. Norton & Company.

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UNIT 3

Types of Human Rights

Learning Outcomes

Upon completion of studying this unit, learners will be able to:

- ▶ identify and explain the major categories of human rights: civil, political, economic, social, cultural, environmental, and collective.
- ▶ understand the concept and significance of natural rights and their philosophical foundations.
- ▶ differentiate between individual and collective rights, with relevant contemporary examples.
- ▶ evaluate the rights of marginalised and vulnerable groups, including women, children, minorities, and LGBTQ+ individuals.
- ▶ analyze the relevance and emergence of new rights in the digital and environmental domains in the 21st century.

Background

The classification of human rights into different types allows for a deeper understanding of how rights function to promote human dignity, justice, and equality across all aspects of life. At the core are natural rights, which are considered inherent and not dependent on government recognition. As political thought progressed, these evolved into civil and political rights, emphasising personal freedoms and democratic participation. With the emergence of modern welfare states and the post-war consensus, economic, social, and cultural rights became vital for ensuring basic well-being and access to opportunities. In response to global and community-based concerns, collective or solidarity rights emerged, focusing on the rights of groups—like indigenous peoples or nations—to self-determination, development, and peace. The recognition of environ-

mental rights marked a turning point, as environmental degradation increasingly threatens life, health, and security. Today, fourth-generation rights such as digital privacy, data protection, and cybersecurity are gaining relevance amid technological transformations. Furthermore, the need for special protection of marginalised groups, including women, children, persons with disabilities, and LGBTQ+ communities, highlights the importance of inclusivity in the human rights discourse. Unit 3 offers a comprehensive categorisation and analysis of human rights, contextualising them in historical evolution, legal frameworks, and contemporary social needs.

Keywords

Natural Rights, Civil Rights, Political Rights, Social Rights, Cultural Rights, Environmental Rights, Collective Rights, Minority Rights, Digital Rights, Equality

Discussion

1.3.1. The Concept of Human Rights

The concept of **Human Rights** is fundamental to the idea of a **just and free society**. Human Rights represent the basic conditions necessary for individuals to develop their capabilities and lead a **fully dignified life**. Without certain **civil, political, economic, and social rights**, human beings cannot flourish and reach their full potential.

► Fundamental of Rights

► Human Rights Evolution

Recognition of human rights has been a **driving force behind human progress** over centuries. The struggle for rights has empowered people to overcome oppression, secure liberty, and establish systems of governance that respect human dignity. However, the concept of these rights and their implementation are based on changing **social, political, and economic contexts**.

To better understand and implement them, human rights are often categorised into different types. These include civil and



► Types of Rights

political rights, which protect individual freedoms; economic, social, and cultural rights, which ensure well-being and dignity; environmental rights, which focus on a healthy environment; collective rights, which apply to groups or communities; and special protections for women and minorities. Each category plays a vital role in promoting justice, equality, and human dignity in all aspects of life.

► Natural Rights

1.2.3.1. Natural Rights

Natural Rights are those rights given to humankind by nature. These rights are independent of the state; the state cannot interfere with the natural rights of individuals. The concept of natural rights was defended by social contract philosophers in the 17th and 18th centuries. For instance, Locke championed the right to life, liberty, and property as natural rights that cannot be taken away by anyone.

► Interpretations of Natural Rights

Some people interpret the meaning of natural rights differently. They argue that there are certain things to which humanity has an inherent right. These rights are natural in the sense that they are necessary for the moral development of individuals. However, in modern times, political thinkers do not support this view.

Civil and Political Rights

► Civil & Political Rights

Civil and political rights are a fundamental category of human rights that protect individual freedoms and ensure participation in the political life of a society. These rights are essential for maintaining the rule of law, democratic governance, and individual dignity. Rooted in the principles of liberty and equality, civil and political rights guarantee freedom from arbitrary state interference and affirm the individual's autonomy and agency. Some of the key civil rights include the right to life, freedom of speech, freedom of religion, freedom of assembly, and the right to privacy. Political rights, on the other hand, include the right to vote, the right to run for public office, and the right to participate in political processes without discrimination or repression. These rights are enshrined in major international documents such as the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966). Historically, civil and political rights have been at the forefront of struggles for freedom—whether in the fight against colonial rule, authoritarian regimes, or racial and gender discrimination. While many countries have

established legal frameworks to protect these rights, violations still occur globally, from censorship and political persecution to police brutality and suppression of protests. Therefore, the promotion and protection of civil and political rights remain critical to achieving justice, empowering citizens, and upholding democratic values in societies around the world.

Important civil and political rights include:

- **Right to Life and Liberty:** Every individual has the inherent right to life, which must be protected by law. This right includes the freedom to live without arbitrary interference or deprivation of liberty.
- **Freedom of Speech and Expression:** Individuals have the right to freely express their thoughts, opinions, and beliefs without fear of censorship or punishment, subject only to reasonable restrictions for public order, morality, or national security.
- **Freedom of Religion:** This right protects an individual's freedom to follow, practice, and change their religion or belief, as well as the right not to follow any religion.
- **Right to a Fair Trial:** Every person accused of a crime has the right to a fair and public hearing by an impartial tribunal. This includes the presumption of innocence, legal representation, and the right to appeal.
- **Right to Vote:** Citizens have the right to participate in the democratic process through free and fair elections. This ensures accountability and representation in government.

► Key Civil Rights

1.3.2. Freedom from Torture and Arbitrary Arrest:

Individuals are protected from cruel, inhuman, or degrading treatment, as well as from being arrested or detained without due process of law.

These rights are essential for the functioning of a democratic society and the protection of human dignity. Ensuring their enforcement is a key responsibility of governments and international institutions alike.

► Protection from Abuse



1.3.2.1. Economic, Social, and Cultural Rights

► Economic & Social Rights

Economic, social, and cultural rights are an essential category of human rights that aim to ensure the basic well-being, dignity, and development of every individual. Unlike civil and political rights, which focus on freedom from state interference, these rights emphasise the positive obligations of the state to provide conditions necessary for a decent standard of living. They include the right to education, the right to work under just and favourable conditions, the right to an adequate standard of living (including food, clothing, and housing), the right to health, and the right to participate in cultural life. These rights are enshrined in key international instruments such as the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966), both of which recognise that without economic and social security, true freedom and equality are impossible. Economic, social, and cultural rights play a critical role in addressing poverty, inequality, and marginalisation, making them especially important for vulnerable groups such as women, children, minorities, and persons with disabilities. However, despite their importance, these rights are often overlooked or underfunded in many parts of the world. Issues such as inadequate healthcare, poor access to education, and exploitative labour practices continue to affect millions, revealing deep structural inequalities within and between nations. Therefore, the realisation of economic, social, and cultural rights is not only a matter of social justice but also a foundation for achieving sustainable development, peace, and inclusive societies.

Major economic, social, and cultural rights include:

- **Right to Education:** Every individual has the right to free and compulsory primary education, as well as access to secondary and higher education. Education empowers individuals, promotes equality, and is essential for the exercise of all other rights.
- **Right to Work and Fair Wages:** People have the right to gainful employment in just and favourable conditions. This includes the right to equal pay for equal work, safe working conditions, the right to rest and leisure, and the ability to form and join trade unions.
- **Right to Health and Medical Care:** Everyone is entitled to access healthcare services, clean water, nutritious food, and sanitation. This right encompasses both

physical and mental health and is fundamental for living a full and productive life.

► Key Economic Rights

- **Right to Social Security:** Individuals have the right to social protection in times of need, such as unemployment, disability, illness, old age, and similar situations. Social security ensures a basic standard of living and reduces poverty and inequality.
- **Right to Housing:** Everyone has the right to adequate shelter that provides security, peace, and dignity. This includes protection from forced evictions, homelessness, and unsafe living conditions.
- **Right to Participate in Cultural Life:** Individuals have the right to freely engage in cultural activities, access cultural heritage, and express their identity and traditions. This right promotes diversity, creativity, and social cohesion.

Economic, social, and cultural rights are vital for achieving true equality and inclusive development. They are interconnected with civil and political rights, and together they form the foundation of human dignity and justice in any society.

1.3.3. Environmental Rights

► Environmental Rights

Environmental rights are an increasingly vital component of the broader framework of human rights, reflecting the deep connection between a healthy environment and the well-being, dignity, and survival of individuals and communities. These rights recognise that all people have the right to live in a safe, clean, and sustainable environment—one that supports life and protects natural ecosystems. As the world faces growing environmental crises such as climate change, deforestation, pollution, and loss of biodiversity, the protection of environmental rights has become more urgent than ever. These rights are rooted in the idea that environmental degradation directly threatens other fundamental human rights, including the rights to health, life, food, water, and housing. Although not originally included in early human rights documents, environmental rights have gained recognition through various international declarations and treaties, such as the Stockholm Declaration (1972), the Rio Declaration (1992), and most recently, the recognition by the United Nations Human Rights Council in 2021 of the human right to a clean, healthy, and sustainable

► Key Environmental Rights

environment. Environmental rights are also closely linked to social justice, as marginalised and indigenous communities often bear the brunt of environmental harm while contributing the least to its causes. Protecting these rights involves holding governments, corporations, and individuals accountable for environmental harm and ensuring public participation in environmental decision-making. Ultimately, environmental rights not only safeguard nature but also empower people to defend their health, heritage, and future, making them essential in the pursuit of justice, sustainability, and human dignity for all.

Key environmental rights include:

- **Right to a Clean and Healthy Environment:** Every individual has the right to live in an environment that supports their health, safety, and well-being. This includes access to clean air, safe water, unpolluted soil, and a stable climate.
- **Right to Access Natural Resources:** Communities have the right to equitably access and manage natural resources such as land, water, forests, and biodiversity. This right is particularly important for indigenous peoples and marginalised communities whose livelihoods are closely tied to the environment.
- **Right to Environmental Justice:** People have the right to be protected from environmental harm and to seek redress when environmental laws are violated. Environmental justice demands that no group bears a disproportionate share of environmental burdens due to their race, class, or geographic location.

Environmental rights not only safeguard the planet for future generations but also ensure that all people—especially the most vulnerable—can live with dignity, health, and security. As the global climate crisis deepens, recognising and enforcing environmental rights is crucial for achieving sustainability, equity, and justice.

1.3.4. Collective or Solidarity Rights

Collective or solidarity rights are a distinct category of human rights that go beyond individual entitlements and are held by groups, peoples, or entire communities. Unlike civil and political rights or economic, social, and cultural rights—which are generally focused on the individual—collective rights rec-

► Collective Rights

Recognise that certain rights can only be fully realised through the shared efforts and cooperation of groups or nations. These rights are especially relevant in the context of global justice, peace, and equality. Examples include the right to self-determination, the right to development, the right to peace, the right to a clean and sustainable environment, and the rights of indigenous peoples to preserve their culture, land, and identity. Collective rights gained prominence in the post-colonial era, particularly as newly independent nations sought recognition of their rights to autonomy, resource control, and cultural preservation. These rights are enshrined in important international instruments such as the African Charter on Human and Peoples' Rights and the United Nations Declaration on the Rights of Indigenous Peoples. Solidarity rights also reflect the interdependence of all people and nations in addressing global challenges such as climate change, poverty, conflict, and displacement. In this way, they emphasise shared responsibility and mutual cooperation. The recognition and protection of collective or solidarity rights are essential not only for promoting justice among nations and communities but also for ensuring the long-term sustainability and peace of the global community as a whole.

Important collective or solidarity rights include:

- **Right to Self-Determination:** Peoples have the right to freely determine their political status and pursue their economic, social, and cultural development. This right is particularly important for colonised, indigenous, or oppressed communities seeking autonomy and control over their own affairs.
- **Right to Development:** All peoples have the right to participate in, contribute to, and benefit from economic, social, cultural, and political development. This includes equitable access to resources and opportunities necessary for improving the quality of life.
- **Right to Peace:** Every human being and nation has the right to live in a peaceful environment free from war, violence, and aggression. This right underscores the importance of disarmament, diplomacy, and conflict resolution for global stability.
- **Right to Humanitarian Assistance:** In situations of natural disasters, armed conflicts, or humanitarian crises, communities and individuals have the right to re-

► Key Collective Rights



ceive aid and support. This includes access to food, water, shelter, medical care, and protection.

- **Individual Rights:** These are rights that may be exercised by every individual.

Collective rights highlight the interconnected nature of humanity and the need for solidarity in addressing global challenges. By recognising these rights, the international community affirms that true human dignity cannot be achieved without justice, peace, and development for all.

1.3.5. Women's and Minority Rights (Special Categories)

Women's and minority rights, also known as **special category rights**, focus on the protection, promotion, and empowerment of historically marginalised and vulnerable groups. While all human beings are entitled to fundamental rights, certain groups have faced systemic discrimination, exclusion, or violence, requiring additional legal recognition and safeguards to ensure equality and justice.

These rights do not create a new hierarchy of human rights but rather aim to make universal rights meaningful and accessible to all—particularly to those who have been denied equal treatment due to their gender, ethnicity, age, ability, or identity.

Key areas include:

- **Women's Rights:** These address gender-based discrimination and seek to ensure equality in areas such as education, employment, political participation, and health. Critical issues include **reproductive rights**, **equal pay**, **representation in leadership**, and protection from **gender-based violence**, including domestic abuse, trafficking, and sexual exploitation.
- **Children's Rights:** Children are entitled to special care and protection due to their vulnerability. Their rights include the **right to education**, **protection from abuse and exploitation**, **access to healthcare**, and the right to express their views in matters affecting them. These are enshrined in the *Convention on the Rights of the Child (1989)*.
- **Rights of Indigenous Peoples:** Indigenous communi-

► Women & Minority Rights

► Special Category Rights

ties have unique cultural, spiritual, and territorial ties. Their rights include **self-determination, land and resource ownership, cultural preservation, and consultation on decisions affecting their way of life**. These are supported by the *UN Declaration on the Rights of Indigenous Peoples (2007)*.

- **Rights of Persons with Disabilities:** These rights ensure that individuals with physical, mental, intellectual, or sensory impairments have **equal access** to education, employment, public services, and full participation in society without discrimination. The *Convention on the Rights of Persons with Disabilities (2006)* affirms these principles.
- **LGBTQ+ Rights:** These aim to protect individuals from discrimination and violence based on **sexual orientation, gender identity, or expression**. Key rights include **freedom from persecution, legal recognition of relationships, access to healthcare, and freedom of expression and assembly**.

LGBTQ+ rights refer to the fundamental human rights of individuals who identify as lesbian, gay, bisexual, transgender, queer, or others across the gender and sexual identity spectrum. These rights include freedom from discrimination, the right to marry, access to healthcare, and the right to express one's identity freely and safely. Over time, the global movement for LGBTQ+ equality has gained momentum, achieving major milestones such as the decriminalisation of same-sex relationships, the legalisation of same-sex marriage in many countries, and growing public support. However, challenges remain—many LGBTQ+ individuals still face discrimination, violence, and exclusion in both social and legal systems, especially in regions where laws and cultural norms remain hostile. Transgender individuals, in particular, often struggle with access to healthcare, legal recognition, and employment opportunities. Despite these barriers, the fight for LGBTQ+ rights continues to be a powerful and necessary movement for equality, inclusion, and dignity. Recognising LGBTQ+ rights as human rights is essential in building a just and compassionate world, where everyone can live with pride, freedom, and respect, regardless of who they are or whom they love.

► LGBTQ+ Rights

► Importance of Special Rights

Special category rights are essential for building a truly inclusive and equitable society. They remind us that the principle of universality in human rights must be accompanied by rec-



► Understanding
Human Rights

ognition of diversity, identity, and the historical experiences of marginalised groups.

Understanding the different types of human rights is essential to promoting justice, equality, and dignity for all. Each category—whether civil and political, economic and social, environmental, collective, or those specific to marginalised groups—addresses vital aspects of human life and society. These rights are deeply interconnected, and the protection of one often supports the realisation of others. By recognising and upholding all types of human rights, individuals, communities, and governments can work together to create a more just, inclusive, and sustainable world for everyone.

Summarized Overview

This unit delves into the categorisation of human rights, offering a systematic understanding of how these rights address the diverse dimensions of human existence. Starting with the idea of **natural rights**, rooted in human nature and philosophy, the unit moves on to explore **civil and political rights**—which guarantee individual liberties, democratic participation, and protection against state overreach. It then explains **economic, social, and cultural rights**, which require active state intervention to ensure equity, justice, and access to essentials like health, education, and employment. **Environmental rights** emphasise the right to live in a clean, safe, and sustainable environment, reflecting global ecological concerns. The unit also discusses **collective or solidarity rights**, which recognise that communities or groups—such as indigenous peoples or nations—have shared rights tied to their cultural identity, peace, and development. The inclusion of **special category rights** addresses the historical marginalisation of specific populations like women, children, minorities, and LGBTQ+ individuals. These rights aim to rectify systemic injustices and ensure equal protection. Finally, the unit introduces **fourth-generation rights**, which respond to the challenges of the digital age, including digital privacy, cybersecurity, and the right to disconnect. By mapping the evolution and expansion of human rights across categories, Unit 3 offers learners a holistic view of the ways rights are structured, recognised, and applied in various legal and social contexts.

Self-Assessment Questions

1. What are natural rights, and how do they form the basis for modern human rights?
2. Differentiate between civil rights and political rights with two examples of each.
3. What is the significance of economic and social rights in ensuring a just society?
4. How do environmental rights contribute to human dignity and well-being?
5. Explain the meaning and scope of collective or solidarity rights.
6. List and describe three key economic rights.
7. Why are cultural rights important in protecting community identity and diversity?
8. How are women's rights and minority rights distinct from general human rights?
9. What are fourth-generation human rights? Give two examples.
10. How are digital rights becoming increasingly important in the 21st century?

Assignments

1. Define and classify human rights into their main categories, providing examples for each.
2. Explain the role of civil and political rights in a democratic society.
3. Discuss the importance of social and economic rights in reducing inequality.
4. Analyse how cultural rights protect the identity of indigenous communities.
5. Describe the evolution and importance of collective rights in the post-colonial era.
6. Evaluate the significance of environmental rights in the context of climate change.
7. Examine the need for special category rights with reference to women's and children's rights.
8. How do human rights address the concerns of marginalised groups such as LGBTQ+ communities?
9. What are the key challenges in implementing digital rights globally?
10. Assess the interrelationship between different types of human rights with examples.

Suggested Reading

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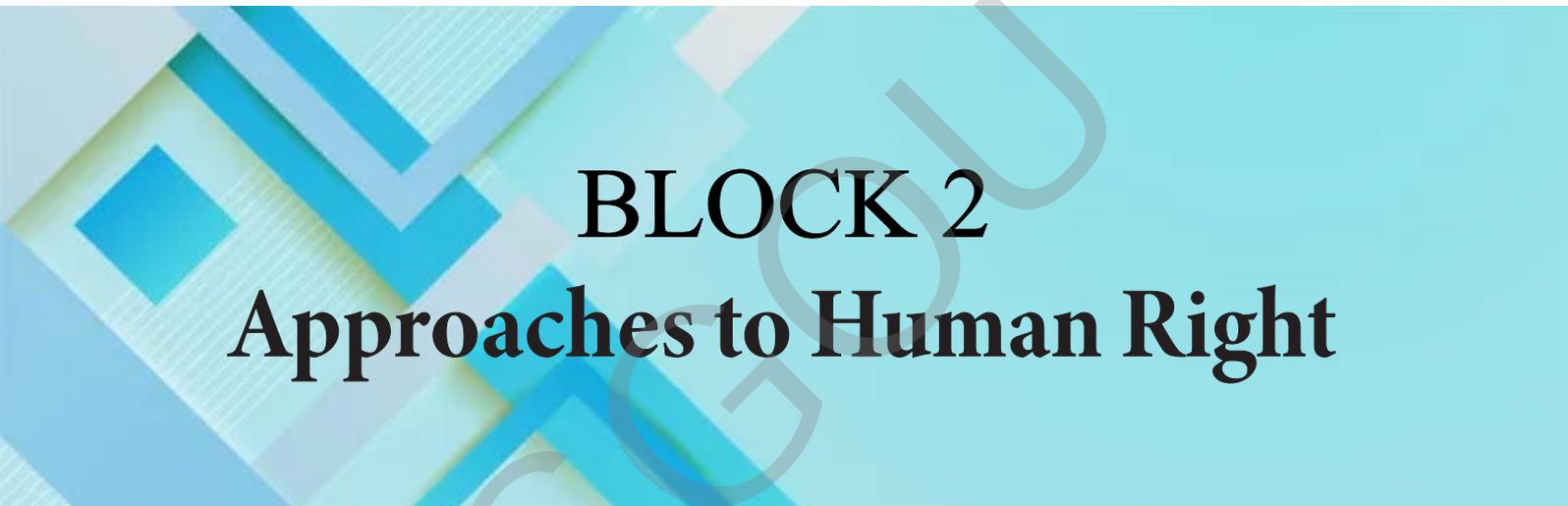
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BLOCK 2
Approaches to Human Right

UNIT 1

Western and Liberal

Learning Outcomes

Upon completion of studying this unit, learners will be able to:

- ▶ Analyse the foundational principles and historical evolution of Western and Liberal approaches to human rights, including key thinkers and movements.
- ▶ Differentiate between classical (negative) and positive (new) liberalism, identifying their respective views on the role of the state and individual liberties.
- ▶ Critically evaluate the philosophical underpinnings of Western human rights theory, such as universalism, individualism, and secular legalism, and their implications.
- ▶ Discuss the contemporary challenges and critiques faced by liberal approaches to human rights, including cultural relativism, economic inequality, and issues of selective application.

Background

The concept of human rights is a cornerstone of modern global discourse, shaping legal frameworks, political ideologies, and moral values worldwide. While often presented as universal, the dominant understanding of human rights has been significantly influenced by Western intellectual traditions, particularly liberalism. This unit delves into the intricate relationship between Western thought and the evolution of human rights, exploring how ideas of individual autonomy, liberty, and equality, rooted in Enlightenment rationalism and natural law, have shaped international human rights frameworks. We will examine the core tenets of the "Western" or "Liberal Democratic" approach, distinguishing between its classical emphasis on limited government and negative rights, and its later evolution towards a more interventionist "positive" role for

the state in ensuring welfare. Furthermore, we will explore the philosophical foundations that underpin these approaches – universalism, individualism, and secular legalism – and critically assess their contemporary relevance amidst challenges like cultural relativism, economic inequality, and globalisation. Understanding these foundational perspectives is crucial for appreciating the complexities and ongoing debates surrounding human rights in a diverse and interconnected world.

Keywords

Human Rights, Liberalism, Western Approach, Individual Autonomy, Natural Rights, Classical Liberalism, Positive Liberalism, Neo-liberalism, Universalism, Social Contract, Rule of Law, Enlightenment

Discussion

► Western Foundations of Human Rights

The concept of human rights has played a pivotal role in shaping modern political, legal, and moral discourse. While human rights are often regarded as universal, many of their foundational ideas and institutions have been shaped by Western traditions. Western approaches to human rights emphasise individual autonomy, liberty, and equality, often rooted in Enlightenment rationalism, natural law, and liberal democratic theory. These approaches have influenced international frameworks such as the United Nations Universal Declaration of Human Rights (1948) and continue to shape global debates on justice, equality, and freedom.

► Concept of Human Rights

Human rights are based on the assumption that all human beings are born equal in dignity and respect. These are the claims and entitlements that each and every individual possesses by virtue of being human. Ideas on the concept of human rights arise from philosophical perspectives and political ideologies.

Our society is a web of social, economic, cultural, and political relations, which are construed according to different interests within society. These relations interact, clash, and contradict each other, giving birth to a new set of relations. The values and principles that underpin the discourse of hu-



► Perspectives on Human Rights

man rights have been construed through the course of social struggles. As a result, human rights can become a contentious issue. In this context, it becomes essential to understand different perspectives concerning human rights: liberalism, Marxism, feminism, and the like.

► Liberal Democratic Approach

2.1.1 Western Approach to Human Rights

The Western approach is also known as the Liberal Democratic approach. It is based on the idea of liberalism, which defends the principles of competitive individualism, private property, and market ethics. It cherishes individual liberty, development, and human progress through the functioning of the above principles. The liberal approach is based on natural law and natural rights views of human rights.

► Liberal Approach

The advocates of the liberal approach agree with Locke's theory of natural rights: the right to life, the right to liberty, and the right to property. They argue that the duty of the government is simply to maintain law and order so that everyone will have a chance to enjoy their rights. Thomas Hobbes, John Locke, and J.S. Mill were ardent advocates of the liberal approach. The main principles of the liberal approach are personal liberty, private property, an open market, and open competition. Let us have a brief discussion of liberalism.

► Origins of Liberalism

2.1.2 Definition of Liberalism

The word 'liberalism' originated from the Latin word 'liberalis', which means freedom. According to the Britannica Concise Encyclopaedia, "Liberalism is a political and economic doctrine that emphasises the rights and freedom of individuals and the limited power of the state." It is a principle of politics that insists on the liberty of an individual as the first and foremost goal of public policy. Liberty, in this sense, implies liberation from restraints, particularly from those imposed by an authoritarian state. The philosophy is centred on two main principles: individualism and liberty.

► Core Principles

Firstly, liberalism places the individual at the heart of society. Secondly, the purpose of society is to allow individuals to reach their full potential. These two principles are the foundation upon which the various elements of liberalism revolve.

2.1.3.1 Evolution of Liberalism

► Evolution of Liberalism

Liberalism as a political ideology evolved out of a sustained struggle against hierarchically organised social and political relations. Ancient Greece, which paved the path for self-rule, inspired the growth of liberalism. Benjamin Constant, a forerunner of liberalism, believed that liberty consisted of active and constant participation in collective power. The Enlightenment, Glorious Revolution, and the French Revolution contributed to the birth of liberalism as an ideology. The Enlightenment refused to accept moral goals as absolute rights. The Glorious Revolution denounced the Divine Right of Kings. The French Revolution introduced the idea of individual liberty, making it so sacred that no one could suppress it. Liberalism emerged in the form of a crusade against the unlimited and unrestricted power of monarchs and against landed aristocracy. Thus, the principles of liberalism evolved in the 17th century to liquidate the feudal privileges of the owning class and create favourable conditions for the entrepreneurial class, enabling them to contribute to social progress. The first clear sign of the political use of this principle occurred in the early 19th century when a faction of the Spanish legislature adopted the name 'Liberals'. From there, the term travelled to France and Great Britain.

2.1.3.2 Characteristics of Liberalism:

Liberalism seeks to ensure the rights of individuals and to constitute a society characterised by:

1. Freedom of thought for individuals.
2. Limitation on the power of government and religion.
3. Rule of law.
4. Free exchange of ideas.
5. A market economy that supports free private enterprise.
6. A transparent system of government in which the rights of all citizens are protected.
7. Equality and non-discrimination.

► Liberalism Features

It seeks to establish liberal democracy through open, free, and fair elections, where all citizens have equal rights and equal opportunities.

2.1.3.3 Forms of Liberalism

► Key Features

Liberalism is usually identified with features such as a belief in the autonomy of individuals. This includes a passion for the existence and protection of rights, liberties, reason, consent, toleration, constitutionalism, equality, and justice.

Classical Liberalism or Negative Liberalism

John Locke, Adam Smith, and Jeremy Bentham were the early proponents of classical liberalism. Locke is known as the father of liberalism, Smith as the father of economics, and Bentham as the founder of utilitarianism. All of them defended the principles of the Laissez-Faire theory, which implies minimal state interference in the economic activities of individuals. It is termed negative liberalism because it envisages a limited role for the state in the interactions among individuals. The proponents of negative liberalism assumed that the individual was an autonomous, supreme, and rational being capable of managing their own affairs. Therefore, state interference was deemed unnecessary. For instance, John Locke advocated for a limited government.

► Classical Liberalism

► Economic Liberalism

During the Industrial Revolution, many economists supported liberalism on economic grounds. According to classical liberalism, the market is a self-regulating mechanism and needs no guidance from outside. The market should be free from government interference because it is managed by what Adam Smith called "an invisible hand."

► State and Society

Classical liberals present civil society as a realm of freedom, while the state is viewed as a realm of coercion. The state is necessary because it establishes order and security, ensuring that contracts are enforced. At the same time, it is seen as problematic because it imposes a collective resolution upon society and limits the freedom and responsibilities of individuals.

2.1.3.4 Basic Principles of Classical Liberalism

The basic principles of classical liberalism have been summarised by Hallowell in his book *Main Currents in Modern Political Thought*. They are as follows:

1. Faith in the absolute value and worth of human personality.
2. Belief in the rationality and goodness of humankind.

► Classical Principles

3. Belief in the existence of Natural Rights.
4. The state is an artificial institution that comes into existence by mutual consent.
5. The relationship between the state and individuals is contractual.
6. Laws are the best means of social control, based on rationality rather than command.
7. The state is a necessary evil and should perform minimal negative functions.
8. An individual should be free in all walks of life: political, economic, social, moral, spiritual, and intellectual.
9. Belief in an open society where there is natural harmony.
10. Belief in a free economy and free trade.

Classical liberalism remained a popular doctrine until the last quarter of the 19th century. After that, it gave way to positive or new liberalism.

2.1.3.5 Positive Liberalism or New Liberalism

In the 19th century, T.H. Green sought to add a moral dimension to liberalism. He advocated a comprehensive theory of the welfare state. This tradition was further developed by L.T. Hobhouse, Harold Laski, and R.H. Tawney. Thus, the theory and practice of the welfare state flourished in the first half of the 20th century in England. The theory contemplates a positive role for the state in securing a dignified life for individuals; hence, it is called positive liberalism. The reasons for its growth were changes in the socio-economic and political conditions of society and the rise of socialism.

► Positive Liberalism

Features of Positive Liberalism:

1. Liberty is something positive and not merely the absence of restraints. It believes in freedom through the state rather than freedom from the state.
2. Positive liberalism endorses the positive role of the state. Its objective is to promote the welfare of the community and safeguard their rights and liberties.
3. It does not consider the state as a 'necessary evil'.

► Positive Features

4. The state should not allow an unregulated free economy, as this has proven detrimental to the common man.
5. Capitalists must be taxed to raise funds needed to promote the welfare of the common man.
6. Rights and liberties are granted to individuals for social welfare.
7. It believes in democratic and parliamentary methods to bring about the desired reforms in society.
8. The state must coordinate and reconcile the conflicting interests of opposing classes to achieve harmony in society. Instead of class struggle, there should be class harmony.
9. Evolutionary development of society should be preferred over revolutionary changes.

► Political Liberalism

2.1.3.6 Political Liberalism:

It implies that society and institutions exist to further the ends of individuals. It emphasises the rule of law and supports liberal democracy. John Rawls, in his book *Political Liberalism*, insisted that liberalism is not a comprehensive doctrine inclusive of values, ethics, epistemology, and controversial metaphysics of a person and society. According to Rawls, liberalism must be restricted to a core set of political principles that are subject to the consent of all reasonable citizens.

► Cultural Liberalism

2.1.3.7 Cultural Liberalism:

This focuses on the rights of individuals, including cognitive freedom and protection from government intrusion into private life. J.S. Mill aptly expressed cultural liberalism in his essay *On Liberty*. He states, “over himself, over his mind and body the individual is supreme.” Cultural liberalism generally opposes government regulation of literature, the arts, or academia.

► Neo-liberalism

2.1.3.8 Neo-Liberalism

The philosophy of neo-liberalism was developed by economists like Friedrich Hayek and Robert Nozick. This form of liberalism largely arose as a reaction to growing state involvement in economic and social life, particularly in the early post-

war era.

► Neo-Liberal Features

Neo-liberalism aligns with new rights and globalization. It advocates unregulated market capitalism and for an individual who is free and autonomous. It reinforces self-help and entrepreneurialism. According to Haywood, the market is seen as morally and practically superior to government, and any form of political control is rejected. Thus, neo-liberalism is a policy model that bridges politics, social studies, and economic factors from the public sector to the private sector.

The major elements of neo-liberalism are:

1. The rule of the market, granting freedom for capital, goods, and services. It desires freedom from the state or government.
2. Cutting public expenditure by government for social services.
3. Deregulation: It aims to reduce government regulation of anything that could diminish profits.
4. Privatisation of public enterprises.
5. Changing the perception of public and community good to individualism and individual responsibility.

► Neo-Liberal Elements

► Liberalism Impact

It is observed that neo-liberalism has been imposed by powerful financial institutions like the IMF, the World Bank, and the Inter-American Development Bank. Liberalism has introduced many humanistic and democratic ideas. It has advocated values such as liberty, equality, fraternity, and justice. It was the idea of liberalism that dealt a deathblow to monarchy, papacy, and the feudal order, paving the way for democracy. Nobody can deny that liberalism brought tremendous industrial and economic development. However, the following points should be noted in this context.

2.1.4. Philosophical Foundations of Western Human Rights

A. Universalism

A hallmark of Western human rights theory is based on the belief that human rights are universal, inherent to all individuals regardless of nationality, culture, or social status. **Universalism**—the idea that rights belong to all human beings by vir-

tue of their humanity. This idea is often grounded in rationalist and moral philosophy:

- **Kantian ethics** underscores the dignity and autonomy of every rational being.
- **Utilitarian approaches** (e.g., Jeremy Bentham, John Stuart Mill) justify rights in terms of maximising happiness or utility, though Bentham famously called natural rights “nonsense upon stilts.”

► Universalism
Concept

B. Individualism

Western approaches tend to emphasise the **individual** over the collective. Rights are seen as protections of the individual from the arbitrary power of the state, society, or group. Individualism emphasises personal autonomy and freedom. This individualistic focus has often clashed with more community-based conceptions of rights found in non-Western traditions.

► Individualism Focus

C. Secular Morality and Legalism

Western human rights theory increasingly relies on secular, legalistic frameworks, where rights are enshrined in constitutions, charters, and international law. The emphasis on legal codification reflects a deep-seated belief in the rule of law and the impartiality of justice. This approach draws its inspiration from political philosophers, liberalism, and above all the document of Magna Carta .

► Legalistic Approach

D. Socio-Economic Rights

Many Western countries have historically prioritised civil and political rights (freedom of speech, voting, legal protection) over economic and social rights (healthcare, housing, education), often seen as “second-generation” rights. This has sparked debate over the indivisibility of rights and the need for a more holistic understanding. Furthermore, concerns exist that human rights promotion can be used as a tool of Western influence, potentially imposing Western values and priorities on developing countries, which may, of course, have different historical and cultural contexts.

► Civil vs Social

2.1.5 Contemporary Developments

A. Post-Cold War Humanitarianism

After the Cold War, Western governments and institutions



► Humanitarian Intervention

increasingly used humanitarian intervention to justify military involvement in the name of protecting human rights (e.g., Kosovo, Libya). These actions were praised by some as moral obligations but condemned by others as violations of sovereignty.

► Globalization Rights

Globalization has expanded the reach of Western rights discourse but also exposed its limits. Issues such as climate justice, digital rights, and corporate accountability now challenge traditional frameworks. Western institutions are being pressured to update their understanding of rights to meet these new global realities.

► Liberalism and Rights

2.1.6. Liberal Approaches to Human Rights

Liberalism, one of the dominant political ideologies in the modern world, has profoundly shaped the discourse on human rights. Rooted in the Enlightenment, liberal approaches to human rights emphasise individual liberty, equality, the consent of the governed, and the protection of personal freedoms through the rule of law and democratic institutions. Modern liberals, in particular, may also emphasise the importance of social and economic rights. This paper explores the liberal understanding of human rights, its philosophical foundations, historical development, and contemporary challenges.

2.1.7. Philosophical Foundations of Liberal Human Rights

A. Individual Autonomy and Moral Agency

► Individual Autonomy

At the heart of liberal thought is the idea of the individual as a rational, autonomous moral agent. It also emphasises the rights and freedoms of individuals. This conception emerges most clearly in Immanuel Kant's moral philosophy, where every person is seen as an end in themselves, deserving of respect and freedom. Human rights, in this framework, protect the conditions necessary for individuals to make autonomous moral choices.

B. Natural Rights and the Social Contract

Early liberal thinkers like John Locke viewed rights as natural, pre-political entitlements inherent to all human beings. Locke's *Second Treatise of Government* articulated the right

► Natural Rightst

to life, liberty, and property as natural rights that precede the state and serve as the foundation for legitimate political authority. Governments, according to Locke, exist primarily to secure these rights through a social contract agreed upon by free individuals.

► Universal Rightst

C. Universalism and Rationalism

Liberalism embraces the universal applicability of human rights. Rooted in Enlightenment rationalism, liberal thinkers assert that human beings, by virtue of their shared rational nature, possess universal moral entitlements. This philosophical underpinning supports the liberal belief that human rights are not culturally contingent but universally binding.

► Limited Government

D. Limited Government

Liberalism lays emphasis on limited government, as advocated by John Locke. It puts restrictions on the power of the government to interfere in the liberties of individuals.

These rights are typically understood as negative rights, which require the state to refrain from interfering in individual liberty.

► Rule of Lawt

E. The Rule of Law

A key liberal principle is that of the rule of law: all individuals and institutions, including the state, are subject to the law. Law should be clear, predictable, and applied equally to everyone, ensuring justice and fairness. Human rights are protected not merely as moral ideals but as legal entitlements enforceable through courts, constitutions, and international law.

► Equality Before Lawt

F. Equality and Non-Discrimination

Liberalism upholds the principle that all individuals are equal before the law. Discrimination based on race, gender, religion, or other status is incompatible with liberal human rights, which aim to ensure equal protection and opportunity for all.

► Consent and Democracy

G. Consent of the Governed

Liberal political systems emphasise government by consent and representative democracy. Governments derive their legitimacy from the consent of the people. Human rights are seen as both enabling and protected by democratic participation, with institutions designed to allow individuals to express their

will and hold power accountable.

2.1.8. Critiques and Limitations of Liberal Approaches

A. Cultural Relativism

Critics argue that liberal human rights are Western-centric, emphasising individualism and secularism at the expense of collective or religious values. From this perspective, liberal rights frameworks may not adequately reflect non-Western moral and political traditions, raising questions about their universality.

► Cultural Relativism

B. Economic Inequality and Neoliberalism

While modern liberalism recognises social rights, neoliberal economic policies—often associated with liberal democracies—have been criticised for increasing inequality and undermining social welfare. Critics argue that liberal societies sometimes fail to realise the material conditions necessary for the meaningful exercise of rights.

► Economic Critique

C. The Limits of Legalism

Liberal reliance on legal institutions to protect rights can be problematic when those institutions are inaccessible or biased. Legalistic approaches may ignore structural inequalities or fail to account for the life experiences of marginalised communities.

► Legal Limitations

D. Selective Application in Foreign Policy

Liberal democracies have been accused of hypocrisy or double standards in promoting human rights abroad while tolerating or engaging in rights violations themselves (e.g., military interventions, surveillance, treatment of migrants). Such inconsistencies undermine the moral credibility of liberal human rights advocacy.

► International Hypocrisy

Liberal approaches to human rights have played a foundational role in shaping modern conceptions of freedom, dignity, and justice. From Locke and Kant to Rawls and Dworkin, liberal theorists have emphasised the centrality of individual autonomy, equality, and the rule of law. Liberalism's historical evolution—from classical to modern and cosmopolitan variants—has expanded the scope of rights to include not only

► Liberalism Legacy

civil and political freedoms but also social and economic entitlements.

► Adapting Liberalism

However, 20th-century socialism and communism posed a threat to liberalism. Hence, it is necessary to make the required changes according to the changing conditions of life to keep it relevant. Attempts should be made to strike a balance between individual interests and social interests.

► Liberalism Challenges

Yet, liberal approaches are not without challenges. As the world becomes more culturally diverse, economically unequal, and politically fragmented, liberal human rights frameworks must adapt. The future of liberalism will depend on its ability to balance individual freedoms with collective needs, and legal protections with substantive justice. Despite critiques, liberal human rights remain a powerful ideal for organising moral and political life in the 21st century.

Summarized Overview

This unit explores how Western liberal traditions have shaped our understanding of human rights. Beginning with the Enlightenment, thinkers like Hobbes, Locke, Mill, and Rawls developed concepts of individual autonomy, natural rights, and limited government. Classical Liberalism emphasised negative rights and free markets; Positive Liberalism argued for state intervention to ensure welfare and equality; Political Liberalism focused on democratic consensus; Cultural Liberalism protected freedom of thought; and Neo-Liberalism revived free-market ideas in the 20th century. Despite their influence on modern constitutions and global rights frameworks, these approaches face critiques, including claims of cultural bias, economic inequality, and selective foreign policies. Understanding these tensions is key to critically engaging with human rights debates today.

Self-Assessment Questions

1. Who are some key thinkers associated with Classical Liberalism?
2. What is the difference between Classical and Positive Liberalism?
3. How did John Rawls contribute to Political Liberalism?
4. What is Cultural Liberalism and how did J.S. Mill describe it?
5. What is Neo-Liberalism and who are its main proponents?



6. What does universalism mean in the context of human rights?
7. Explain the significance of the social contract in liberal thought.
8. Why is the rule of law important in liberal frameworks?
9. Name two contemporary criticisms of liberal human rights approaches.
10. How has liberalism shaped modern global human rights documents?

Assignments

1. Discuss the evolution of liberal thought from Classical to Neo-Liberalism with examples.
2. Critically analyse John Rawls' concept of Political Liberalism.
3. Examine the role of Cultural Liberalism in protecting freedom of expression today.
4. Evaluate the impact of Neo-Liberalism on socio-economic rights in the global South.
5. Discuss the philosophical foundations of universalism and individualism in Western human rights theory.
6. Debate the relevance of liberal human rights frameworks in a culturally diverse world.

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Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.



UNIT 2

Socialist and Third World

Learning Outcomes

Upon completion of studying this unit, learners will be able to:

- ▶ explain the philosophical foundations of socialist and Third World perspectives on human rights.
- ▶ compare socialist approaches with liberal human rights frameworks.
- ▶ analyse the historical evolution of Third World human rights discourse.
- ▶ evaluate the critique of universalism and Western dominance in human rights regimes.
- ▶ discuss key thinkers and their contributions to socialist human rights theory.
- ▶ assess the contemporary relevance of socialist and Third World approaches in addressing global inequalities.

Background

Human rights have long been seen as the moral bedrock of international relations and domestic governance. However, dominant liberal perspectives — shaped largely by Western historical experiences — often prioritise civil and political rights while downplaying the structural inequalities that prevent millions from living with dignity. Against this backdrop, socialist and Third World approaches emerged as vital alternatives, rooted in anti-colonial struggles, socialist revolutions, and demands for social and economic justice. These traditions challenge the idea that human rights are neutral or universally defined, arguing instead that true human dignity can only be realised by confronting global exploitation, poverty, and systemic injustice. Understanding these perspectives broadens our grasp of human rights and invites us to reimagine them as

tools for collective emancipation and equitable global development.

Human rights discourse has been significantly shaped by a range of ideological traditions and historical experiences. While liberal approaches — particularly those emphasising civil and political liberties — have long dominated the international human rights regime, they do not represent a universally accepted or uncontested framework. Alternative traditions, notably those rooted in socialist thought and the experiences of the Global South, offer powerful critiques and transformative visions of human rights. Socialist and Third World approaches reject the narrow focus on individual liberty and procedural democracy, arguing instead for the centrality of social and economic justice, collective well-being, and the right to self-determination. Emerging from the material struggles of working-class movements and the legacies of colonialism, these frameworks interrogate the structural inequalities embedded in global capitalism and international law. They challenge the assumption that human rights can be meaningfully realised in conditions of extreme poverty, systemic exploitation, and political domination. This paper explores socialist and Third World approaches to human rights, tracing their philosophical underpinnings, historical evolution, key contributions, and enduring relevance in the face of persistent global injustice and inequality.

Keywords

Social Justice, Universalism, Colonialism, Neo-colonialism, Third World, Marxism, Cultural Hegemony, Tolerance, Non-Aligned Movement, Right to Development, Global Inequality

Discussion

2.2.1. Third World Approaches to Human Rights

► Third World Rights

The approach of Third World countries to human rights was not vastly different from the Western concept. However, since most Afro-Asian and Latin American countries were under colonial rule, there were significant human rights violations in those parts of the world. The national movements in these countries focused on the protection of their basic human rights. Among the Third World countries, India was a pioneer in the formulation of the concept of human rights. In India,



a large section of the population, such as Harijans, Girijans, and landless labourers, have not only suffered economic exploitation but have also been subjected to various forms of other exploitation. However, with the country's independence, the framers of the Constitution established programmes for the welfare of those who had been neglected.

2.2.1.1 Key Aspects of the Third World Approach

1. **Critique of Universalism:** The Third World approach challenges the notion of a single, universally applicable human rights framework, arguing that the Western-centric model often overlooks the specific needs and challenges faced by developing countries.
2. **Historical Context:** It emphasises the impact of colonialism, imperialism, and neo-colonialism on human rights situations in Third World countries, arguing that historical injustices continue to shape contemporary power structures.
3. **Focus on Development:** This approach often prioritises economic and social rights, such as the right to development, food, and education, alongside civil and political rights, recognising the interdependence of these rights. This perspective argues that economic inequality and a lack of access to basic resources undermine the realisation of fundamental rights.
4. **Sovereignty and Self-determination:** It emphasises the importance of national sovereignty and the right of self-determination for Third World nations to shape their own development paths and governance structures.
5. **International Order:** This involves challenging the dominance of Western perspectives, recognising the diverse needs and aspirations of all people, and promoting a more inclusive and participatory approach to international law-making.
6. **Social Justice and Equality:** The Third World perspective advocates for a more just and equitable global order, addressing issues such as poverty, inequality, and discrimination within and between nations.

► Third World Approach

7. **Reimagining International Law:** The Third World approach critiques the role of international law in perpetuating inequalities and marginalising the Third World, advocating for a more just and equitable system.
8. **Challenging the Status Quo:** It calls for a re-evaluation of international law and institutions to address the specific needs and concerns of the Third World, rather than perpetuating existing power imbalances.
9. **Importance of Collectivism:** This perspective also emphasises the significance of collective rights, such as the right to self-determination and the right to development, alongside individual rights.

2.2.2. Examples of Third World Concerns

Many Third World countries face significant debt burdens, which can limit their ability to invest in social programmes and development initiatives. Similarly, global trade and economic policies can disadvantage developing countries, leading to poverty, inequality, and violations of economic, social, and cultural rights. **Trade Imbalances:** Unequal trade relationships can hinder the economic growth of developing countries and increase poverty. **Environmental Degradation:** The focus on economic growth in developing countries often comes at the expense of environmental protection, leading to human rights violations related to health and well-being. **Human Rights Interventions:** Scholars question the motives and effectiveness of human rights interventions by Western powers, arguing that they can be a form of neo-imperialism.

► Third World Challenges

In essence, the Third World perspective on human rights calls for a more inclusive, equitable, and culturally sensitive approach that acknowledges the historical context and specific challenges faced by developing nations. Scholars question the motives and effectiveness of human rights interventions by Western powers, arguing that they can be a form of neo-imperialism.

► Inclusive Approach

2.2.3. Historical Development of Socialist Human Rights

1. Soviet Union and the Socialist Bloc

► Soviet Rights

- The USSR enshrined socio-economic rights in its constitutions (e.g., right to work, rest, healthcare).
- The state was viewed as the guarantor of rights through central planning and public ownership.
- Political rights were subordinate to collective goals, leading to critiques of repression and lack of pluralism.

► Ideological Competition

2. Cold War and Ideological Competition

- The Cold War witnessed a sharp divide between Western (civil-political) and Eastern (socio-economic) rights.
- The Universal Declaration of Human Rights (UDHR) reflects an uneasy compromise between these perspectives.
- Socialist states promoted an alternative vision of development and social justice through the Non-Aligned Movement.

► Cuban Human Rights

3. Cuba and Revolutionary Human Rights

- Cuba represents a prominent example of socialist human rights in practice.
- Emphasis on free healthcare, education, and anti-imperialism.
- Critics highlight limitations on free expression and political pluralism.

2.2.3.1 Theoretical Contributions of Socialist Thinkers

1. Antonio Gramsci and Cultural Hegemony

- Gramsci's notion of cultural hegemony emphasises how dominant ideologies mask inequality.
- Human rights must be understood in relation to social power and ideological control.

2. Herbert Marcuse and Repressive Tolerance

► Socialist Theories

- Marcuse critiqued liberal tolerance as a mechanism that permits the perpetuation of oppressive systems.
 - True human rights require critical consciousness and transformative action.
3. Contemporary Marxist Human Rights Theory
- Thinkers like David Harvey and Slavoj Žižek examine how neoliberal globalisation undermines rights.
 - Calls for reclaiming human rights as tools of anti-capitalist struggle.

► Socialist Approach

The socialist approach to Human Rights can be seen in the writings of Karl Marx, Engels, and Lenin. This approach places greater importance on social rights rather than individual rights. It posits that personal development is possible only through society; therefore, social rights should take precedence over individual rights. Proponents argue that the state's duty is to guarantee the civil and economic rights of its citizens. According to Marx, personal liberty and personal rights make individuals more selfish and exclude them from society. Thus, social rights should be prioritised.

► Marxian Perspective

The Marxian approach does not consider religion, culture, morality, customs, and traditions as integral components of Human Rights. Proponents argue that the full realisation of the individual is only possible within the context of society. This approach envisions freedom as freedom through society, not from it. Marxist theory contends that Human Rights are inherently limited and serve the interests of the bourgeoisie (the ruling class) rather than emancipating the proletariat (the working class).

2.2.4. Let us examine the Marxist arguments regarding Human Rights:

1. Critique of Liberal Human Rights

Marxists argue that liberal human rights, which focus on individual freedoms and property rights, are used to legitimise and perpetuate capitalist exploitation. They contend that these rights serve the interests of the ruling class (the bourgeoisie) by protecting their ownership of the means of production and

maintaining the status quo. The emphasis on individual rights can obscure the systemic nature of social problems and the exploitation of the working class (the proletariat).

2. Emphasis on Collective Social Rights

Marxists advocate for a broader understanding of Human Rights that includes collective and social rights, such as the right to work, education, healthcare, and decent standards of living. They argue that these rights are essential for human flourishing and cannot be realised under capitalism, which inherently creates inequalities and exploitation. For Marxists, true human rights require a society where the means of production are collectively owned or controlled, and where resources are distributed more equitably.

3. Socialist Transformation

Marxists believe that a socialist revolution is necessary to dismantle the capitalist system and create a society where human rights can be fully realised. This revolution would involve the abolition of private property, the collectivisation of the means of production, and the establishment of a classless society. In a socialist society, Marxists believe that human rights would be intrinsically linked to social justice and the collective well-being of all members of society.

► Marxist Argumentst

2.2.5. Key Marxist Concepts

1. Historical Materialism: Marxists analyse history through the lens of material conditions and economic systems.
2. Class Struggle: Marxism posits a fundamental conflict between the bourgeoisie and the proletariat. This struggle shapes social relations, including the understanding and implementation of rights.
3. Alienation: Under capitalism, Marxists argue that workers are alienated from their labour, the products of their labour, and their own potential. This alienation undermines the realisation of genuine human rights.
4. Base and Superstructure: The economic base (means of production) shapes the superstructure (political, legal, and ideological systems). Marxists argue that

► Marxist Concepts

the capitalist economic base determines the nature of Human Rights, which serve to legitimise and maintain the capitalist order.

2.2.6. Key Marxist Philosophers

► Marxist Philosophers

- Karl Marx: His critique of capitalism and theories of historical materialism, class struggle, and surplus value are fundamental.
- Friedrich Engels: Friedrich Engels collaborated with Marx and contributed significantly to Marxist theory. 'The Communist Manifesto' was drafted by Karl Marx with the help of Friedrich Engels.
- V.I. Lenin: He stated that imperialism is the highest stage of capitalism and updated Marxism.
- Antonio Gramsci: Gramsci developed the concept of cultural hegemony, which explains how the ruling class maintains its power through ideological dominance.

In addition to the above-mentioned thinkers, various contemporary scholars continue to develop and apply Marxist theory to contemporary issues of Human Rights and social justice.

2.2.7. Soviet Union - A National Example

► USSR Social Rights

The socialist system was established in the USSR in 1917 under the leadership of V.I. Lenin, who took care to secure the social and economic rights of its citizens. The Constitution of 1977 expanded these rights. Citizens of the former USSR were guaranteed not only equality before the law but also equal rights in all spheres of economic, political, social, and cultural life. Above all, they were entitled to the right to work, including the right to choose their trade or profession. They also had the right to rest and leisure, health protection, and social security in the case of old age, sickness, or other disabilities. They had the right to housing, education, and to enjoy cultural freedoms.

Theoretically, they were also entitled to freedom of speech, the press, assembly, meetings, street processions, and demonstrations, in accordance with the interests of the people

► USSR Political Rights

and to strengthen and develop the socialist system. They had the right to associate in public organisations to promote their political activity and initiative, etc., in accordance with the aim of building communism. They also had the right to profess or not profess any religion, and to conduct religious worship, etc.

► Soviet Critiquist

The Soviet system was severely criticised for its suppression of freedom of opinion and protest. Western countries branded it as a nation behind the "Iron Curtain." The new rights granted to citizens, especially the freedoms of speech, assembly, association, and demonstration, were apparently conditional — governed by the aim of building up Communism. The prerogative to judge whether a particular activity conformed to this aim or not rested with the state, i.e., the Communist Party. It was only after the collapse of Communism in the former Soviet Union (1991) that the liberal democratic rights of citizens were restored. Unfortunately, these changes were accompanied by a sharp decline in social and economic rights.

► Marxist Limitationst

In this context, it may be stated that, in light of the present-day development of Human Rights, the Marxist idea of Human Rights seems to be utopian thinking. The idea of a shift from political emancipation to human emancipation remains an unfulfilled ideological dream, even in many communist countries. The notion of political transition is also problematic, as it might result in the revolutionary dictatorship of the proletariat. The break-up of the Soviet Union and the civil war in Cambodia are relevant examples here.

2.2.8. Historical Evolution of Third World Human Rights Thought

1. Bandung Conference (1955)

- This conference, which brought together nations from Asia and Africa, is seen as an important step in the evolution of the Third World approach. It fostered the idea of collective action and solidarity among Third World countries.
- It marked the rise of the Non-Aligned Movement and the demand for a New International Economic Order (NIEO).
- It emphasised peaceful coexistence, mutual respect,

and national self-determination.

2. UN Declarations and Global South Advocacy

- The 1986 UN Declaration on the Right to Development reflects Third World priorities.
- Global South states have pushed for the democratisation of global governance and fairer trade systems.

▶ Third World Evolution

3. Contemporary Activism and Resistance

- Grassroots movements in Latin America, Africa, and Asia articulate rights in relation to land, water, gender, and the environment.
- Indigenous and decolonial perspectives challenge the state-centric model of human rights.

4. Emergence of a Critical Scholarly Network:

The Third World approach has grown as a scholarly movement since the late 1990s, with scholars around the world engaging in debates about the role of international law in the Third World.

2.2.9. Common Themes and Divergences

1. Shared Emphasis on Economic Justice

- Both socialist and Third World approaches prioritise economic and social rights.
- Human dignity is linked to material well-being and access to resources.

▶ Common Themes

2. Critique of Liberal Individualism

- Both stress the collective dimension of rights and community solidarity.
- They reject the notion of rights as static, universal abstractions.

3. Tensions and Internal Contradictions



- Socialist regimes have sometimes violated civil liberties in the name of social justice.
- Postcolonial states may reproduce authoritarianism despite anti-imperialist rhetoric.

2.2.10. Contemporary Relevance and Challenges

1. Global Inequality and Neoliberalism

- Socialist and TWAIL critiques remain pertinent amid global wealth disparities.
- They push for alternative models of development and participatory democracy.

2. Climate Justice and Environmental Rights

- Global South actors link environmental degradation to colonial and capitalist exploitation.
- Calls for climate reparations and ecologically sustainable human rights frameworks.

3. Intersectionality and New Movements

- Feminist, indigenous, and anti-racist movements draw on socialist and decolonial thought.
- Highlight intersectional injustices and expand the scope of rights discourse.

► Contemporary
Challengers

Socialist and Third World approaches to human rights offer rich, critical perspectives that expose the limitations of the dominant liberal framework and call for a rethinking of rights in ways that are rooted in social justice, solidarity, and historical consciousness. These traditions emphasise that the struggle for human rights cannot be divorced from the broader fight against exploitation, poverty, and imperialism. Human dignity, in this view, is not simply a matter of legal entitlements or formal recognition; it is inextricably tied to the material and social conditions in which people live. Economic inequality, neocolonial dependency, and cultural domination all undermine the realisation of rights, and thus must be addressed through structural transformation.

► Critical Perspectives

► Power and Rightst

From the Marxist critique of bourgeois rights to the TWAIL rejection of the colonial legacy in international law, these approaches foreground the political economy of rights and the role of power in shaping legal norms. They advocate for a conception of rights that is inclusive of socio-economic needs, attentive to cultural diversity, and grounded in collective struggles for liberation. Rather than viewing human rights as fixed and universal truths, they understand them as dynamic, evolving tools that must be reclaimed and reinterpreted by those at the margins.

► Modern Relevancet

In the contemporary world, marked by deepening inequality, environmental degradation, rising authoritarianism, and the erosion of democratic values, the insights of socialist and Third World traditions are more necessary than ever. Climate justice movements, indigenous struggles, feminist and anti-racist activism—all increasingly draw upon these critical frameworks to demand not only recognition, but also redistribution and reparations. The demand for rights today must go beyond procedural guarantees to encompass questions of economic democracy, ecological sustainability, and global solidarity.

► Emancipatory Visioent

Ultimately, socialist and Third World approaches invite us to imagine a world where human rights are not merely instruments of international diplomacy or vehicles of Western influence, but expressions of collective freedom and justice. They challenge us to build institutions and movements capable of realising those rights in practice, particularly for those who have long been excluded from their promises. In doing so, they keep alive the radical, emancipatory spirit at the heart of the human rights project—and open the way toward a more just, equitable, and humane global future.

Summarized Overview

This unit explores how socialist and Third World traditions have shaped the global human rights discourse by offering alternative frameworks that challenge Western liberal dominance. Socialist perspectives, inspired by Marxist theory, stress collective social rights and the role of the state in guaranteeing welfare and equality, often critiquing liberal individualism as serving capitalist interests. Third World approaches emerged from the anti-colonial struggles of the Global South, calling for economic justice, sovereignty,

and cultural sensitivity in global human rights norms. By revisiting historical milestones like the Bandung Conference, the Non-Aligned Movement, and the UN Declaration on the Right to Development, the unit highlights how these traditions demand structural changes to address poverty, inequality, and exploitation. Together, these perspectives remain crucial for reimagining human rights as tools for global solidarity, social justice, and sustainable development in the face of contemporary challenges like climate change and neoliberal inequality.

Self-Assessment Questions

1. What are the key differences between liberal and socialist approaches to human rights?
2. How did the Soviet Union guarantee socio-economic rights for its citizens?
3. What is meant by the 'Third World Approach' to human rights?
4. How does the concept of 'cultural hegemony' by Gramsci relate to human rights?
5. Explain Marcuse's idea of 'repressive tolerance'.
6. Why do Third World approaches critique the idea of universalism in human rights?
7. How did the Bandung Conference influence Third World human rights discourse?
8. What is the right to development and why is it significant?
9. How do Marxists view individual liberty within capitalism?
10. Why are contemporary social movements revisiting socialist and Third World approaches?

Assignments

1. Critically examine the contributions of socialist thinkers like Marx, Gramsci, and Marcuse to human rights theory.
2. Discuss the historical role of the Non-Aligned Movement in shaping the Third World human rights discourse.
3. Evaluate the critiques of universalism posed by Third World and Marxist perspectives.
4. Compare the constitutional guarantees of socio-economic rights in the USSR with

those in liberal democracies.

5. Analyse the continued relevance of Third World Approaches to International Law (TWAIL) in the 21st century.
6. Discuss how climate justice movements connect with Third World critiques of the global human rights regime.

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Suggested Reading

1. Mazower, M. (2004). *The Strange Triumph of Human Rights, 1933–1950*. Cambridge: Cambridge University Press.
2. Moyn, S. (2010). *The Last Utopia: Human Rights in History*. Cambridge, MA: Harvard University Press.
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Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.

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UNIT 3

Feminist and Black Rights

Learning Outcomes

Upon completion of studying this unit, learners will be able to:

- ▶ define and explain the evolution of feminism and its major waves.
- ▶ illustrate the concept of intersectionality and its impact on feminist theory and activism.
- ▶ describe the historical and contemporary struggles for Black Rights.
- ▶ evaluate the legal frameworks that protect and promote feminist and Black Rights.
- ▶ analyse the role of education in empowering marginalised communities.
- ▶ assess the global dimensions and challenges faced by feminist and Black Rights movements today.

Background

Feminist and Black Rights movements have shaped the modern quest for equality and social justice. Feminism, with its historical waves, has continuously expanded its scope—from suffrage to reproductive rights, workplace equality, and intersectional justice. The concept of intersectionality reveals how overlapping identities like race, class, sexuality, and disability impact the lived experiences of women and marginalised groups, making a universalist approach to feminism insufficient.

Parallely, the Black Rights struggle, rooted in the legacy of slavery, segregation, and systemic racism, remains one of the world's most defining fights for human dignity. From the Civil Rights Movement to the rise of Black Lives Matter, these movements have highlighted enduring racial injustice and the need for structural change. This unit

examines these intertwined histories, core ideas, victories, setbacks, and the road ahead for achieving a truly just and equal society.

Keywords

Intersectionality, Suffrage, Patriarchy, Gender Equality, Civil Rights Movement, Black Lives Matter, Social Justice, Digital Activism, Reproductive Rights, Structural Racism

Discussion

► Feminism overview

Women have suffered and are still suffering because of their sex. Feminism seeks effective measures for the redress of that injustice. It basically stands for the concern with the status and role of women in society in relation to men. As a political term, 'Feminism' was a 20th-century invention. The term 'feminism' was first used in the 19th century as a medical term to describe either the feminisation of men or the masculinisation of women.

► Women movement

In the West, women emerged as a distinct group in the early 19th century, partly because of the promise of equality made by the Bourgeois Democratic Revolution of the 17th and 18th centuries and partly because of the Industrial Revolution. In modern usage, feminism is invariably linked to the women's movement and the attempt to advance the social role of women. As such, it is associated with two basic beliefs: that women are disadvantaged because of their sex and that this disadvantage can and should be overthrown.

► Feminist Goals

The women's movement has pursued goals that range from the achievement of female suffrage and the establishment of equal access to education to an increase in the number of women in elite positions in public life. Other objectives of the movement included the legalisation of abortion, the ending of female circumcision, and the abolition of restrictive or demeaning dress codes. Feminism comprises a number



of social, cultural, and political movements, theories, and moral philosophies concerned with gender inequalities and equal rights for women. In its broadest sense, it encompasses any theory based on the belief that women are oppressed or disadvantaged compared to men, and that their oppression is in some way illegitimate or unjustified.

2.3.1. Evolution of Feminism

The history of the evolution of feminism as a concept can be traced back as far as the ancient civilisations of Greece and China. Christine de Pisan's book 'The City of Ladies', published in Italy in 1405, suggested many of the ideas of modern feminism, advocating women's rights to education and political influence. Nevertheless, it was not until the 19th century that an organised women's movement developed. The emergence of the concept of feminism can be divided into three waves, summarised as follows:

2.3.2.1 First Wave of Feminism

The first wave was characterised by the demand that women should have the same legal and political rights as men. Female suffrage was its principal goal because it was believed that if women could vote, all other forms of sexual discrimination or prejudice would quickly disappear. In this context, in 1848, about 200 women met in a church and came up with 12 resolutions, including the right to vote. Reproductive rights also became an important issue for early feminists. After years of struggle, the American Congress finally passed the 19th Amendment in 1920, granting women the right to vote. This was almost 30 years after New Zealand became the first country where women could vote.

2.3.2.2 The Second Wave

The second wave took place in the 1960s and '70s, building on first-wave feminism and challenging what women's roles in society should be. It was inspired by the Civil Rights movement and protests against the Vietnam War. Traditional gender and family roles were questioned. The publication of Betty Friedan's 'The Feminine Mystique' in 1963 was a significant catalyst in this regard. It acknowledged that the achievement

of rights did not solve all women's issues. Furthermore, Kate Millett's 'Sexual Politics' (1970) and Germaine Greer's 'The Female Eunuch' expanded feminism into the realms of personal, psychological, and sexual aspects of female oppression. As a result of these movements, there were major victories during this era, including the 'Equal Pay Act' of 1963, Roe v. Wade in 1973, and other Supreme Court cases.

2.3.2.3 The Third Wave

The 1990s saw the emergence of the third wave of feminism. The ideas of this wave were prefaced by the scholars of the previous waves. In the third wave, women were able to consider other aspects of their identity, welcoming individuality and rebellion. This was an era of reclaiming. Many women freely expressed their sexuality in how they spoke, dressed, and acted. In this wave, the fight also continued to end violence against women both nationally and abroad. This wave represented the acceptance and true understanding of the term feminism.

2.3.2.4 The Fourth Wave

The fourth wave of feminism, emerging around 2012 with the rise of social media, focuses on intersectionality, addressing the interconnectedness of social categorisations such as race, class, and gender as they apply to a given individual or group, creating overlapping and interdependent systems of discrimination or disadvantage. It is characterised by a strong emphasis on digital activism, using platforms like Twitter, Facebook, and Instagram to raise awareness, organise campaigns, and foster community. Key issues include sexual harassment and assault (e.g., the #MeToo movement), body shaming, and misogyny online and offline. This wave often champions inclusivity, seeking to represent and empower diverse voices within the feminist movement, including those of women of colour, LGBTQ+ individuals, and women with disabilities.

► Feminism Evolution

2.3.3 Types of Feminism

Over the years, the movement has branched out into various sub-movements. Central to this discourse are liberal feminism, radical feminism, socialist feminism, and individual feminism.

1. Liberal Feminism

Liberal feminism advocates for change within the existing social

and political framework. This perspective emphasises equal rights and opportunities for all genders through legal and policy reforms. It stresses incremental changes and individual rights. Its key features are:

- a. Advocating for equal legal rights and opportunities for all genders.
- b. Focusing on political and legal reforms within the existing societal framework.
- c. Emphasising individual rights and personal freedoms.

2. Radical Feminism

Radical feminism opposes societal structures, asserting that these are patriarchal. This viewpoint holds that gender inequality permeates the very fabric of society. It seeks to uproot and replace the patriarchal system itself. Key features of radical feminism include:

- a. A root-and-branch approach to tackling gender inequality.
- b. Advocacy for reproductive rights, acknowledging women's autonomy.
- c. Promotion of female autonomy and self-determination.

► Types of Feminism

3. Socialist Feminism

Socialist feminism examines how capitalism and patriarchy work together to oppress women. It calls for a combined economic and gender revolution, advocating for economic changes.

Key features of socialist feminism include:

- a. Examination of the interaction between capitalism and patriarchy.
- b. Calls for economic reforms and gender equality.
- c. Focus on collective societal change rather than individual action.

4. Individual Feminism

Individual feminism concentrates on personal autonomy and choices. It believes that individual actions can challenge and change societal norms, thus promoting gender equality. It stresses personal empowerment and the capacity to make choices. Key features include:

- a. Emphasis on individual autonomy and personal choices.
- b. Belief in the power of individual actions to change societal norms.
- c. Focus on personal empowerment and the capacity to make choices.

2.3.4. Feminism in India

While feminism is a global discourse, its interpretation and application often vary according to regional, cultural, social, and political dynamics. In this context, a brief narrative of Indian feminism is desirable. Indian feminism is a product of historical strength and modern advocacy, influenced by key issues and distinct socio-political contexts.

1. Social Reform Phase (19th and early 20th centuries)²

This phase was marked by social reformers fighting oppressive practices like sati and child marriage while promoting women's education and rights.

2. Nationalist Phase (c. Mid-20th century)

During the freedom struggle, women's emancipation was interwoven with the fight for independence, leading to significant legal reforms.

3. Contemporary Phase (Late 20th century onwards)

This phase focused on women's autonomy, addressing a spectrum of issues from domestic violence and rape laws to female representation in politics.

▶ Indian Feminism

2.3.5. Feminist Movements in India

Over the years, numerous feminist movements have taken shape in India, reflecting diverse aspects of feminism.

- a. **Chipko Movement (1970s):** A rural women's ecological movement with feminist undertones, symbolising the strength and agency of women in environmental conservation.
- b. **Anti-Arrack Movement (1990s):** A rural women-led movement against alcoholism and domestic violence, emphasising women's collective power and agency.

► Feminism
Movements in India

While India has made significant progress, challenges persist. Socio-economic disparities, deeply rooted patriarchal norms, and gender violence remain significant issues. However, the strength of Indian women continues to fuel the feminist movement. Triumphs such as increased female literacy, political representation, and legal reforms provide hope for a more equitable future.

2.3.6. Fourth-Wave Feminism: Digital Activism and Global Solidarity

Since the 2010s, a fourth wave of feminism has emerged, shaped by digital technology, social media, and renewed global mobilization. This wave has brought feminism into mainstream conversation in unprecedented ways, using hashtags, viral campaigns, and online communities to challenge sexism, raise awareness, and demand accountability.

► Digital Feminism

The #MeToo movement, which gained global traction in 2017, exposed the prevalence of sexual violence and workplace harassment. Originally started by activist Tarana Burke, it empowered survivors to speak out and led to the downfall of powerful abusers in media, politics, and business. Other campaigns like #TimesUp, #SayHerName, and #NiUnaMenos have spotlighted gender-based violence, especially against women of colour and trans women.

Fourth-wave feminism is marked by its inclusivity, trans-allyship, and engagement with intersectional justice. It embraces reproductive justice, sex positivity, climate justice,



and economic equity, often challenging systemic issues like capitalism, racism, and colonialism.

► Global Solidarity

Moreover, the internet has enabled transnational feminist solidarity. From feminist protests in Poland against abortion bans to mass movements in Latin America against femicide, women across the globe are finding common cause while honouring their local contexts.

2.3.7. Core Issues in Feminist Rights

The core issues in feminist rights revolve around achieving gender equality and justice in all spheres of life. These issues have evolved over time, often grouped into "waves" of feminism, but many themes remain central. Here are the main core issues:

1. Political Rights

- **Suffrage:** The right to vote and participate in political decision-making.
- **Representation:** Equal representation in parliaments, governments, and leadership roles.
- **Policy Influence:** Inclusion of women's perspectives in law and policymaking.

2. Legal Equality

- **Equal Protection Under the Law:** Combating legal discrimination based on sex/gender.
- **Reproductive Rights:** Access to contraception, abortion, and bodily autonomy.
- **Family Law:** Rights in marriage, divorce, child custody, and inheritance.

3. Economic Rights

- **Equal Pay:** Closing the gender wage gap.
- **Access to Work:** Non-discrimination in hiring and promotions.

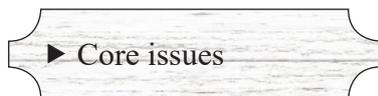
- Recognition of Unpaid Labour: Acknowledging domestic and care work as economically valuable.

4. Education

- Equal Access: Ensuring girls and women have the same educational opportunities.
- Curriculum Reform: Including women's contributions and feminist perspectives in education.

5. Violence Against Women

- Gender-Based Violence: Addressing domestic abuse, sexual harassment, and assault.
- Legal Recourse: Strengthening laws and enforcement to protect survivors.
- Cultural Change: Challenging norms that normalise or trivialise violence.



6. Health and Bodily Autonomy

- Maternal Health: Safe childbirth and prenatal care.
- Sexual Health: Access to information and services.
- Mental Health: Addressing gender-specific mental health issues and trauma.

7. Intersectionality

- Recognising that race, class, sexuality, disability, and other identities intersect with gender to produce unique experiences of oppression.
- Advocating for inclusive feminism that represents all women and marginalised genders.

8. Cultural and Social Norms

- Deconstructing Patriarchy: Challenging gender roles and stereotypes.
- Representation in Media: Promoting diverse and

accurate portrayals of women and gender minorities.

- Language and Identity: Valuing inclusive and non-sexist language.

2.3.8. Intersectional Feminism

► Intersectional Feminism

Intersectional feminism is a theoretical framework that examines how various social identities—such as race, gender, class, sexuality, and ability—intersect to shape individual experiences of oppression and privilege. Coined by Kimberlé Crenshaw in 1989, the term highlights how traditional feminism often failed to address the complexities faced by women of colour and other marginalised groups.

► Intersectional Struggles

Intersectionality challenges the "one-size-fits-all" approach to feminism by insisting that the struggles of a white, middle-class woman cannot be equated with those of a Black, queer, or disabled woman. For example, Black women may face racial profiling alongside gender discrimination, a dual burden that traditional feminist theories may overlook. Similarly, immigrant women may encounter xenophobia, labour exploitation, and gender-based violence, all at once.

► Inclusive Feminism

The framework has transformed feminist activism by fostering coalitions between various social justice movements—such as LGBTQ+ rights, anti-racism, and disability justice—leading to more inclusive campaigns. Intersectional feminism is not merely an academic concept but a necessary tool for ensuring that feminist movements do not reproduce the very inequalities they seek to dismantle. It is essential for creating a feminism that is truly inclusive and transformative.

► Feminism Todayt

The tenets of feminism remain as vital today as they were in the past. While significant strides have been made, gender inequality persists. Gender pay gaps, domestic violence, and disparities in political representation exemplify ongoing struggles.

► Legal frameworks

2.3.9. Legal Frameworks and Feminist Rights

Legal frameworks have played a pivotal role in advancing feminist rights, from securing voting rights to addressing workplace discrimination and gender-based violence. Law

has been both a site of oppression and a powerful tool for emancipation.

► Landmark victories

Landmark legal victories—such as the right to vote, Title IX in the U.S., and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)—have institutionalised gender equality principles. In many countries, laws now mandate equal pay, prohibit sexual harassment, and protect reproductive rights.

► Implementation challenges

However, the implementation of these laws often remains weak, especially in patriarchal societies where cultural norms undermine legal provisions. In some cases, legal systems themselves are biased—e.g., laws that define rape narrowly or fail to recognise marital rape. Furthermore, intersectional perspectives reveal that marginalised women often have limited access to justice. While legal frameworks have significantly advanced feminist rights, the gap between law and lived reality remains a major challenge. True legal reform must go beyond formal equality and ensure substantive justice, especially for the most vulnerable.

► Education Empowerment

2.3.10. Feminist Rights and Education

Education is a foundational pillar for achieving gender equality and empowering women and girls. Feminist movements have long emphasised the transformative power of education in challenging patriarchy and opening up new possibilities for women. Historically, women were denied access to formal education, reinforcing their economic dependence and social subordination. Feminist advocacy led to reforms that expanded educational opportunities for girls and women, enabling their participation in public and professional life.

► Gendered education

Education also plays a critical role in shaping attitudes and beliefs. Gender-sensitive curricula that challenge stereotypes can foster equality from a young age. However, gender disparities persist—especially in developing countries—due to poverty, early marriage, and societal norms that devalue girls' education. Higher education institutions, too, often reflect gender biases, with underrepresentation in STEM fields, male-dominated faculties, and gender-based harassment on campuses. Feminist rights and education are deeply intertwined. Expanding access to inclusive, equitable, and empowering education is essential for building a more just and

equal society.

2.3.11. Global Feminist Movements

► Global feminism

Feminism is not a monolithic movement but a constellation of struggles rooted in diverse histories, geographies, and cultures. Global feminist movements have emerged in response to specific local contexts while also connecting through shared goals of gender justice.

► Global South Feminism

In the Global South, feminist movements have often focused on issues like economic inequality, reproductive rights, and violence against women. Latin American feminists have mobilised around femicide and abortion rights, African feminists have challenged colonial legacies and harmful cultural practices, and Asian feminists have tackled labour exploitation and caste-based discrimination. Transnational feminist networks, such as the World March of Women, highlight the interconnectedness of global struggles. However, tensions exist between Western feminist frameworks and local feminist voices, especially when the former impose universalist agendas without sensitivity to cultural specificities. Globalisation has both helped and hindered feminist movements—enabling solidarity and resource sharing but also exacerbating inequalities and cultural homogenisation. Global feminism must balance solidarity with respect for difference. A truly inclusive feminist movement acknowledges diverse voices, fosters cross-cultural dialogue, and resists both patriarchy and neocolonialism.

2.3.12. Challenges and Backlash Against Feminist Rights

► Feminist backlash

Despite significant progress, feminist rights continue to face resistance and backlash in various forms—from legal regression and political conservatism to cultural pushback and digital misogyny. One of the most visible backlashes has been the rise of anti-feminist rhetoric in politics, particularly within right-wing populist movements that seek to reassert traditional gender roles. Legal setbacks—such as restrictions on abortion in the U.S. or Poland—demonstrate how hard-won rights can be reversed. Culturally, feminism is often mischaracterised as anti-family or anti-men, fueling polarization and resistance.

The internet has become a breeding ground for organised anti-feminist communities, including the "mansphere," which spreads misogynistic ideologies.

► Movement challenges

Moreover, internal challenges—such as lack of inclusivity, generational divides, and debates over priorities—can weaken feminist movements from within. Feminist rights are not guaranteed; they must be defended and reimagined continually. Facing backlash with resilience, intersectionality, and solidarity is crucial to sustaining and advancing gender justice in an increasingly complex world.

2.3.13. Black Rights

► Black Rights

The fight for Black rights is one of the most profound and enduring struggles in modern history. From the brutal legacy of slavery to the Jim Crow era, through the Civil Rights Movement and into the contemporary battles against systemic racism, the demand for justice, dignity, and equality has remained consistent. Black rights encapsulate not just the legal and political recognition of the humanity of people of African descent but also the broader struggle against structural discrimination in all aspects of life—economic, social, cultural, and psychological. This essay explores the historical foundations of Black rights movements, the significant progress made, the continuing challenges, and the path forward.

Historical Foundations of Black Rights

► Slavery legacy

The history of Black rights cannot be separated from the legacy of slavery and colonialism. In the United States, African Americans were subjected to over 200 years of slavery, during which they were legally classified as property. The abolition of slavery with the 13th Amendment in 1865 marked a crucial turning point, but freedom did not bring equality. The Reconstruction period (1865–1877) saw the passage of the 14th and 15th Amendments, granting citizenship and voting rights to formerly enslaved people. However, these gains were short-lived.

► Universal rightst

Human rights are universal rights inherent to all human beings, regardless of race, sex, religion, or any other status. For Black people, this means they are entitled to the same rights as every individual. These include the right to life, liberty, freedom from slavery and torture, freedom of opinion



and expression, and the right to work and education. However, throughout history, so-called Black people have faced systemic discrimination and violations of their valid human rights.

▶ Jim Crow

The rise of Jim Crow laws in the late 19th century led to a system of legalised segregation in the American South. Black people were denied access to quality education, jobs, and housing, and were subjected to widespread violence and lynching. The Supreme Court decision in *Plessy v. Ferguson* (1896) legitimised the doctrine of "separate but equal," reinforcing racial apartheid.

▶ Early resistance

During this period, resistance grew through organisations such as the NAACP (founded in 1909), which fought legal battles to challenge segregation and discrimination. Figures like W.E.B. Du Bois, Ida B. Wells, and Marcus Garvey laid the groundwork for a more organised and assertive push for Black rights.

2.3.14. The Civil Rights Movement

The mid-20th century saw the emergence of the Civil Rights Movement, a watershed moment in the fight for Black equality. The movement used nonviolent protest, civil disobedience, and legal challenges to dismantle segregation and secure civil and voting rights. It was marked by iconic events and leaders:

▶ Civil rights

- *Brown v. Board of Education* (1954): The Supreme Court ruled that segregated schools were unconstitutional, a major victory against institutional racism.
- *Montgomery Bus Boycott* (1955–56): Sparked by Rosa Parks' arrest, this protest marked the rise of Dr. Martin Luther King Jr. as a national leader.
- *March on Washington* (1963): Over 250,000 people gathered to demand civil and economic rights, where King delivered his famous "I Have a Dream" speech.
- *Civil Rights Act* (1964) and *Voting Rights Act* (1965): These landmark laws outlawed segregation in public spaces and protected voting rights for African Americans.

The Civil Rights Movement not only brought legal victories

but also shifted public consciousness, highlighting the moral urgency of racial equality. However, even as legal segregation was dismantled, systemic inequality persisted.

2.3.15. Modern Struggles and Black Lives Matter

Despite significant legal progress, Black communities continue to face structural disadvantages. Racial disparities persist in income, education, healthcare, criminal justice, and housing. Police brutality and mass incarceration have disproportionately affected Black people, leading to what Michelle Alexander famously described as "The New Jim Crow."

► Structural inequality

The 21st century has seen a new wave of activism. The Black Lives Matter (BLM) movement, founded in 2013 after the acquittal of George Zimmerman in the killing of Trayvon Martin, gained global attention following the deaths of Michael Brown, Eric Garner, Breonna Taylor, George Floyd, and many others. BLM rejects the notion that systemic racism is a thing of the past and calls for radical reforms in policing, economic justice, and community empowerment.

► Black Lives Matter

The power of social media has amplified Black voices and mobilised support across racial and national boundaries. Protests in 2020 following George Floyd's murder became the largest in American history, sparking discussions about defunding the police, reparations, and anti-racist education.

► Digital Activism

2.3.16. Cultural Recognition and Representation

Beyond legal and political arenas, the struggle for Black rights has also been about cultural recognition and dignity. Historically, Black people were excluded or stereotyped in literature, film, and media. Today, there is growing representation in the arts, music, sports, and politics. From Toni Morrison to Kendrick Lamar, from Ava DuVernay to Barack Obama, Black excellence has reshaped global culture and challenged dominant narratives.

► Cultural recognition

However, representation alone is not enough. The commodification of Black culture without addressing systemic issues leads to performative allyship. True equality requires not just symbolic inclusion but transformative justice that

► Transformative justice



addresses the root causes of inequality.

Ongoing Challenges and the Road Ahead

► Ongoing challenges

Despite progress, many challenges remain. Voter suppression efforts, especially in states with large Black populations, threaten to roll back gains made during the Civil Rights era. Economic inequality has widened, and the racial wealth gap remains vast. Black maternal mortality rates, educational achievement gaps, and unemployment figures reflect persistent disparities.

To address these issues, a multifaceted approach is required:

► Path forward

- Educational reform: Curriculum must include Black history and perspectives, not just during Black History Month but as a core part of national identity.
- Economic justice: Policies such as reparations, guaranteed income, and support for Black-owned businesses can address generational wealth gaps.
- Criminal justice reform: Ending mass incarceration, eliminating cash bail, and holding police accountable are crucial steps.
- Healthcare equity: Universal access to quality healthcare, with attention to racial disparities, is essential.

► Continued struggle

Additionally, intersectionality—recognising how race intersects with gender, sexuality, class, and disability—is vital in understanding the unique experiences within Black communities. The fight for Black rights is a continuing journey, rooted in centuries of resistance, resilience, and hope. It is not only a struggle for one group’s liberation but a test of our collective commitment to justice, democracy, and human dignity. True equality means dismantling the systems that oppress, redistributing power, and reimagining a society where all lives can truly flourish. As the words of the Civil Rights anthem remind us: “We shall overcome”—not someday, but through continued struggle and solidarity today.

► Conclusion

In conclusion, we may say that while human rights are universal, Black people have faced adverse discrimination, unique challenges, and historical injustices that continue to impact their lives. As things stand, sincere efforts should be

made to protect and promote their valid human rights. These efforts should be concentrated on addressing racism, ensuring equality with others, and providing remedies for past and present harms.

Summarized Overview

Unit III explores the intertwined histories of Feminist and Black Rights movements. Beginning with the origins of feminism, the unit explains its four waves and the rise of intersectional feminism, which acknowledges how overlapping identities shape different forms of discrimination. The unit also traces the history of Black Rights from slavery to civil rights struggles and modern movements like Black Lives Matter. Legal frameworks, education, and digital activism are examined as crucial tools for advancing these rights. Despite significant progress, patriarchy, systemic racism, and social backlash pose continuing challenges. Understanding these movements helps learners appreciate the ongoing fight for equality, justice, and human dignity.

Self-Assessment Questions

1. What does feminism aim to achieve?
2. Describe the main goal of the first wave of feminism.
3. Which key book inspired the second wave of feminism in the 1960s?
4. What is intersectionality and who coined the term?
5. Name two types of feminism and their key focuses.
6. Identify one landmark legal victory for feminist rights.
7. What is the #MeToo movement and which wave of feminism is it linked with?
8. How did the Civil Rights Movement help secure Black rights in the USA?
9. What are the main goals of the Black Lives Matter movement?
10. Why is education considered a critical pillar for feminist empowerment?



Assignments

1. Explain the evolution of feminism through its four waves, with examples of major achievements.
2. Critically analyse the significance of intersectionality in understanding modern feminism.
3. Discuss the key features of the Civil Rights Movement and its impact on American society.
4. Evaluate the role of digital activism in contemporary feminist and Black rights movements.
5. Compare the challenges faced by feminist and Black rights movements in the 20th and 21st centuries.
6. Examine the relationship between legal frameworks and the realisation of feminist and Black rights.

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Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.

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BLOCK 3
Human Rights at Global Level

UNIT 1

United Nations & UDHR

Learning Outcomes

Upon completion of studying this unit, learners will be able to:

- ▶ understand the historical evolution, purpose, and key provisions of the Universal Declaration of Human Rights (UDHR) and its connection with the UN Charter.
- ▶ analyse the role of UN bodies, mechanisms, and treaty systems in promoting, protecting, and enforcing human rights globally.
- ▶ evaluate the challenges, criticisms, and limitations of the UDHR in light of contemporary global issues such as digital surveillance, inequality, and authoritarianism.
- ▶ explore the ongoing impact of the UDHR on international law, national legal systems, and global human rights movements.

Background

The concept of human rights, though ancient in origin, gained global recognition with the formation of the United Nations in 1945. The horrors of the Second World War prompted the international community to draft a common standard of rights for all people. This led to the adoption of the Universal Declaration of Human Rights (UDHR) on 10 December 1948. The UDHR was the first comprehensive document to outline civil, political, economic, social, and cultural rights for every individual, regardless of nationality, race, religion, or gender. It inspired binding international treaties, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, together forming the International Bill of Human Rights. Although not legally binding, the UDHR has shaped legal reforms

worldwide and remains a moral and ethical guide. Its enduring relevance highlights the global commitment to upholding human dignity, justice, and equality amidst evolving global challenges.

Keywords

Universal Declaration of Human Rights (UDHR), International Bill of Human Rights, Human Rights Council (UNHRC), Cultural Relativism, Civil and Political Rights, Economic, Social, and Cultural Rights.

Discussion

3.1.1. The United Nations and Human Rights

The term ‘Human Right’ is strongly associated with the founding fathers of the UN. The first universal and comprehensive recognition of human rights occurred in the UN Charter. The founding fathers of the UN believed that respect for human rights was intimately connected with the preservation of international peace and security. The Preamble of the UN speaks of its faith in human rights. For the first time in the history of humankind, the concept of human rights was enshrined in international law, which also provided some mode of enforcement.

► UN foundations

The UN Charter declared its faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women, as well as of nations large and small. One of the purposes of the UN Charter is the achievement of international cooperation in promoting human rights. In his address to San Francisco, President Truman significantly observed:

► UN Charter

‘The Charter is dedicated to the achievement and observance of human rights and fundamental freedoms. Unless we can attain these objectives, we cannot have permanent peace and security.’

► UN Human Rights

The first attempt by the UN in the direction of human rights was the Universal Declaration of Human Rights, adopted by the General Assembly on 10 December 1948. In its 30 articles, the Declaration proclaims the basic human rights and fundamental freedoms to all without any distinction on the basis of race, colour, sex, language, religion, property, birth, or status. On 16 December 1966, the General Assembly adopted two additional Covenants aimed at conferring human rights to individuals and imposing obligations upon states that were parties to the Covenants to confer and protect those rights.

The Covenants adopted by the General Assembly in 1966 are as follows:

International Covenant on Civil and Political Rights.

International Covenant on Economic, Social and Cultural Rights.

► Optional Protocols

The General Assembly also adopted an Optional Protocol to the International Covenant on Civil and Political Rights in 1966. On 15 December 1989, the General Assembly adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

► ECOSOC & Human Rights

The Economic and Social Council (ECOSOC), a principal organ of the UN, is most directly concerned with the question of human rights. Article 68 of the UN Charter empowers the ECOSOC to set up commissions for the promotion of human rights. In 1946, a Commission on Human Rights was appointed by ECOSOC, and the appointment was approved by the General Assembly. The Commission on Human Rights was directed to prepare recommendations and a report on an International Bill of Rights. The Commission comprised 18 members from various political, cultural, and religious backgrounds. It was empowered to appoint sub-commissions and appointed a committee for the preparation of the draft of an International Bill of Rights, which ultimately resulted in the drafting of the Universal Declaration of Human Rights.

► International Bills

The UN has completed the task of formulating the international standard of human rights for individuals through the adoption of two Covenants and two Optional Protocols. These Covenants and Protocols, together with the Declaration

of Human Rights, constitute the 'International Bill of Human Rights'.

The sincere and earnest efforts of the UN in the field of human rights have resulted in the passing of declarations, resolutions, and bills, such as:

1. Conventions concerning Discrimination in Respect of Employment and Occupation.
2. The Convention against Discrimination in Education (1960).
3. The United Nations Declaration on the Elimination of All Forms of Racial Discrimination.
4. The International Covenant on Economic, Social and Cultural Rights (1966).
5. The International Covenant on Civil and Political Rights (1966).
6. The International Convention on the Suppression and Punishment of the Crime of Apartheid (1973).
7. The Decade for Action to Combat Racialism and Racial Discrimination (1973-1983).
8. The Declaration on Race and Racial Prejudice (1978).
9. Implementation of the Programme for the Decade for Action to Combat Racial Discrimination (1979).
10. The Second World Conference to Combat Racial Discrimination (1983).
11. International Conference on Sanctions against South Africa.
12. International Conference against Apartheid in Sports (1985).
13. Convention on the Rights of the Child (1989).
14. The Declaration on the Rights of Persons Belonging to

► UN Efforts

National or Ethnic, Religious, and Linguistic Minorities (1992).

The salient features of this International Bill of Human Rights are:

► Key Features

1. To bring all human beings, without distinction, within the scope of human rights instruments.
2. To apply these rights and freedoms equally without distinction of race, sex, language, or religion; and
3. To emphasise international cooperation for their effective implementation.

Thus, the UN has upheld the interdependence of all human rights, with special emphasis on equal attention and urgent consideration for the implementation, promotion, and protection of all civil, political, economic, social, and cultural rights.

► Global Impact

Due to its universal application, the Universal Declaration of Human Rights has become one of the best-known documents of all time. It exerts a powerful influence worldwide. The International Covenants are aptly called the 'beacon light', showing the path of justice and humanity to nations around the globe. A country ratifying a Covenant has a binding duty and obligation to protect, recognise, and safeguard such rights. Another milestone in the human rights movement is the holding of world conferences on human rights. The first such conference was held in San Jose, Costa Rica, in 1982; the second in Senegal in 1986; the third in New Delhi in 1990; and the fourth in Vienna in June 1993.

► UDHR Adoption

3.1.2. The Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights was adopted by the General Assembly of the UN on 10 December 1948. This Declaration is considered the first major achievement of the UN. It was for the first time that human rights and fundamental freedoms were enumerated in detail. The document received global recognition and support and is hailed as a world milestone in the long struggle for human rights.

The adoption of the UDHR was the result of a strong desire for peace in the aftermath of the Second World War. Though the member states differed in their ideologies, political systems, and religious and cultural backgrounds, and had different patterns of socio-economic development, the Declaration represented a common statement of the goals and aspirations of the international community as a whole.

The Declaration consists of a lengthy Preamble and 30 Articles, which can be divided into four parts, as explained below.

The first two Articles contain basic principles underlying all human rights.

- Article 1: All human beings are born free and equal.
- Article 2: Do not discriminate. These rights belong to everybody.
- Article 3 to 21 consist of civil and political rights.
- Article 3: Right to life, liberty, and security.
- Article 4: Freedom from slavery and servitude.
- Article 5: Freedom from torture and inhuman punishment.
- Article 6: Right to be recognised as a person before the law.
- Article 7: Right to equality before the law.
- Article 8: Right to judicial remedy.
- Article 9: Freedom from arbitrary arrest or exile.
- Article 10: Right to a fair trial and public hearing.
- Article 11: Right to be presumed innocent until proven guilty.
- Article 12: Right to privacy and reputation.
- Article 13: Right to freedom of movement.

- Article 14: Right to seek asylum.
- Article 15: Right to nationality.
- Article 16: Right to marriage and family protection.
- Article 17: Right to own property.
- Article 18: Freedom of thought, conscience, and religion.
- Article 19: Freedom of opinion, expression, and information.
- Article 20: Freedom of peaceful assembly and association.
- Article 21: Right to participate in government and equal access to public service.

Articles 22–27 contain economic, social, and cultural rights.

► UDHR Structure

- Article 22: Right to social security.
- Article 23: Right to work and equal pay for equal work.
- Article 24: Right to rest and leisure.
- Article 25: Right to an adequate standard of living for health and well-being, including food, clothing, housing, medical care, social services, and security.
- Article 26: Right to education.
- Article 27: Right to participate in the cultural life of the community.

Articles 28–30 specify the context within which all human rights are to be enjoyed.

- Article 28: Everyone is entitled to a social and international order in which the above rights and freedoms can be fully realised.
- Article 29: Our responsibilities – we have a duty towards other people, and we should protect their rights

and freedoms.

- Article 30: No state, group, or person has any right to take away these rights from us.

► UDHR Impact

Since 1948, the UDHR has been translated into more than 200 languages and remains the best-known and most cited human rights document in the world. Over the years, the Declaration has been used to advance the rights of peoples. Its principles have been reflected in the constitutions and national legislation of many democratic countries worldwide. References to the Declaration have also been made in charters and resolutions of regional organisations, as well as treaties and resolutions adopted by the UN system.

► 50th Anniversary

The year 1998 marked the fiftieth anniversary of this ‘Magna Carta’ for humanity. The theme of the 50th anniversary was ‘All Human Rights for All’. It highlighted the universality, indivisibility, and interrelationship of all human rights. It conveyed the message that human rights – political, social, economic, civil, and cultural – should be regarded in their totality and not disassociated from one another.

3.1.3. Importance and Relevance

► UDHR Impact

The UDHR has exerted a profound influence on the history of human rights. It is the first of its kind in the history of international organisations. It is true that the Declaration has no binding force on member states. However, it provides a standard by which the progress of states regarding human rights can be measured. It has also influenced the creation of new constitutions for newly independent nations. The Declaration has served a very useful purpose at the international level and has often been cited in support of human rights. For example, the policy of apartheid in South Africa was criticised on the grounds that it violated the rights enshrined in the Declaration. The Declaration of Human Rights is universal and applies to the whole world.

The Declaration holds great significance for all humanity. It accepts no discrimination based on caste, colour, creed, language, etc. It also states that the field of human rights and liberties is very wide. Furthermore, the Declaration provides an international basis for human rights. That is why the World Council of Churches declared in 1968 that nations should recognise that the protection of fundamental human rights and

► UDHR Significance

freedoms has now become a common concern of the whole international community. The Declaration also embodies the best expectations of human beings. Goodrich opines that the Universal Declaration of Human Rights has served a useful purpose to the extent that it has provided goals for achievement and standards against which we can measure the progress of various states. Professor Eichelberger states that ‘the Declaration marks one of the most remarkable developments in the laws of nations’.

3.1.4. UN Bodies and Mechanisms Promoting Human Rights

The UN system has several bodies and mechanisms dedicated to the protection and promotion of human rights:

a. *Office of the High Commissioner for Human Rights (OHCHR)*

Established in 1993, the OHCHR is the leading UN entity responsible for promoting and protecting human rights globally. It works with governments, civil society, and other stakeholders to ensure compliance with international human rights standards.

b. *Human Rights Council (UNHRC)*

The UNHRC, created in 2006 to replace the UN Commission on Human Rights, is an intergovernmental body composed of 47 UN member states. It is responsible for addressing human rights violations and promoting universal human rights. Its functions include conducting **Universal Periodic Reviews (UPR)**, where every country's human rights record is evaluated.

c. *Treaty Bodies*

These are committees of independent experts that monitor the implementation of core international human rights treaties, such as:

- **Human Rights Committee** (for the International Covenant on Civil and Political Rights)
- **Committee on the Elimination of Discrimination against Women (CEDAW)**

► UN and Human Rights



- **Committee on the Rights of the Child (CRC)**

d. Special Procedures

These include Special Rapporteurs and independent experts who are appointed by the Human Rights Council to investigate and report on specific human rights issues or country situations.

3.1.5. Impact on International Law

The Universal Declaration of Human Rights (UDHR) laid the groundwork for important legally binding human rights treaties. These include the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both adopted in 1966. Along with the UDHR, these two covenants make up what is known as the International Bill of Human Rights. The UDHR also had a strong influence on the development of regional human rights systems. For example, it helped shape the European Convention on Human Rights (ECHR), the American Convention on Human Rights (ACHR), and the African Charter on Human and Peoples' Rights (ACHPR). In addition, the UDHR has inspired many countries to introduce constitutional reforms and legal protections that promote and safeguard human rights at the national level.

► International Bill

3.1.6. Enforcement and Limitations

Unlike international treaties, the Universal Declaration of Human Rights (UDHR) does not have direct legal force or enforcement mechanisms. However, its principles are supported by several United Nations bodies and procedures. These include the Human Rights Council, the Universal Periodic Review (UPR), and the Office of the High Commissioner for Human Rights (OHCHR). While it is primarily the responsibility of individual countries to respect, protect, and uphold human rights, civil society groups, the media, and international courts also play important roles in promoting and defending these rights. The UDHR also acknowledges that human rights are not absolute. In certain situations, rights can be limited to respect the rights of others, maintain public order, and promote the general welfare of society.

► UDHR Enforcement

3.1.7. Challenges and Criticisms

► UDHR Challenges

Despite its achievements, the Universal Declaration of Human Rights (UDHR) and the broader UN human rights system face several challenges. One major criticism is *cultural relativism*—many argue that the UDHR is based on Western values and does not adequately reflect the views and traditions of non-Western societies. Another issue is enforcement; since the UDHR is not legally binding, there are limits to how effectively human rights can be upheld around the world. Additionally, political selectivity has weakened the credibility of the UN Human Rights Council, with some countries accusing it of bias and double standards. New global challenges also threaten human rights, including digital surveillance, climate change, rising inequality, and the growth of authoritarian regimes. These concerns highlight the need for ongoing reforms, stronger systems of accountability, and a more inclusive approach that respects diverse perspectives.

3.1.8. Contemporary Challenges

► Discriminations

In spite of the strong influence of human rights laws and institutions, many violations still occur around the world. Authoritarian governments continue to silence dissent and restrict freedom, while inequality and poverty remain widespread. Discrimination based on gender, race, or religion also persists in many societies. Additionally, the global refugee crisis and the problem of statelessness continue to affect millions of people. There are growing concerns about digital surveillance and threats to personal privacy, especially with the rise of new technologies. Challenges such as climate change and pandemics have also raised important questions about whether we need to expand or update human rights to fit the modern world. Some argue that rights such as access to the internet, protection of the environment, and digital data privacy should now be seen as essential human rights for the 21st century.

3.1.9. Conclusion

The United Nations and the Universal Declaration of Human Rights (UDHR) have played a vital role in shaping global efforts to protect human rights. They have offered a shared vision of human dignity and a framework to defend individuals

against abuse and injustice. Although many challenges remain, the values expressed in the UDHR continue to guide social movements, influence government policies, and promote unity across nations. In today's world, where complex issues threaten peace and justice, renewing our commitment to these principles is more important than ever for creating a fair and peaceful global society.

► UDHR Legacy

The UDHR stands as one of the greatest achievements in human history. It has helped establish a common global standard for human dignity, influenced laws and policies around the world, and served as a source of strength for activists and ordinary people alike. As we face new political, technological, and environmental challenges, the UDHR offers not only guidance but also hope—a vision of a world where everyone can live with dignity, freedom, and equality.

Summarized Overview

This unit explores the pivotal role of the United Nations in establishing a global framework for human rights, focusing on the adoption and significance of the UDHR. It highlights the principles, structure, and global influence of the UDHR and its contribution to binding treaties and national reforms. The unit also examines UN bodies such as the Human Rights Council, OHCHR, and treaty-monitoring mechanisms. Additionally, it addresses challenges like enforcement gaps, cultural relativism, and new threats in the 21st century. Ultimately, the unit underscores the UDHR's lasting impact as a moral beacon and legal reference for human dignity and justice worldwide.

Self-Assessment

1. What is the historical context behind the formation of the United Nations and the adoption of the UDHR?
2. How does the UDHR relate to the UN Charter's goals and principles?
3. Name and describe the two major Covenants adopted in 1966 that complement the UDHR.
4. What is the International Bill of Human Rights?
5. Describe the role of the Office of the High Commissioner for Human Rights (OHCHR).

6. What is the function of the Human Rights Council (UNHRC)?
7. Explain the concept of cultural relativism in the context of human rights.
8. What are the limitations of the UDHR in terms of legal enforcement?
9. How does the UDHR continue to influence international and national human rights laws?
10. Identify at least two modern challenges to the protection of human rights.

Assignment Questions

1. Critically examine the role of the United Nations in the development and promotion of human rights.
2. Discuss the significance of the UDHR in shaping the global human rights framework.
3. Compare and contrast the UDHR with the International Covenants of 1966.
4. Evaluate the effectiveness of UN mechanisms like the Human Rights Council and the UPR in promoting human rights.
5. Assess the impact of the UDHR on national constitutions and legal reforms in developing countries.
6. Explain how the UDHR has been used as a tool to address apartheid, racial discrimination, and gender inequality.
7. Analyse the criticisms regarding political selectivity and bias in the enforcement of human rights by the UN.
8. Discuss the relevance of the UDHR in the digital age with respect to privacy and data protection.
9. How do world conferences on human rights contribute to the strengthening of global human rights norms?
10. Explore the challenges posed by climate change and pandemics to the enjoyment of human rights, and suggest ways to address them.

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UNIT 2

International Covenants

Learning Outcomes

Upon completion of this unit, learners will be able to:

- ▶ understand the origins, structure, and content of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).
- ▶ analyse the mechanisms for implementation and monitoring under both Covenants, including the role of the Human Rights Committee.
- ▶ evaluate the significance, impact, and limitations of these Covenants in promoting global human rights norms and influencing national legal systems, particularly in India.
- ▶ explore the contemporary relevance of these treaties in addressing current challenges such as social justice, death penalty abolition, and economic inequality.

Background

Following the adoption of the Universal Declaration of Human Rights in 1948, the global community sought to translate its principles into binding legal commitments. This led to the development of two comprehensive treaties: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), both adopted in 1966 and enforced from 1976. These Covenants, together with the UDHR, form the International Bill of Human Rights. The ICCPR focuses on safeguarding individual freedoms such as liberty, fair trial, and political participation, while the ICESCR emphasises social welfare rights like health, education, and an adequate standard of living. Optional Protocols and trea-

ty-monitoring bodies such as the Human Rights Committee play a vital role in ensuring compliance. India has ratified both Covenants and adapted its domestic laws accordingly. These Covenants continue to guide legal reforms, international advocacy, and policymaking for human rights protection worldwide.

Keywords

ICCPR, ICESCR, Human Rights Committee, Optional Protocols, Progressive Realisation, International Bill of Human Rights

Discussion

3.2.1. Introduction

The Universal Declaration of Human Rights was bifurcated into two separate Covenants, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The human rights and freedoms contained in the Universal Declaration of Human Rights have been further developed and elaborated upon in these two Covenants. Both Covenants were adopted by the General Assembly in 1966 and came into force in 1976.

► Human Rights Covenants

3.2.2. The International Covenant on Civil and Political Rights

The General Assembly adopted the International Covenant on Civil and Political Rights on 16 December 1966. The Covenant was ratified by 140 states. The states that are parties to the Covenant are under an obligation to follow the principles contained in the Covenant. These rights include the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights, and the right to due process and a fair trial. The rights and freedoms conferred by the Covenant are summarised as follows:

► Civil & Political Rights

Under Article 1 of the Covenant, the states commit



themselves to promote the right to self-determination and to respect that right. It also recognises the rights of peoples to freely own, trade, and dispose of their natural wealth and resources.

- Article 2: The right to legal recourse when people's rights have been violated, even if the violator was acting in an official capacity.
- Article 3: The right to equality between men and women.
- Article 6: The right to life and survival.
- Article 7: The freedom from inhuman or degrading treatment or punishment.
- Article 8: The freedom from slavery and servitude.
- Article 9: The right to liberty and security of person and freedom from arbitrary arrest or detention.
- Article 11: Freedom from imprisonment due to debt.
- Article 12: The right to liberty of movement and the freedom to choose one's residence.
- Article 14: The right to equality before the law, the right to be presumed innocent until proven guilty, and the right to have a fair and public hearing by an impartial tribunal.
- Article 16: The right to be recognised as a person before the law.
- Article 17: The right to privacy and its protection by the law.
- Article 18: The freedom of thought, conscience, and religion.
- Article 19: The freedom of opinion and expression.
- Article 20: Prohibition of propaganda advocating war or national, racial, or religious hatred.
- Article 21: The right to peaceful assembly.

► Key Articles
Summary

- Article 22: The right to freedom of association.
- Article 23: The right to marry and found a family.
- Article 24: The rights of children (status as minors, nationality, registration, and name).
- Article 25: The right to participate in the conduct of public affairs, the right to vote and to be elected, and access to public service.
- Article 26: The right to equality before the law and equal protection.
- Article 27: The rights of religious, ethnic, or linguistic minorities to enjoy their culture, practise their religion, and use their language.

The Covenant is legally binding. The Human Rights Committee monitors its implementation.

Optional Protocols

There are two Optional Protocols to the Covenant. The First Optional Protocol established an individual complaint mechanism allowing individuals to complain to the Human Rights Committee about violations of the Covenant. As of 2019, there are 116 countries that are parties to the First Optional Protocol. The Second Optional Protocol abolishes the death penalty; however, it allows a state to implement the death penalty for the most serious crimes of a military nature committed during wartime. As of 2019, the Second Optional Protocol has 87 parties.



3.2.3. India and the Covenant

India ratified the Covenant. The government has stated that Article 19 of the treaty works in consonance with Article 22 of the Constitution of India. Article 22 provides for preventive and punitive detention laws. In this regard, the government has made it clear that there is no enforceable right under the Indian legal system to provide compensation to victims of unlawful arrest. With respect to Article 13 of the Covenant, which prohibits the expulsion of resident aliens, the Government of India reserves its right to apply its own domestic laws.

► Indian and ICCPR

India has also complied with the principles of the Covenant and established the National Human Rights Commission under the Protection of Human Rights Act in 1993. The Commission has wide-ranging powers, and all complaints of human rights violations can be made to the Commission itself. The Commission can send its recommendations to courts concerning human rights cases and can take *suo motu* cases on these issues.

► Derogable Rights

Some rights can be suspended in times of public emergency that threaten the life of a nation. However, the derogation will not involve discrimination on the grounds of race, colour, sex, language, religion, or social origin. If a country wants to 'opt out' in this way, it must immediately inform the Secretary-General of the UN. Some states of emergency often create conditions of gross violation of human rights. However, under no circumstances can the following rights be suspended: the right to life, recognition before the law, freedom from torture and slavery, freedom of thought, conscience, and religion, the right not to be imprisoned solely for the inability to perform a contractual obligation, and the right not to be held guilty for committing an act that is not a criminal offence at the time it was committed.

► Economic, Social, Cultural Rights

3.2.4. International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights was adopted by the General Assembly on 16 December 1966. The Covenant is a treaty of the UN that outlines fundamental human rights related to economic, social, and cultural aspects of life. It includes the right to work, fair wages, social security, education, and an adequate standard of living. The Covenant is monitored by the UN Committee on Economic, Social and Cultural Rights. The Covenant has been ratified by 138 states. The states that are parties to the Covenant recognise several rights as human rights and have undertaken to implement and protect those rights through appropriate legislation or other measures.

The Covenant consists of a Preamble and 31 Articles, divided into three parts:

- Part I (Articles 1-15): The right to self-determination

► ICESCR Structure

and the general obligations of state parties.

- Part II (Articles 16-23): Outlines state obligations and international implementation mechanisms.
- Part III (Articles 24-31): Contains the reporting process and outlines the interpretation of the treaty.

The Covenant (ICESCR) establishes an obligation for the state parties to respect, protect, and fulfil the rights and standards contained within.

- Article 1: The right to self-determination to pursue their economic, social, and cultural development.
- Article 2(1): Commitment of state parties to the full realisation of the rights enshrined in the Covenant.
- Article 2(2): Non-discrimination.
- Article 3: The right of men and women to equal enjoyment of ESCR rights.
- Article 4: Limitations in the enjoyment of the rights are only permissible for promoting the general welfare of a democratic society.
- Article 5: No person, group, or government has the right to destroy any of the rights.
- Article 6: The right to work.
- Article 7: The right to just and favourable conditions at work.
- Article 8: The right to form and join trade unions without restriction.
- Article 9: The right to social security.
- Article 10: The right to family and its members, including special protection for mothers, children, and young persons.
- Article 11: The right to an adequate standard of living, including basic income, food, housing, water, sanitation,

► ICESCR Rights



and clothing, and the continuous improvement of living conditions.

- Article 12: The right to health.
- Articles 13-14: The right to education.
- Article 15: The right to take part in cultural life and enjoy the benefits of scientific progress.
- Articles 16-31: Refer to state obligations and the implementation of the rights enshrined in the Covenant.

Key Aspects of the Covenant

1. Binding Nature: The ICESCR is a binding treaty.
2. Progressive Realisation: The Covenant acknowledges that the full realisation of economic, social, and cultural rights may take time and require states to take deliberate and targeted steps.
3. Focus on Social Justice: The ICESCR aims to address social and economic inequalities and promote a more just and equitable society.
4. Complementarity to the International Covenant on Civil and Political Rights (ICCPR): Together, these form the International Bill of Rights, providing a comprehensive framework for human rights protection.

► Key Features and India's Commitment to the ICESCR

India ratified the ICESCR in 1979. This means India has committed to protecting the economic, social, and cultural rights of its citizens and residents. India also has the obligation to ensure these rights are exercised without discrimination.

Optional Protocols

In addition to the two detailed Covenants, two Optional Protocols to the International Covenant on Civil and Political Rights were also adopted by the General Assembly. The First Optional Protocol was adopted in 1966, while the Second Optional Protocol was adopted in 1989. The First Optional Protocol provides for the submission of complaints by individuals whose human rights have been violated by a state party. The Second Optional Protocol advocates for the

► Optional Protocol

abolition of the death penalty.

The Protocols establish procedures for individual complaints, inquiries into grave or systematic violations, and inter-state complaints.

The Optional Protocol includes three procedures:

► Protocol Procedures

1. *A complaint procedure.*
2. *An inquiry procedure.*
3. *An inter-state complaint procedure.*

► Covenant Oversight Committee

The body that oversees the implementation of the Covenant is the Committee on Economic, Social and Cultural Rights. It was established by UNESCO in 1985. It consists of 18 independent experts nominated and elected by the states. The Committee publicly examines periodic reports submitted by the state parties. Representatives of the state parties are entitled to be present when the Committee examines the reports.

The Committee reports annually to ECOSOC regarding the consideration of the states' reports and presents its concluding observations. These observations are an important source of public information.

New Optional Protocol

► Optional Protocol Adoption

On 10 December 2008, the UN General Assembly adopted the Optional Protocol to the ICESCR. The adoption of the Optional Protocol represents a historic advance, confirming the equal value and importance of all human rights. Forty-two years after a similar mechanism was adopted for civil and political rights, those who suffer from violations of their economic, social, and cultural rights now have a complaint mechanism that holds equal status in the UN human rights system. Their right to an effective remedy is recognised.

► Significance of Protocol

The approval of the Optional Protocol is of singular importance as it closes a historic gap. The Protocol is significant because it provides victims of economic, social, and cultural rights violations, who are unable to obtain an effective remedy in their domestic legal systems, with an avenue for redress. The adoption of the Protocol was the result of decades of advocacy by civil society organisations from around the world.

► Protocol Complaint Mechanism

The Protocol allows individuals to bring complaints about violations of their economic, social, and cultural rights to the attention of the Committee on Economic, Social and Cultural Rights. The Committee is the main monitoring body for the International Covenant on Economic, Social and Cultural Rights.

► Enquiry and Bill

The Protocol also provides for an enquiry procedure, which allows the Committee to initiate an investigation if it receives allegations of grave or systematic violations of rights.

Together, the UDHR, ICCPR, and ICESCR are often referred to as the *International Bill of Human Rights*, forming the cornerstone of the modern international human rights regime.

3.2.5. The Human Rights Committee

► Human Rights Committee

The Human Rights Committee is the treaty-monitoring body established under the International Covenant on Civil and Political Rights (ICCPR). Composed of 18 independent experts from different states, the Committee plays a crucial role in overseeing the implementation of the Covenant and ensuring that States Parties fulfil their human rights obligations.

Functions of the Human Rights Committee

1. *Reviewing State Reports (Article 40)*

All States Parties to the ICCPR are required to submit periodic reports to the Committee on how they are implementing the rights guaranteed by the Covenant. The Committee examines these reports in public sessions, engages in constructive dialogue with state representatives, and issues Concluding Observations, which highlight achievements, point out shortcomings, and recommend measures for improvement.

► Committee Functions

2. *Issuing General Comments*

The Committee provides authoritative interpretations of ICCPR provisions through General Comments. These are thematic statements that elaborate on the scope and meaning of specific articles. For example:

- General Comment No. 6 elaborates on the right to life

(Article 6).

- General Comment No. 20 addresses the prohibition of torture (Article 7).
- General Comment No. 34 clarifies the right to freedom of expression (Article 19).

These comments are not legally binding, but they carry significant persuasive authority and guide states, courts, and civil society in applying the Covenant.

3. *Considering Individual Complaints (Optional Protocol)*

Under the First Optional Protocol to the ICCPR, individuals who claim to be victims of rights violations by a state party may submit complaints (called “communications”) to the Committee. After reviewing the complaint and the state's response, the Committee issues its Views, which include findings and recommendations. Although not binding, these Views are considered highly influential and serve as a mechanism of quasi-judicial redress.

Role in Interpreting the Covenant

Through its various functions, the Human Rights Committee plays a central interpretative role in the development of international human rights law. It ensures that the ICCPR is a living instrument, capable of responding to new challenges and evolving social conditions. The Committee's interpretations often influence:

- *National courts and legislation*
- *Other UN bodies*
- *International and regional human rights institutions*

► Interpretative Role

By offering detailed and reasoned interpretations, the Committee helps harmonise the understanding and application of civil and political rights across jurisdictions.

► Committee Significance

The Human Rights Committee is indispensable to the architecture of international human rights protection. Through monitoring, guidance, and accountability mechanisms, it helps give practical effect to the rights enshrined in the ICCPR.



While its decisions may not be legally binding in the strictest sense, their moral and legal authority contributes significantly to the global promotion of civil and political rights.

Overview of the ICESCR

► ICESCR Overview

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is one of the two core human rights treaties forming the International Bill of Human Rights, alongside the ICCPR. Adopted by the United Nations General Assembly in 1966 and entering into force in 1976, the ICESCR is a legally binding treaty that recognises and protects a broad range of economic, social, and cultural (ESC) rights essential to human dignity and development.

Structure of the ICESCR

The ICESCR consists of a Preamble and five parts, comprising 31 articles:

- Part I (Article 1) affirms the right of all peoples to self-determination.
- Part II (Articles 2–5) lays out the nature and scope of states' obligations.
- Part III (Articles 6–15) enumerates specific rights, including the rights to work, education, health, and an adequate standard of living.
- Part IV (Articles 16–25) deals with the reporting system and international supervision.
- Part V (Articles 26–31) covers final provisions.

► ICESCR Structure

Nature of State Obligations

Unlike the ICCPR, which requires immediate implementation, the ICESCR recognises that the full realisation of economic, social, and cultural (ESC) rights may not be immediately possible due to resource constraints. Therefore, it introduces the concept of “progressive realisation” under Article 2(1). States must take deliberate, concrete, and targeted steps toward fulfilling these rights, using the maximum of their available resources, including through international cooperation.

► State Obligations

Examples of Rights Protected

The ICESCR guarantees a range of substantive rights that are foundational to human well-being and societal development. A few examples include:

► Protected Rights

- Right to Work (Article 6)
- Right to Just and Favourable Conditions of Work (Article 7)
- Right to Social Security (Article 9)
- Right to Protection of the Family, Maternity, and Children (Article 10)
- Right to an Adequate Standard of Living (Article 11)
- Right to the Highest Attainable Standard of Health (Article 12)
- Right to Education (Article 13)
- Right to Take Part in Cultural Life and Benefit from Scientific Progress (Article 15)

► ICESCR Significance

The ICESCR represents a vital pillar of international human rights law, recognising that freedom from want is as important as freedom from fear. It establishes a legal and moral framework for the realisation of ESC rights through gradual progress, accountability, and cooperation. While challenges remain in implementation and enforcement, the Covenant continues to influence national constitutions, development policies, and global debates on social justice.

Summarized Overview

This unit examines the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both central pillars of the global human rights regime. It highlights the rights enshrined in each treaty, their binding nature, implementation mechanisms, and the role of treaty-monitoring bodies like the Human Rights Committee. India's obligations and reservations to these treaties are explored, along with the principle of progressive realisation under the ICESCR. The unit also covers Optional Protocols, contemporary applications, and the continuing relevance of these Covenants in ensuring justice, equality, and human dignity globally.

Self-Assessment Questions

1. What are the two main Covenants that complement the Universal Declaration of Human Rights?
2. When were the ICCPR and ICESCR adopted, and when did they come into force?
3. List at least five civil and political rights protected under the ICCPR.
4. What are Optional Protocols, and what is their significance?
5. How does the principle of “progressive realisation” apply to the ICESCR?
6. What is the role of the Human Rights Committee under the ICCPR?
7. How has India responded to and implemented the provisions of the ICCPR and ICESCR?
8. Which rights under the ICCPR cannot be suspended, even during a national emergency?
9. What are the three main parts of the ICESCR, and what do they address?
10. Why is the ICESCR important for promoting social justice and equality?

Assignments

1. Discuss the historical background and objectives behind the adoption of the ICCPR and ICESCR.
2. Compare the rights protected under the ICCPR with those under the ICESCR.
3. Analyse the effectiveness of the Human Rights Committee in enforcing civil and political rights.
4. Evaluate the role of Optional Protocols in strengthening international human rights enforcement.
5. Examine the significance of the principle of progressive realisation in the ICESCR.
6. Critically analyse India’s ratification of the ICCPR and ICESCR and its impact on domestic law.
7. Discuss the limitations of these Covenants in addressing modern human rights violations.
8. How do these Covenants contribute to the development of international human rights law?
9. Evaluate the relevance of ICESCR rights in the context of global poverty and inequality.
10. Explore how the ICCPR and ICESCR together form the International Bill of Human Rights.

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Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.

SGOU

UNIT 3

Amnesty International and Human Rights Watch

Learning Outcomes

Upon completion of this unit, learners will be able to:

- ▶ understand the roles, structures, and objectives of Amnesty International and Human Rights Watch in promoting human rights worldwide.
- ▶ analyse the methods and areas of focus of these organisations in monitoring, documenting, and addressing human rights abuses.
- ▶ evaluate the impact of these organisations on global human rights advocacy, including their significance in influencing policy and public opinion.
- ▶ explore the challenges and controversies faced by Amnesty International and Human Rights Watch, especially in the Indian context.

Background

Non-governmental organisations (NGOs) play a vital role in the global human rights movement by monitoring, reporting, and advocating for the protection of human rights. Among them, Amnesty International (AI) and Human Rights Watch (HRW) are two of the most prominent. Established in the 20th century, both organisations aim to hold governments and other powerful entities accountable for human rights violations. AI was founded in 1961 in the UK, focusing on prisoners of conscience and global advocacy, while HRW was founded in 1978 in the USA, initially to monitor the Soviet Union's compliance with human rights. Over time, both organisations have expanded their scope, addressing a wide range of civil, political, social, and economic rights. Their work includes research, field investigations, advocacy, and policy recommendations. Despite their achievements, they have also faced political resistance, notably in countries like India, where AI's operations were halted due to alleged legal violations.

Keywords

Amnesty International, Human Rights Watch, Non-Governmental Organisations (NGOs), Foreign Contribution Regulation Act (FCRA), Prisoners of Conscience

Discussion

3.3.1. Introduction

Amnesty International and Human Rights Watch stand at the vanguard of global human rights advocacy. As non-governmental organisations with international reach and reputations for influence, they have become important players in the global effort to monitor, report, and fight against human rights abuses. Although they share the common objective of promoting universal human rights, their operational models, methods of advocacy, organisational structures, and areas of specialisation vary considerably.

► Leading Human Rights NGOs

3.3.2. Amnesty International (AI)

Amnesty International (AI) is an international non-governmental organisation that works for internationally recognised human rights. Its vision is a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. It also demands justice for people whose human rights are violated.

► Amnesty International

It was founded in 1961 when the British lawyer, Peter Benenson, launched a worldwide campaign for 'Amnesty 1961' through his article 'The Forgotten Prisoners' published in 'The Observer' newspaper. Benenson wrote this article on the imprisonment of two Portuguese students.

► Amnesty Origins

Amnesty International's headquarters are in London, United Kingdom. It also has regional offices in different parts of the world, including Africa, America, Asia-Pacific, Europe, the Middle East, and North Africa.



3.3.2.1 Objectives

AI is independent of any government, political ideology, economic interest, or religion across the world. It stands for humanity and human rights. Its purpose is to protect individuals wherever justice, fairness, freedom, and truth are denied. It targets not only governments but also non-governmental bodies and private individuals. However, its chief objectives are as follows:

1. To free all prisoners of conscience (Prisoners of conscience are people imprisoned solely because of their political or religious beliefs, gender, or their racial or ethnic origin, who have neither used nor advocated violence).
2. To ensure fair and prompt trials.
3. To abolish the death penalty, torture, and other inhuman treatment of prisoners.
4. To stop state-sponsored terrorism, murder, and disappearances.
5. To help anyone in need of political sanctuary.
6. To put an end to all forms of violence against women.
7. To collaborate with organisations dedicated to stopping human rights violations.
8. To raise public awareness of global human rights breaches.
9. To raise awareness of the threat that poverty poses to people's sense of dignity while furthering justice and peace.

▶ AI Objects

3.3.2.2 Structure

AI is a global movement with millions of members and operates independently of government and political ideologies. Major policy decisions are made by an International Council made up of representatives from all national sections, which is led by the International Council Chairperson. It is governed

▶ AI Governance



by a nine-member International Executive Committee – eight members are elected by the International Council and one by the International Secretariat. The International Secretariat is headed by the Secretary-General.

3.3.2.3 Significance

AI acts as an international pressure group, publicising human rights problems and proposing solutions for them. It also conducts research, promotes action, and seeks redress for human rights violations. It proposes that the UN should establish a standing mechanism for a rapid response to human rights violations. It wants governments to show commitment to the ratification of international treaties, funding of human rights programmes, and the adoption of annual independent reviews of human rights. As a result of its efforts, national laws and international instruments have been improved, people illegally imprisoned have been freed, and some victims of human rights violations have been compensated.

▶ AI Advocacy

The work of AI not only includes narrow discussions of human rights but also has a very wide scope. This includes stopping violence against women, defending the rights and dignity of those trapped in poverty, protecting the rights of refugees and migrants, and regulating the global arms trade, among other things. The Prisoners of Conscience Fund helps to provide relief to prisoners and their families. The organisation has also worked in the area of the elimination of all forms of racial discrimination.

▶ AI Scopet

The relevance of AI is growing day by day. Crises in different countries like Iraq, Iran, and Afghanistan have been addressed by AI. It has also made a global petition calling on the Sudanese government to protect civilians in Darfur. It launched a CD called 'Make Some Noise: The campaign to save Darfur'. In the case of poor developing countries, it has taken steps to ensure that no human rights violations are taking place because of problems like poverty, illiteracy, etc. In the current context of climate change and terrorism, it has an important role to play.

▶ AI Relevance

In short, it may be stated that AI's work seeks to hold those responsible for human rights violations accountable, assist and empower human rights defenders, and create a world in which everyone can live with dignity, equality, and freedom. Based

▶ AI Achievements

on its achievements, it has been awarded the Nobel Peace Prize in 1977 for its 'Defence of human dignity against torture', and the UN Prize in the Field of Human Rights in 1978.

3.3.2.4 Amnesty International and India

AI India was a section of AI, a global human rights organisation formed in 1961. For more than three decades, the organisation maintained a presence in India, where it worked to promote and preserve human rights. Amnesty International India addressed a variety of human rights issues, including the abolition of the death penalty, the promotion of women's rights and gender equality, and the fight against discrimination and hate crimes.

▶ AI India Overview

However, AI was forced to stop its activities in the country in 2020 when the Indian Government froze the organisation's bank account and accused it of breaking Indian laws. Since then, AI has taken the Indian government to court, claiming that its actions are politically motivated and an attack on free expression and human rights in the country. On 16 February 2021, the Enforcement Directorate attached the organisation's possessions worth ₹17.66 crores in connection with an alleged violation of the "Foreign Contribution (Regulation) Act" (FCRA).

▶ AI India Ban

3.3.3. Human Rights Watch (HRW)

Human Rights Watch is a non-governmental organisation that focuses on research and advocacy related to human rights violations and abuses around the world. Its work involves investigating human rights, including civil, political, economic, social, and cultural rights. It also investigates and reports on human rights abuses worldwide, including issues like war crimes, crimes against humanity, child labour, torture, and more. HRW advocates for policy changes and pressures governments and other actors to respect human rights.

▶ Human Rights Watch

The organisation was founded by Robert L. Bernstein and Aryeh Neier as a private American NGO in 1978, under the name of Helsinki Watch, to monitor the Soviet Union's compliance with the Helsinki Accords. The Helsinki Accords (1975) was a major diplomatic agreement signed in Helsinki, Finland, at the conclusion of the first Conference on Security

▶ HRW Origins



and Co-operation in Europe (now the Organisation for Security and Co-operation in Europe).

► HRW Research

The organisation is committed to systematically researching and analysing human rights conditions worldwide in order to uncover abuses. Researchers interview leaders, victims, and witnesses to form an accurate picture of what happened. Its research findings are then compiled into detailed reports that provide a comprehensive overview of human rights abuses.

3.3.3.1 Areas of Focus

1. **Civil and Political Rights:** HRW advocates for freedom of expression, assembly, and association, and monitors issues related to political participation, arbitrary detention, and torture.
2. **Women's Rights:** The organisation addresses gender-based violence, discrimination, and the lack of equal opportunities for women and girls.
3. **Children's Rights:** HRW works to protect the rights of children, including issues like child labour, child soldiers, and access to education and healthcare.
4. **Refugees and Migrants:** The organisation focuses on the rights of refugees, asylum seekers, and migrants, highlighting the challenges they face and advocating for their protection.
5. **Armed Conflicts:** It focuses on violations of international humanitarian law during armed conflicts, including civilian casualties, the use of prohibited weapons, and attacks on hospitals and schools.
6. **LGBT Rights:** The organisation supports the rights of lesbians, gay, bisexual, and transgender people and advocates against discrimination and violence.
7. **Criminal Justice:** The organisation monitors fair trial standards, the use of the death penalty, and issues related to police misconduct.
8. **Advocacy and Impact:** In addition to research and reporting, it engages in advocacy efforts to bring

► HRW Focus Areas

about policy changes and raise public awareness. It communicates its findings to governments, international bodies, and other stakeholders to push for action on human rights issues. HRW's work has contributed to positive changes in laws, policies, and practices in various countries.

3.3.3.2 Methodology

► HRW Methodology

Human Rights Watch (HRW) follows a careful and structured approach in its investigations. First, field researchers collect evidence by conducting interviews, reviewing documents, and gathering relevant data. Next, the information is verified by cross-checking it with multiple reliable sources to ensure accuracy. Once verified, the findings are organised into detailed reports that include clear recommendations for action. Finally, HRW uses these reports to advocate for policy changes and improved practices, engaging directly with governments, institutions, and the public to push for accountability and reform.

3.3.3.3 Significance

► HRW Structure

Human Rights Watch comprises more than 275 staff members around the globe. Its staff consists of human rights professionals, including country experts, lawyers, journalists, and academics from diverse backgrounds. It is known for its accurate fact-finding and impartial reporting, effective use of media, and targeted advocacy, often in partnership with local human rights groups. Every year, it publishes more than 100 reports.

► HRW Support

The organisation supports victims and those who defend human rights to prevent all forms of discrimination, preserve political freedom, and protect individuals against inhuman behaviour in times of war.

► HRW Advocacy

It calls on governments and people in power to end practices that contradict human rights and to abide by international law in this field. It invites the general public and the international community to participate in the field of human rights for all. It meets with governments, the UN, regional groups like the African Union and the European Union, financial institutions, and corporations to press for changes in policy and practice

that promote human rights and justice worldwide.

► HRW Independence

It is an independent non-governmental organisation, supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. This financial independence allows HRW to maintain objectivity and impartiality in its work.

Summarized Overview

This unit focuses on two leading human rights organisations—Amnesty International (AI) and Human Rights Watch (HRW). It examines their origins, objectives, organisational structures, and operational methodologies. While AI seeks to prevent human rights violations globally and promotes the rights of prisoners of conscience, HRW emphasises research-based advocacy on civil, political, and social issues such as child labour, torture, and refugee rights. Both organisations are independent and rely on public support. The unit also highlights their influence on international policies and their challenges, including AI's recent closure in India due to alleged violations of the FCRA.

Self-Assessment Questionst

1. Who founded Amnesty International and in which year?
2. What are the key objectives of Amnesty International?
3. What is meant by "prisoners of conscience"?
4. Describe the organisational structure of Amnesty International.
5. What led to the closure of Amnesty International's operations in India?
6. When and why was Human Rights Watch founded?
7. Mention any three key focus areas of Human Rights Watch.
8. What is the methodology used by HRW in documenting human rights abuses?
9. How does HRW maintain its financial independence?
10. What is the significance of NGOs like AI and HRW in the global human rights movement?

Assignments

1. Discuss the global role of Amnesty International in promoting human rights since its inception.
2. Analyse the significance of Human Rights Watch's fact-finding and advocacy work.
3. Compare and contrast the objectives and methods of Amnesty International and Human Rights Watch.
4. Evaluate the contributions of Amnesty International to international human rights law and practice.
5. Examine the legal and political challenges faced by Amnesty International in India.
6. Assess the effectiveness of HRW's advocacy strategies in influencing government policies.
7. Discuss the role of NGOs in supplementing the work of inter-governmental organisations in human rights protection.
8. How do organisations like HRW and AI ensure accountability for human rights violations?
9. Explore the impact of public awareness campaigns by AI and HRW on global human rights.
10. Critically analyse the limitations faced by international NGOs in politically sensitive environments.

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Space for Learner Engagement for Objective Questions

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BLOCK 4
Human Rights in India

UNIT 1

Fundamental Rights and Directive Principles

Learning Outcomes

Upon completion of this unit, learners will be able to:

- ▶ comprehend the origin and significance of Fundamental Rights and Directive Principles in the Indian Constitution.
- ▶ explain the categories and key provisions under Fundamental Rights (Articles 12–35).
- ▶ interpret the nature, scope, and importance of the Directive Principles of State Policy (Articles 36–51).
- ▶ differentiate between justiciable Fundamental Rights and non-justiciable Directive Principles.

Background

The Constitution of India, adopted in 1950, is a cornerstone in the protection and promotion of human rights. It integrates a dual structure of rights: the Fundamental Rights, inspired by liberal democratic principles and enshrined in Part III (Articles 12 to 35), and the Directive Principles of State Policy, drawn from the Irish Constitution, codified in Part IV (Articles 36 to 51). While Fundamental Rights ensure civil and political freedoms, Directive Principles aim at socio-economic justice and the welfare of all citizens. The Preamble declares India a sovereign, socialist, secular, democratic republic, committed to justice, liberty, equality, and fraternity. Fundamental Rights include the right to equality, freedom, protection against exploitation, religious freedom, cultural and educational rights, and the right to constitutional remedies. The Directive

Principles provide a vision for a welfare state, guiding the state in areas such as public health, education, fair employment, and social justice. The dynamic interaction between these two elements shapes Indian governance, where the judiciary often plays a key role in harmonising enforceable rights with aspirational principles. The integration of both legal enforcement and moral direction demonstrates the Constitution's holistic approach to human dignity and democracy.

Keywords

Fundamental Rights, Directive Principles, Indian Constitution, Justiciability, Non-Justiciable Rights, Writs, Welfare State.

Discussion

4.1.1. Human Rights in India

The Constitution of India marks a watershed in the history of the development of human rights. It guarantees civil, political, economic, and cultural rights to the people of India. The Preamble, Fundamental Rights, and the Directive Principles of State Policy provide the basic human rights for the people of India. Above all, an effective, independent judiciary plays an important role in protecting the human rights of the people.

► Human Rights in India

The Preamble

The Preamble states India as a 'Sovereign, Socialist, Secular, and Democratic Republic' and aims to secure to all its citizens:

► Preamble

Justice – Social, economic, and political; **Liberty** – Of thought, expression, belief, faith, and worship; **Equality** – Of status and of opportunity; and **Fraternity** – Assuring the dignity of the individual and the unity and integrity of the Nation.

4.1.2. Fundamental Rights (Articles 12-35)

India has a tradition of respect for human rights. Ancient scriptures and epics bear clear testimony to this fact. During



► Historical Context

the freedom struggle, Indian leaders included human rights in their agenda for post-Independence India. Human rights find a place in the Constitution of India as Fundamental Rights. These rights are the Magna Carta, or the essential freedoms, of Indian citizens. As early as 1215, the English people succeeded in obtaining an assurance from King John for the respect of their then-ancient liberties. This assurance was made in a written document, known as the Magna Carta. In the American Constitution, these rights are provided in the form of a 'Bill of Rights'. The Constitution of India has embodied these Fundamental Rights in Part III of the Constitution.

► Fundamental Importance

These rights are called Fundamental because of their basic importance for the all-round development of human personality. Without these rights, individuals cannot develop their intellectual, moral, and spiritual stature. In *Sajjan Singh v. State of Rajasthan*, the Supreme Court observed that Fundamental Rights are 'the cornerstone of civilization'.

► Rights Protection

Fundamental Rights are essential to protect the rights and liberties of people against governmental encroachment. They are limitations upon all powers of the government, legislature, and executive. These rights are also essential for the preservation of public and private rights.

► Fundamental Rights Categories

The Fundamental Rights, enumerated in Part III of the Constitution, are grouped into the following six categories:

1. Right to Equality
2. Right to Freedom
3. Right against Exploitation
4. Right to Freedom of Religion
5. Cultural and Educational Rights
6. Right to Constitutional Remedies

To gain a clear understanding of the human rights guaranteed to the citizens of India, a brief discussion of each and every Article is highly warranted here.

4.1.3. I. Right to Equality (Articles 14 to 18)

Article 14 – Equality before Law

► Right to Equality

Article 14 declares that 'the State shall not deny to any person equality before law or the equal protection of the laws within the territory of India'. This Article combines principles from both the British and American Bills of Rights. Its aim is to establish equality of status and of opportunity as embodied in the Preamble. Equality before law implies the absence of any special privileges in favour of any person. Equal protection of law indicates 'equal treatment under equal circumstances'. Thus, a complete absence of any discrimination is envisaged through this Article. However, this Article prevents discrimination only by the State and not by individuals.

Article 15 – Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth.

► Prohibition of Discrimination

Article 15(1) states: 'The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.' Therefore, a citizen cannot be denied access to shops, public restaurants, hotels, and places of public entertainment on these bases. However, there are two exceptions to this Article:

1. The State is permitted to make special provisions for the benefit of women and children; and
2. The State is given the right to make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes (SC) and Scheduled Tribes (ST).

Article 16 – Equality in matters of public employment.

► Equality in Employment

This Article guarantees equality of opportunity in matters of public employment. The State is accordingly prohibited from showing any discrimination on grounds of religion, caste, etc., in matters of public employment. However, Clause (4) permits the State to provide for the reservation of posts in favour of any backward classes of citizens if they are not adequately represented in the services under the State.

Article 17 – Abolition of Untouchability



► Abolition of
Untouchability

Article 17 abolishes untouchability, and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with the law. For the purpose of the abolition of untouchability, Parliament enacted the 'Untouchability (Offences) Act, 1955'. It has been renamed the Protection of Civil Rights Act, 1955. Another Act, namely the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was also passed.

Article 18 – Abolition of Titles

► Abolition of Titles

Though it has little relevance in this context, it is desirable to consider it here. Article 18 abolishes titles except for academic and military distinctions. No citizen of India can accept any title from any foreign state. Even non-Indians in the service of the Government of India are forbidden to accept any title from any foreign state without the consent of the President of India. The reason is that titles would create artificial distinctions among members of the same society.

4.1.3. II. Right to Freedom (Articles 19 to 22)

Personal liberties are the most fundamental of all fundamental rights. These four articles deal with different aspects of these basic rights. These Articles form the backbone of the charter of personal liberties, and thus, they are the backbone of Human Rights.

Article 19 – Protection of certain rights regarding freedom of speech, etc.

Article 19 is the key Article that embodies six freedoms. They are:

► Right to Freedom

1. Freedom of speech and expression;
2. Freedom to assemble peaceably and without arms;
3. Freedom to form associations, unions, and co-operatives;
4. Freedom to move freely throughout the territory of India;
5. Freedom to reside and settle in any part of India; and

6. Freedom to practise any profession or to carry on any occupation, trade, or business.

The rights conferred by Article 19 are, however, not absolute. The Article embodies certain restrictions on the exercise of these freedoms. The restrictions are:

- a. Security of the State; b. Friendly relations with foreign states; c. Public order; d. Decency or morality; e. Contempt of court; f. Defamation; g. Incitement to an offence; h. Sovereignty and integrity of India.

Article 20 – Protection in respect of conviction for offences

Article 20 provides protection against arbitrary and excessive punishment to any person. According to this Article:

A person can be convicted of an offence only if they have violated a law in force at the time of its commission.

► Protection against Punishment

No person can be subjected to a punishment greater than that provided by such law at the time of the commission of the act (Ex post facto law).

No person can be prosecuted and punished for the same offence more than once.

No person accused of an offence shall be compelled to be a witness against themselves (self-incrimination).

Article 21 – Protection of life and personal liberty

Article 21 provides that no person shall be deprived of their life or personal liberty except according to the procedure established by law. The term 'procedure established by law' implies that the legislature has the final authority to determine the limit of personal liberty by law. Such laws should not be in conflict with other provisions of the Constitution.

► Right to Life

The current view is that Article 21 of the Constitution requires the following conditions:

1. There must be a valid law;
2. The law must provide a procedure;



3. The procedure must be just, fair, and reasonable; and
4. The law must satisfy the basic principles of Natural Justice.

Over the years, the Article has undergone a significant transformation and has become the most important fundamental right. The Supreme Court, through a liberal interpretation of the Article, has derived a number of inferred rights. They are:

- Right to privacy
- Right to travel abroad
- Right to live with human dignity
- Right to a healthy environment
- Right to a speedy trial
- Right to free legal aid
- Right to shelter
- Right against telephonic tapping
- Right to health and medical care
- Right against solitary confinement
- Right against handcuffing
- Right against public smoking, and the like.

► Expanded Rights

Right to Education (Article 21A)

Article 21A provides that "the State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State may, by law, determine".

► Right to Education

This Article was inserted by the 86th Constitutional Amendment in 2002. It came into force on 1st April 2010. To implement this Article, the 'Right of Children to Free and Compulsory Education Act' was enacted in 2009.

The government described this step as 'the dawn of the

second revolution in the charter of citizens' rights'.

Article 22

Article 22 guarantees protection against arbitrary arrest and detention. It grants four rights to a person who is arrested under an ordinary law:

► Protection against Arrest

a. The right to be informed of the grounds for arrest; b. The right to consult and be represented by a lawyer of their own choice; c. The right to be produced before a magistrate within 24 hours of their arrest; and d. Freedom from detention beyond the said period, except by an order of a magistrate.

These rights are not available to a person arrested under any law providing for preventive detention, nor to enemy aliens. However, the Article stipulates that no preventive detention law shall authorise detention for more than three months unless an advisory board so authorises.

4.1.4. III. Right against Exploitation: Articles 23 and 24

Article 23 – Prohibition of trafficking in human beings and forced labour.

► Prohibition of Forced Labour

Article 23 of the Constitution prohibits trafficking in human beings and *begar* (forced labour) and other similar forms of forced labour. Trafficking in human beings means the selling and buying of men and women like goods and includes the immoral trafficking of women and children for immoral and other purposes. Slavery is included in this expression. The Article protects the individual not only against the State but also against private citizens. This protection is available to both citizens and non-citizens.

Article 24 – Prohibition of employment of children in factories, etc.

► Child Labour Prohibition

Article 24 prohibits the employment of children below 14 years of age in factories and other hazardous employment. This provision is certainly in the interest of public health and the safety of children's lives.



4.1.5. IV. Right to Freedom of Religion - Articles 25 to 28

Article 25 provides that all persons are equally entitled to freedom of conscience and the right to freely profess, practise, and propagate any religion.

► Freedom of Religion

The right to Freedom of Religion is guaranteed to all persons living in India. Article 25 assures every person freedom of conscience and the right to profess, practise, and propagate any religion, subject to public order, health, and morality, and other provisions of the fundamental rights.

In a significant judgement, the Supreme Court observed that 'nobody has the fundamental right to convert any person to one's own religion, and the government can impose certain restrictions, keeping in view public order.'

Article 26 – Freedom to manage Religious affairs

Article 26 provides that 'subject to public order, morality, and health, every religious denomination has the right to:

► Religious Denominations Rights

1. Establish and maintain institutions for religious and charitable purposes;
2. Manage its own affairs in matters of religion;
3. Own and acquire movable and immovable property; and

Administer such property in accordance with the law.

Article 27 – Freedom as to payment of taxes for the promotion of any particular religion.

► Tax Freedom

Article 27 provides that no person shall be compelled to pay any tax for the maintenance or development of any particular religion or religious denomination. However, this provision prohibits only the levy of a tax, and not a fee.

Article 28 – Prohibition of religious instruction in State-aided educational institutions.

According to Article 28, no religious instruction shall be provided in an educational institution wholly maintained by

► Religious Instruction Ban

the State, and no person attending such an institution shall be compelled to take part in any religious instruction without their consent. The implication of these provisions relating to religious freedom is that the State in India is to be secular.

4.1.6. V. Cultural and Educational Rights - Articles 29 and 30

Article 29 – Protection of interests of minorities.

► Minority Rights

Article 29 secures for every minority the right to have a distinct language, script, and culture of its own, and to conserve the same. It further provides that no citizen shall be denied admission into any educational institution maintained by the State on the grounds of race, caste, religion, culture, language, etc., or any of them.

Article 30 – Right of minorities to establish and administer educational institutions.

► Educational Rights of Minorities

Article 30 guarantees to all minorities, whether based on religion or language, the right to establish and administer educational institutions of their own choice. The Article also states that the State shall not discriminate against any educational institution on the grounds of its management being a minority.

Article 31

► Deleted Article

Article 31 has been deleted from the list of Fundamental Rights by the 44th Constitutional Amendment.

4.1.7 VI. Right to Constitutional Remedies - Article 32

Article 32 – Right to Constitutional Remedies

There should be an efficient mechanism for the enforcement of fundamental rights. Without this, the rights would remain meaningless. In India, the Constitution guarantees the right for the enforcement of fundamental rights. Regarding this, the Supreme Court stated that Article 32 provides a guaranteed remedy for the enforcement of rights conferred by Part III of the Constitution. This right itself is made a fundamental right by including it in Part III of the Constitution. The Court is thus

the protector, guarantor, and guardian of fundamental rights. It cannot refuse to entertain an application seeking protection against the infringement of such rights. Under Article 226, the Constitution confers such powers on the High Courts within their own jurisdiction. However, the powers of the courts can be exercised in this respect only subject to the emergency provisions of the Constitution. This is because during a period of emergency, the President can suspend the judicial enforcement of fundamental rights, except the right to life and liberty.

Articles 32 and 226 empower the Supreme Court and High Courts respectively to issue writs such as Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo Warranto, for the enforcement of fundamental rights. Much of the public interest litigation that has played an important role in promoting fundamental rights has been filed under Articles 32 and 226.

Public interest litigation is allowed by the Supreme Court for the better enforcement of the human rights of any person. Any public-spirited individual having sufficient interest can approach the court for the enforcement of the rights of an individual or group.

The Writs (Articles 32 and 226)

1. The Writ of Habeas Corpus

It literally means 'to have the body' or 'to produce the body'. It is known as the protector of personal freedom. It is an order issued by the court to a person to bring the body of another before the court. In other words, this writ is issued to release a person who has been unlawfully detained or imprisoned.

Grounds for the issue: a. Unlawful detention; b. Violation of fundamental rights; c. Absence of legal justification for the detention.

2. The Writ of Mandamus

It literally means 'we command'. It is a command by the court to a public authority, asking them to perform their public functions.

It can be issued by the court against public officials, public corporations, tribunals, inferior courts, or the government.

However, it cannot be issued against the President, a Governor, private individuals, or foreigners.

3. The Writ of Prohibition

It literally means 'to forbid'. It is issued by the Supreme Court or High Courts to a lower court or tribunal to prevent the latter from exceeding its jurisdiction or acting contrary to natural justice.

The writ can be issued only against judicial and quasi-judicial authorities. It cannot be issued against legislatures, administrative bodies, or private individuals.

4. The Writ of Certiorari

It means 'to be certified' or 'to be informed'. It is issued by a High Court to a lower court or tribunal to transfer a case pending before the latter to the higher court for review.

It can be issued against judicial authorities, quasi-judicial authorities, tribunals, or administrative officers. It cannot be issued against an individual, a corporation, or private authorities.

The object of this writ is to keep inferior courts within their jurisdiction; if they act in excess of their jurisdiction, their decisions can be quashed by a superior court by using this writ.

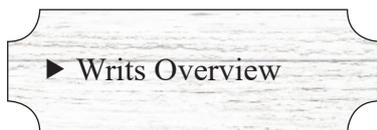
5. The Writ of Quo Warranto

It literally means 'by what authority'. It is issued by the court to prevent a person from acting in an office to which they are not entitled. The writ is issued to ensure that a person holding a public office is qualified to hold that office.

The office must be a public office of a permanent character. It must be created by a statute or the Constitution. There must have been a contravention of the Constitution or statutory instruments in appointing such persons.

4.1.8. Directive Principles of State Policy (DPSP)

The Directive Principles of State Policy (DPSP) within the Indian Constitution serve as fundamental guidelines



► Directive Principles

for governance, steering the nation towards its ambitions of justice, equality, and prosperity. They outline the socio-economic objectives that the State must pursue to enhance the welfare and dignity of every citizen. This article explores their significance, constitutional foundation, main features, categorisation, revisions, importance, critiques, and additional aspects.

Significance of Directive Principles of State Policy (DPSPs)

► DPSP Overview

The Directive Principles of State Policy (DPSP) in the Indian Constitution are principles and guidelines embedded in the Constitution to guide the State in governance and policymaking for the welfare of the people and the creation of a fair society. DPSPs are seen as essential to India's governance and are a core part of the nation's constitutional structure.

Constitutional Clauses of Directive Principles of State Policy

The Directive Principles of State Policy (DPSPs) are incorporated in Part IV of the Indian Constitution, covering Articles 36 through 51.

The idea of DPSPs was derived from the Irish Constitution.

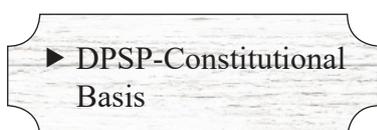
Key Features of the Directive Principles of State Policy (DPSPs)

The DPSPs include a variety of fundamental traits that define their significance within India's constitutional structure:

- **Non-Enforceable Characteristics** – In contrast to Fundamental Rights, DPSPs cannot be legally upheld in courts. Nonetheless, they are regarded as fundamental to governance and serve as ethical and political principles for the State.
- **Evolving and Adaptive** – DPSPs are crafted to be versatile, adjusting to emerging socio-economic challenges and developing alongside society's shifting dynamics. They advocate for innovative approaches in

policy development to address current demands.

- Advancement of a Welfare State – These principles seek to create a welfare-focused society based on justice, equality, and brotherhood, demonstrating the dedication to inclusive progress.
- Socio-Economic Objectives – DPSPs outline the social and economic targets the State ought to strive for, including guaranteeing social justice, economic fairness, and total national advancement.
- Balance Between Rights and Responsibilities – Fundamental Rights protect individual liberties, whereas DPSPs emphasise the need to connect these rights with social obligations, highlighting the collective benefit over solely personal gains.
- Fundamental to the Constitutional Vision – The DPSPs constitute a key element of the Indian Constitution, embodying the socio-economic aspirations of its creators and acting as a guide towards an equitable and harmonious society.
- Promotion of Good Governance – They support values like openness, responsibility, and effective management in government entities.
- Assistance for Cultural and Educational Growth – DPSPs enhance India’s cultural heritage and stress the importance of fostering education and a scientific mindset.
- Conformity with Global Obligations – These principles aid the State in fulfilling international commitments, showcasing India’s compliance with worldwide human rights norms and development objectives.



4.1.9. Directive Principles of State Policy (DPSPs)

Part IV of the Constitution (Articles 36 to 51) deals with Directive Principles. It constitutes a very comprehensive political and economic programme for a modern democratic state. These principles are in the nature of directions or instructions to the State. They embody the objectives and ideals

which the government must follow while formulating policies and making laws. They are not enforced by the courts. These principles have been borrowed from the Irish Constitution of 1937, which had copied it from the Spanish Constitution.

Features of DPSPs

1. **Non-Justiciable** – Not enforceable by courts but fundamental in governance.
2. **Dynamic & Evolving** – Adapt to socio-economic changes.
3. **Welfare-Oriented** – Promote justice, equality, and fraternity.
4. **Socio-Economic Focus** – Aim for social justice and national development.
5. **Balance of Rights & Duties** – Stress collective welfare over individualism.
6. **Integral to Constitutional Philosophy** – Reflects the vision of the Constitution's framers.
7. **Good Governance** – Promote transparency, accountability, and efficiency.
8. **Cultural & Educational Values** – Emphasise preservation and scientific temper.
9. **International Commitments** – Guide India in global human rights and treaties.

► DPSP-Characteristics

Classification of DPSPs

Although the Constitution does not officially classify DPSPs, they are generally grouped into three broad categories:

1. Socialistic principles reflecting the philosophy of socialism.
2. Liberal Intellectual Principles representing the ideology of Liberalism.

► DPSP-Classification

3. Gandhian principles based on Gandhian ideology.

Here, it is not necessary to discuss all the principles. An attempt has been made to discuss those principles which have a close bearing on human rights.

1. Socialistic Principles

Article	Directive	Related Schemes/Initiatives
40	Strengthen village panchayats.	Sakala (Karnataka), Panch Parmeshwar (MP)
43	Promote cottage industries.	Payment of Wages Act (1936, amended 2017)
43B	Strengthen cooperative societies.	Ministry of Cooperation, Yuva Sahakar
46	Uplift SCs, STs, and weaker sections.	Article 15(3)(4)(5), Atrocities Act 1989
47	Ban harmful intoxicants.	Liquor ban (Bihar), gutka/e-cigarette ban
48	Prohibit cow slaughter, improve breeds.	Rashtriya Gokul Mission, Kamdhenu Yojana

2. Gandhian Principles

Article	Directive	Related Schemes/Initiatives
40	Strengthen village panchayats.	Sakala (Karnataka), Panch Parmeshwar (MP)
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3. Liberal-Intellectual Principles

Article	Directive	Related Schemes/Initiatives
44	Uniform Civil Code.	Hindu Code Bill, Special Marriage Act
45	Infant Child Case	Beti Bachao Beti Padhao, ICPS
48	Scientific Agriculture and Animal Husbandry Protection	e-NAM, KUSUM, Soil Health Card
48A	Environment and Wildlife Protection	Forest Act, Biodiversity Act

Article	Directive	Related Schemes/Initiatives
49	Protection of Monuments and Places and Objects which have National Importance	Antiquities Act, ASI initiatives
50	Judiciary should be separate from the executive	Basic Structure (Kesavananda Bharati, 1973)
51		NAM, Panchsheel, UN Peacekeeping

Amendments in Directive Principles of State Policy (DPSPs)

86th Amendment Act of 2002	
Article	Subject-Matter
Article 45	Changed the subject matter to require the State to provide early childhood care and education for all children until they complete the age of six years.

97th Amendment Act of 2011	
Article	Subject-Matter
Article 43B	It requires the state to promote voluntary formation, autonomous functioning, democratic control, and professional management of cooperative societies.

Other Provisions in the Constitution

Article 300A: No person shall be deprived of his property save by authority of law.

► Other Important Articles

Article 325: There shall be one electoral roll for every territorial constituency. No person shall be ineligible for inclusion in any such roll on the grounds of religion, race, caste, sex, and the like.

Article 326: Every person who is a citizen of India and who is not less than 18 years of age, and is not otherwise disqualified, has the right to be registered as a voter.

Legislations Relating to Human Rights

The following are the important legislations passed by Parliament for Human Rights:

Legislations

1. The Protection of Human Rights Act, 1993
2. Protection of Civil Rights Act, 1955
3. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
4. Immoral Traffic (Prevention) Act, 1956
5. Indecent Representation of Women (Prohibition) Act, 1986
6. Dowry Prohibition Act, 1961
7. Commission of Sati (Prevention) Act, 1987
8. Maternity Benefit Act, 1961
9. Child Marriage Restraint Act, 1929
10. Child Labour (Prohibition and Regulation) Act, 1986
11. Juvenile Justice (Care and Protection of Children) Act, 1986 (Note: This was replaced by the 2000 and then 2015 Acts, so the year should be updated for accuracy if referring to the current law)
12. Caste Disabilities Removal Act, 1850 (Note: The year was incorrect in the original; this is the correct year for this Act.)
13. Right of Children to Free and Compulsory Education Act, 2009
14. Bonded Labour System (Abolition) Act, 1976

► Human Rights
Legislations

In the course of time, the Supreme Court has also expanded the scope of human rights contained in the Fundamental Rights. It has declared a number of human rights as part of the Fundamental Rights, even though they have not been specifically mentioned in Part III of the Constitution. Examples of such unenumerated fundamental rights include the right to health, the right to a speedy trial, the right against torture, the right to privacy, the right to travel abroad, the right to free legal aid, and so on.



Summarized Overview

This unit explores the fundamental constitutional provisions safeguarding human rights in India. It discusses Fundamental Rights, covering civil and political liberties vital for personal freedom and human dignity, such as equality before the law, freedom of speech, and protection from exploitation. It also covers Directive Principles of State Policy (DPSPs), which guide the government in promoting social justice and economic welfare. Although DPSPs are non-justiciable, they are vital for good governance and reflect the socio-economic aspirations of the Constitution's framers. This unit also highlights the balance the Constitution seeks between enforceable legal rights and ethical governance goals. Special emphasis is placed on the judiciary's role in expanding the interpretation of Fundamental Rights through Public Interest Litigations (PILs) and the enforcement of writs like habeas corpus, mandamus, and certiorari. The synthesis of Fundamental Rights and Directive Principles reflects India's vision of an inclusive, just, and democratic society.

Self-Assessment Questions

1. What are Fundamental Rights? List their categories.
2. Why are Fundamental Rights considered essential for human development?
3. Explain the meaning and scope of Article 14 – Equality before Law.
4. What are the exceptions to Article 15?
5. Discuss the Right to Freedom and its reasonable restrictions.
6. What protections are offered under Article 21?
7. Define Directive Principles of State Policy and their objectives.
8. How are DPSPs classified?
9. In what way do Fundamental Rights and DPSPs complement each other?
10. What role does the judiciary play in the enforcement of Fundamental Rights?

Assignments

1. Analyse the significance of the Preamble in understanding Fundamental Rights.
2. Discuss the evolution and interpretation of Article 21 by the Indian judiciary.
3. Compare and contrast Fundamental Rights and Directive Principles.
4. Examine the relevance of Article 19 in a democratic setup.

5. Critically evaluate the role of DPSPs in shaping welfare legislation.
6. Discuss key constitutional amendments that have affected Fundamental Rights or DPSPs.
7. Explain the significance of writs in enforcing Fundamental Rights.
8. How do Articles 39, 41, and 47 reflect the welfare goals of the state?
9. Write a case analysis of *Kesavananda Bharati v. State of Kerala* in the context of DPSPs.
10. Suggest measures to improve the implementation of Directive Principles in India.

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2. Austin, Granville – *The Indian Constitution: Cornerstone of a Nation*
3. Kashyap, Subhash C. – *Our Constitution*
4. Noorani, A.G. – *Constitutional Questions and Citizens' Rights*
5. Bakshi, P.M. – *The Constitution of India*

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SGOU

UNIT 2

National and State Human Rights Commission

Learning Outcomes

Upon completion this unit, learners will be able to:

- ▶ understand the formation, structure, and legal basis of the National Human Rights Commission (NHRC) and State Human Rights Commissions (SHRCs).
- ▶ analyse the powers, roles, and functions of NHRC and SHRC in protecting human rights.
- ▶ examine the institutional challenges faced by human rights commissions in India.
- ▶ evaluate the contribution of NHRC and SHRC to the protection of marginalised groups.
- ▶ assess reforms needed to strengthen human rights institutions in India.

Background

The establishment of the National Human Rights Commission (NHRC) and various State Human Rights Commissions (SHRCs) marked a significant step in India's commitment to human rights. Constituted under the Protection of Human Rights Act, 1993, these statutory bodies serve as watchdogs for the protection of rights related to life, liberty, equality, and dignity as enshrined in the Constitution and international covenants. The NHRC, with a former Chief Justice of India as its chairperson, investigates human rights violations, recommends compensation, and raises awareness through education and advocacy. SHRCs function at the state level with similar mandates but more localized jurisdiction. Despite their noble intent, these commissions face numerous limitations: lack of binding power, bureaucratic delays, insufficient representation, limited

investigative authority, and political interference. The unit highlights the structural design, appointment processes, powers, and real-world impact of NHRC and SHRCs while acknowledging systemic challenges. To enhance their effectiveness, recommendations include giving them binding power, ensuring timely appointments, providing adequate resources, and increasing public engagement. These institutions play a vital role in ensuring state accountability and upholding human dignity, especially for marginalised and vulnerable groups.

Keywords

NHRC, SHRC, Human Rights Act 1993, Statutory Body, Investigation, Marginalised Groups, Constitutional Rights, Armed Forces.

Discussion

4.2.1. National Human Rights Commission (NHRC)

► NHRC Overview

The National Human Rights Commission (NHRC) is essential for safeguarding and advancing human rights in India. It is tasked with protecting the rights to life, freedom, equality, and dignity of people. The NHRC looks into cases of human rights infringements, promotes public awareness, and suggests reforms to the government.

► NHRC Functions

Acting as a sentinel, the NHRC intervenes in cases of unfairness, particularly for underserved groups, guaranteeing that constitutional rights are upheld. Though it has a significant mandate, the Commission encounters various challenges, including insufficient resources, a heavy workload, and limited power to implement its recommendations.

► NHRC Establishment

The NHRC is an independent statutory organisation created on October 12, 1993, according to the Protection of Human Rights Act, 1993. It acts as the primary body for overseeing human rights in India, emphasising rights associated with life, individual liberty, equality, and human dignity. These rights are embedded in the Indian Constitution and are represented



► Human Rights

in global human rights standards such as the Paris Principles.

As per Section 2(1)(d) of the Protection of Human Rights Act, 1993, human rights encompass the rights pertaining to life, liberty, equality, and individual dignity, which are safeguarded by the Constitution of India or encompassed in international treaties enforceable in Indian courts.

Objectives of the NHRC

The **National Human Rights Commission (NHRC)** was established with clear goals to enhance the protection and promotion of human rights in India. Its primary objectives include:

► NHRC Objectives

- **To reinforce institutional mechanisms** for effectively addressing human rights concerns through a structured and focused approach.
- **To independently probe allegations of human rights violations** committed by public authorities, reflecting the state's dedication to upholding human dignity and justice.
- **To support and enhance existing initiatives** aimed at the advancement and protection of human rights across the country.

4.2.1. NHRC Composition

The National Human Rights Commission (NHRC) is a multi-member body comprising a chairperson and several members. The structure of the Commission is as follows:

► NHRC Structure

Full-Time Members:

- The Chairperson must be a former Chief Justice of India or a Supreme Court judge.

The Commission includes:

- One member who is a sitting or retired judge of the Supreme Court.
- One member who is a sitting or retired Chief Justice

of a High Court.

- Three members, at least one of whom must be a woman, with expertise or practical experience in human rights.

Ex-officio Members (7):

In addition to the full-time members, the NHRC includes **seven ex-officio members**, who are the chairpersons of the following national commissions:

- National Commission for Minorities
- National Commission for Scheduled Castes
- National Commission for Scheduled Tribes
- National Commission for Women
- National Commission for Backward Classes
- National Commission for Protection of Child Rights
- Chief Commissioner for Persons with Disabilities

► Ex-Officio Members

Appointment of NHRC Chairperson and Members

The President of India appoints the Chairperson and members of the National Human Rights Commission (NHRC) based on the recommendations of a six-member committee, chaired by the Prime Minister. The committee comprises the following members:

- Prime Minister (Chairperson)
- Speaker of the Lok Sabha
- Deputy Chairman of the Rajya Sabha
- Leaders of the Opposition in both the Lok Sabha and Rajya Sabha
- Union Home Minister

► Appointment

In cases where a sitting Supreme Court judge or a sitting

Chief Justice of a High Court is being considered, prior consultation with the Chief Justice of India is mandatory.

Tenure and Service Conditions

► Tenure & Service

- The Chairperson and members of the NHRC hold office for a term of three years or until they attain the age of 70, whichever comes earlier.
- They are eligible for reappointment after completing their term.
- However, once their service ends, they cannot hold any further office of profit under the Central or State Government.

4.2.1.2 Functions of the NHRC

The National Human Rights Commission (NHRC) is crucial for protecting human rights across India. It is assigned a variety of duties focused on preventing infractions, promoting accountability, and enhancing public understanding. The primary roles of the Commission consist of:

► Functions

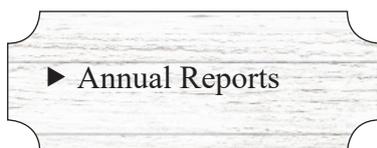
- Enquiring *suomotu* or on petition by a victim or any person on his behalf into complaints of violation or any act of negligence in preventing the violation of human rights. (This involves examining breaches of human rights or cases of negligence in averting these violations by government officials. The Commission may initiate this process on its own, via public requests, or at the request of a court.)
- Engaging in current legal cases that contain accusations of human rights violations and intervening in any allegations of violations of human rights pending before a court with the approval of such courts.
- Analysing constitutional provisions and legal protections concerning human rights and suggesting methods to enhance their enforcement.
- Evaluating the influence of factors such as terrorism on human rights and recommending suitable remedial actions.

- Analysing global agreements and human rights frameworks and proposing efficient methods for their implementation in India.
- Conducting research in the area of human rights to guide policy and advocacy efforts.
- Promoting human rights literacy among various sections of society and raising awareness of safeguards available for the protection of human rights through publications, etc. Encouraging the efforts of NGOs and other institutions working in the field of human rights.
- Carrying out other essential tasks to promote the cause of human rights.

NHRC and the Armed Forces

When claims of human rights abuses by the military emerge—either via complaints or through its own motion—the National Human Rights Commission (NHRC) can request a report from the Central Government.

- Upon reviewing the report, the NHRC may choose to reject the complaint or suggest suitable measures to the government.
- The Central Government must notify the NHRC about the actions taken concerning these recommendations within three months or within a time frame extended by the Commission.
- The NHRC should release its conclusions and suggestions, including the government's response details, and also supply a copy of the report to the petitioner.



NHRC Reports

The National Human Rights Commission (NHRC) is mandated to submit an annual report to the Central Government as well as to the concerned State Governments.

It is the responsibility of the Central and State Governments to lay these reports before each House of Parliament or the State Legislature, respectively.

Along with the report, they must submit a memorandum outlining the actions taken or those proposed in response to the NHRC's recommendations.

In cases where any recommendation is not accepted, the memorandum must include clear reasons for its rejection.

4.2.1.3 Powers of the NHRC

The National Human Rights Commission (NHRC) has been endowed with substantial authority that allows it to operate efficiently as a quasi-judicial entity.

- It possesses the power to govern its own procedures and wields all the authorities of a civil court, giving its actions a legal and judicial nature.
- The NHRC can request reports and data from both the Central and State Governments along with their subordinate bodies.
- It has its own investigative team and can also solicit assistance from any officer or investigative agency from either the Central or State Governments to carry out inquiries.
- Upon finishing or even while an investigation is underway, the NHRC might:
 - Suggest payment of compensation or damages to the victim.
 - Recommend legal action against the public official identified as responsible for the breach.
 - Recommend immediate interim assistance to be offered by the relevant government or authority.
 - Seek directions, orders, or writs from the Supreme Court or High Courts to guarantee justice.

► labour Powers

Key Initiatives and Focus Areas

The NHRC plays a vital role in safeguarding human rights in India. Over the years, it has addressed a broad spectrum

of human rights concerns, particularly those affecting marginalised and vulnerable communities. Major initiatives include:

► Initiatives

- Abolition of Bonded Labour and Child Labour
- Protection of the Rights of Disabled Persons
- Advocacy for Persons Affected by HIV/AIDS
- Measures Against Custodial Deaths, Torture, and Rape

These initiatives reflect the NHRC's commitment to aligning India's practices with national and international human rights standards.

Major Challenges Faced by NHRC

Despite its constitutional mandate and noble objectives, the NHRC faces systemic and operational hurdles:

1. **Delayed Appointments:** Frequent delays in appointing the Chairperson and members weaken the institution's credibility and functioning.
2. **GANHRI Accreditation Deferred:** The Global Alliance of National Human Rights Institutions (GANHRI) has withheld NHRC's accreditation due to:
 - Lack of transparency in the appointment process
 - Insufficient representation of women and minorities
3. **Non-Binding Nature of Recommendations:** The NHRC can only **recommend** actions; it lacks the authority to **enforce** them, limiting its impact on state accountability.
4. **“Toothless Tiger” Perception:** Former Chairperson Justice H.L. Dattu's remark reflects a common perception of the NHRC as ineffective in enforcing justice.
5. **Inability to Punish Violators:** The NHRC cannot impose penalties or award compensation, leaving victims dependent on state actions.

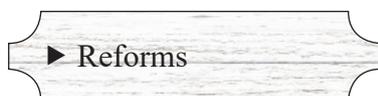
► Challenges

6. **Limited Investigative Powers:** The NHRC depends on state or central authorities for investigations, particularly in cases involving police or armed forces, raising concerns about **bias and conflict of interest**.
7. **Time-Bound Complaint Limit:** The one-year restriction on filing complaints excludes many long-standing or historical violations.
8. **Resource Constraints:** Inadequate funding and staff limit the NHRC's outreach and efficiency.
9. **Perceived Political Influence:** The NHRC's structure— heavily composed of former judges and bureaucrats— raises concerns about its independence from the executive.
10. **Reactive Rather than Proactive:** The NHRC is often seen as responding **after** violations occur, rather than actively working to **prevent** them.

The Way Forward: Strengthening the NHRC

To make the NHRC a more effective human rights watchdog, the following reforms are recommended:

- **Grant Enforcement Powers:** Amend the Protection of Human Rights Act to make the NHRC's recommendations binding.
- **Enhance Investigative Autonomy:** Allow the NHRC to **independently investigate** cases, especially involving armed forces and non-state actors.
- **Set Time-bound Investigation Protocols:** Ensure prompt justice delivery through **strict timelines** for inquiry and redressal.
- **Ensure Financial Independence:** A dedicated, **autonomous budget** would protect the NHRC from political interference and enhance its capacity.
- **Diversify Membership:** Include **civil society members, women, minorities, and grassroots activists** to reflect a broader societal perspective.



- **Continuous Training:** Provide regular training in **international human rights law, digital rights, and investigative techniques** to strengthen institutional capability.
- **Promote Accountability:** Establish a system of **external evaluation and performance audit** to monitor the NHRC's effectiveness and transparency.

4.2.2. STATE HUMAN RIGHTS COMMISSION

Structure and Composition of State Human Rights Commissions

The SHRC is a legal entity, meaning it is created by legislation and operates according to the stipulations outlined in the PHRA. The makeup of the commission is meticulously crafted to harmonise legal proficiency with an understanding of human rights. Every SHRC is led by a Chairperson, who must be a former Chief Justice of a High Court. The commission must also have at least one member who is or has served as a judge of a High Court or District Court, as well as another member with expertise or hands-on experience concerning human rights.

▶ State Human Rights

The commission is aided by a Secretary, typically an official holding at least the rank of Secretary to the State Government, who oversees administrative duties and ensures the commission operates efficiently. It additionally involves investigative and legal personnel to support inquiries, research, public engagement, and reporting. The focus on legal expertise in its structure ensures that the SHRC functions with a solid basis in law and justice, while also being attuned to wider social and humanitarian issues.

▶ Structure

Members of the SHRC are appointed by the state's Governor, following suggestions from a committee that includes the Chief Minister, the Speaker of the Legislative Assembly, the Minister responsible for the Home Department, and the Leader of the Opposition. This approach to appointments is designed to guarantee transparency, bipartisan dialogue, and independence in the selection process.

▶ Appointments

4.2.2.1 Functions and Powers of SHRC

► Functions

The main role of the SHRC is to investigate allegations of human rights abuses, whether these are filed by individuals or addressed by the commission on its own accord (suo motu). It can examine claimed breaches by public officials or negligence in preventing offences by authorities. This function is especially crucial in situations where state power is frequently abused or unregulated, particularly by law enforcement bodies.

The SHRC is empowered to assess jails, detention centres, and other government-operated facilities to evaluate the conditions for inmates and confirm that their fundamental rights are upheld. In several cases, these inspections have uncovered significant deficiencies, such as overcrowding, insufficient medical resources, and abusive treatment by staff.

An additional vital role of the commission is to assess constitutional and legal protections for human rights and suggest actions for their successful application. It has an important function in guiding the state government on policy changes, law enforcement practices, and legislative enhancements to advance human rights.

In addition, the SHRC is responsible for promoting human rights awareness via education, publications, seminars, and outreach initiatives. In a nation as expansive and varied as India, awareness serves as a vital instrument for empowerment. The commission's role in raising awareness among the public, law enforcement agencies, and government officials is crucial.

Although the SHRC possesses civil court powers in its investigations—like calling witnesses, demanding document submission, and reviewing evidence—it is crucial to recognise that its rulings are advisory. This indicates that although it can propose recommendations and counsel the government to act, it lacks the power to enforce those decisions. However, the commission's moral authority, along with media coverage and public pressure, frequently ensures that its suggestions are regarded with seriousness.

4.2.2.2 Significance of SHRC in a Democratic Society

In a democracy, institutions like the State Human Rights Commission are vital for ensuring that power is exercised with accountability, and that every citizen, regardless of

social or economic status, has a means of seeking justice. The SHRC functions as a bridge between the people and the state, especially for those who may not have access to the formal justice system due to poverty, illiteracy, or marginalisation.

► Importance

By investigating violations, recommending reforms, and educating the public, the SHRC contributes to the creation of a culture of rights. It reminds the state that its legitimacy depends not just on laws and elections, but on how it treats its people, particularly the weakest and most vulnerable among them.

Even with its limitations—such as lack of binding power, inadequate infrastructure, and occasional political interference—the SHRC remains a crucial institution in India’s human rights landscape. Its work complements that of the judiciary, the NHRC, and civil society organisations, forming a collective shield against abuses of power and violations of human dignity.

Challenges Faced by SHRC

State Human Rights Commissions encounter many difficulties, despite their significance. A significant problem is the lack of resources and workforce. Numerous SHRCs work with constrained budgets, antiquated infrastructure, and inadequate personnel, which hinders their effectiveness. Frequent delays in appointing chairpersons and members result in a backlog of cases and a halt in administrative progress.

► Challenges

A further major challenge is the advisory status of the commission's recommendations. Even though SHRCs conduct investigations and provide recommendations, the state is not legally required to respond to them. This restricts their efficacy and may result in diminished public trust in the organisation.

Political interference and a deficiency of independence additionally weaken the credibility and autonomy of SHRCs. At times, the commission’s decisions could be swayed or postponed because of pressure from political figures or powerful individuals, jeopardising their neutrality.

Moreover, the SHRCs are limited to addressing issues related solely to public servants. The commission can only step in if there is proof of negligence or failure to act by public authorities when a private individual engages in a human

rights violation.

Case Studies Highlighting SHRC Role

There are numerous examples that illustrate the role of SHRCs in addressing rights violations. In Tamil Nadu, the SHRC took suo motu cognisance of police excesses during protests and conducted independent investigations that brought to light custodial violence. In Kerala, the SHRC has intervened in cases of gender discrimination in public places, while the Maharashtra SHRC has actively pursued cases involving Dalit atrocities and police inaction.

► Interventions

These interventions not only provide relief to victims but also draw attention to systemic failures in governance and law enforcement. They create public pressure for reforms and help in establishing accountability mechanisms within the state machinery.

4.2.3 Recent Developments and the Way Forward

In recent years, the importance of human rights commissions has grown in the face of rising incidents of intolerance, communal tensions, and socio-economic disparities. Several SHRCs have embraced digital platforms for complaint registration and tracking, making their services more accessible to the public.

► Reforms

There is an urgent need for reforms to strengthen SHRCs. This includes granting them greater enforcement powers, ensuring timely appointments, enhancing funding and staffing, and revising their mandate to include violations by private actors. Public awareness campaigns and stronger collaboration with NGOs and legal aid institutions can further enhance their reach and effectiveness.

Ultimately, the State Human Rights Commissions represent a crucial layer in the architecture of democratic governance. Their evolution and empowerment are essential for building a just and equitable society that respects and upholds the rights of all its members.

Summarized Overview

This unit explores the institutional framework of human rights protection in India through the National Human Rights Commission (NHRC) and State Human Rights Commissions (SHRCs). These bodies, formed under the Protection of Human Rights Act, 1993, have the primary objective of protecting life, liberty, dignity, and equality. The NHRC is a national-level independent body empowered to investigate human rights violations, recommend compensation, promote awareness, and monitor international treaties. Similarly, SHRCs perform state-level functions with a focus on prison visits, legal reviews, and public education. Both bodies can take suo motu actions or act on complaints, and enjoy civil court powers such as summoning witnesses and documents. However, their recommendations are advisory, not binding, which limits their effectiveness. Additionally, political interference, inadequate funding, delayed appointments, and lack of enforcement power hinder their impact. Despite being criticised as "toothless tigers," these commissions have intervened in crucial issues like custodial deaths, bonded labour, and violence against women and children, thereby playing an important complementary role to the judiciary and civil society. The unit concludes by advocating structural reforms and enhanced autonomy to ensure these institutions can fulfil their constitutional mandate effectively.

Self-Assessment Questions

1. What is the legal foundation for the creation of NHRC?
2. Who are the key members in the NHRC's appointment committee?
3. Mention the major powers and functions of the NHRC.
4. What is the role of SHRC in addressing state-level human rights issues?
5. Explain the challenges faced by NHRC in fulfilling its mandate.
6. Describe the relationship between NHRC and the judiciary.
7. How does NHRC deal with human rights violations by the armed forces?
8. What steps can be taken to enhance the independence of SHRCs?
9. Differentiate between NHRC and SHRC in terms of jurisdiction and powers.
10. What are the reporting responsibilities of NHRC to the government?

Assignments

1. Examine the structural composition and appointment process of the NHRC.
2. Analyse the significance of NHRC in safeguarding the rights of marginalised communities.
3. Evaluate the effectiveness of SHRCs in promoting human rights at the state level.
4. Discuss the powers of NHRC and the limitations of its functioning.
5. “NHRC is a toothless tiger.” Critically analyse this statement with examples.
6. Compare and contrast NHRC and SHRC based on legal framework and effectiveness.
7. Suggest reforms to improve the performance of NHRC.
8. Write a case study on NHRC intervention in a custodial death or bonded labour case.
9. Discuss the relevance of human rights commissions in a democratic society.
10. How can digital platforms strengthen the functioning of SHRCs?

Suggested Reading

1. Gopalakrishnan, K.C. – *Human Rights and Justice System in India*
2. Upendra Baxi – *The Future of Human Rights*
3. Noorani, A.G. – *Challenges to Civil Liberties*
4. R.J. Vincent – *Human Rights and International Relations*
5. S.K. Awasthi – *National Human Rights Commission of India*

Reference

1. Gopalakrishnan, K.C. (2010). *Human Rights and Justice System in India*, Atlantic Publishers.
2. Baxi, Upendra (2007). *The Future of Human Rights*, Oxford University Press.
3. Noorani, A.G. (2002). *Challenges to Civil Liberties*, Penguin Books.
4. Vincent, R.J. (1986). *Human Rights and International Relations*, Cambridge University Press.
5. Awasthi, S.K. (2004). *National Human Rights Commission of India*, New Delhi: Research India Press.

Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.

SGOU

UNIT 3

Human Rights of Women, Children, SCs and STs, Minorities (Sexual and Cultural) and Disabled

Learning Outcomes

Upon completion of this unit, learners will be able to:

- ▶ identify and explain the human rights challenges faced by women, children, SCs/STs, minorities, and persons with disabilities.
- ▶ understand the constitutional and legal safeguards available to protect vulnerable groups in India.
- ▶ analyse the role of government and judiciary in the promotion and protection of human rights for marginalised communities.
- ▶ evaluate international human rights standards and their relevance to India's policies and practices.
- ▶ understand policy measures and legal reforms to enhance human rights protections for disadvantaged and marginalised populations.

Background

Vulnerable groups in India—such as women, children, Scheduled Castes (SCs), Scheduled Tribes (STs), sexual and cultural minorities, and persons with disabilities—face systemic discrimination, marginalisation, and abuse. Although the Constitution of India provides a range of protections through Fundamental Rights and Directive Principles, and several legislations exist to secure their rights, implementation often falls short. Women face gender-based violence, wage gaps, and social exclusion. Children suffer from malnutrition, trafficking, labour, and abuse. SCs and STs face caste-based discrimination, untouchability, and atrocities despite constitutional and legal protection. Sexual minorities encounter stigma and legal hurdles in claiming their rights, while persons with disabilities are excluded from equal access to education,

employment, and justice. This unit provides an overview of these issues, examines the constitutional provisions (Articles 14, 15, 16, 17, 21, etc.), legal protections like POCSO, SC/ST Atrocities Act, Protection of Women from Domestic Violence Act, and national and international efforts to promote human dignity and equality. The focus remains on understanding structural barriers, empowering affected communities, and proposing effective mechanisms for change.

Keywords

Women's Rights, Child Rights, SC/ST Protection, Disability Rights, LGBTQ Rights, Constitutional Safeguards, Legal Framework, Vulnerable Groups, Social Justice, Marginalisation

Discussion

4.3.1. Human Rights for Women

Women have been subjected to adverse discrimination, often compelled to confine themselves to the household and denied entry into public service. In the past, they were denied the right of inheritance in the property of either their father or husband. Social problems like dowry harassment and the prevention of remarriage became very common since the medieval period. Furthermore, female foeticide and infanticide are also increasing. Added to this comes the problem of 'bride burning', which has received tremendous attention. Rape and physical torture of young women are common in the world in general, and in India in particular. Many of these problems go unreported. These untold stories of inhumane torture and violence against women have also attracted the attention of human rights activists.

► Women Exploitation

These problems are the result of old attitudes and customs of a historically male-dominated society. Violations of human rights are taking place everywhere in the world; however, they have been exacerbated in India due to poverty, illiteracy, and social customs like Sati and dowry.



Economically, the violation of women's human rights has been evident in their exploitation within most economies. Specific examples in this regard are:

1. Labour exploitation in free trade zones.
2. Women subjected to sexual assault, trafficking, violence, and slavery.
3. Women's human rights violations also occurring in the context of boosting national income through tourism that, in turn, promotes exploitation.

4.3.2. Rights of Women

The rights available to women can be classified into two categories: constitutional rights and legal rights. The constitutional rights are those which are provided in the various provisions of the Constitution. The legal rights, on the other hand, are those which are provided in various laws enacted by Parliament and State legislatures.

► Women Rights

Constitutional Rights

In the Constitution of India itself, Fundamental Rights, Directive Principles, and Fundamental Duties provide special safeguards and protection to women. They are summarised as follows:

- **Article 14:** Article 14 guarantees equality before law and equal protection of the law. This obviously means that the law cannot be discriminatory against women.
- **Article 15:** This Article prohibits discrimination on the grounds of sex. Clause (3) of the Article empowers the State to make special provisions for the advancement of women and children.
- **Article 16:** This Article guarantees equality in matters of public employment. No citizen shall be discriminated against or be ineligible for any employment or office under the State on the grounds of sex.
- **Article 23:** Trafficking in human beings and forced labour are prohibited.

► Constitutional Safeguards



- **Article 39:** It enjoins upon the State to provide adequate means of livelihood for both men and women and to provide equal pay for equal work for both men and women. The Article also requires the State to secure that the health and strength of workers are not abused.
- **Article 42:** The State shall make provision for securing just and humane conditions of work and maternity relief.
- **Article 51A(e):** This Article imposes a duty on every citizen of India to renounce practices derogatory to the dignity of women.

In addition to all these, there are certain other provisions for the empowerment of women:

- **Article 243D(3):** One-third of the total seats to be filled by direct election in every Panchayat shall be reserved for women.
- **Article 243D(4):** One-third of the total number of offices of Chairperson in Panchayats at each level shall be reserved for women.
- **Article 243T(3):** One-third of the total number of seats to be filled by direct elections in every Municipality shall be reserved for women.
- **Article 243T(4):** The offices of Chairpersons in the Municipalities shall be reserved for women in such a manner as the State Legislature shall provide.

4.3.3. Legal Rights

In the context of 75 years since the inauguration of the Constitution, many laws have been enacted with a view to removing disparities and providing conditions for welfare. The important laws are given below:

1. **Protection of Women from Domestic Violence Act 2005:** It is comprehensive legislation to protect women from all forms of domestic violence.
2. **Immoral Traffic (Prevention) Act 1956:** It is a premier legislation for the prevention of trafficking for

commercial sexual exploitation.

3. **Indecent Representation of Women (Prohibition) Act 1986:** The Act prohibits the indecent representation of women through advertisements or in publications, writings, paintings, figures, or any other manner.
4. **Commission of Sati (Prevention) Act 1987:** This Act provides for the more effective prevention of the commission of Sati and its glorification.
5. **Dowry Prohibition Act 1961:** The Act prohibits the giving or taking of dowry at, before, or at any time after the marriage.
6. **Maternity Benefit Act 1961:** This Act regulates the employment of women in certain establishments for specific periods before and after childbirth. It also provides for maternity benefits and certain other benefits.
7. **Medical Termination of Pregnancy Act 1971:** This Act provides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.
8. **Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994:** The Act prohibits sex selection before or after conception and prevents the misuse of prenatal diagnostic techniques for sex determination, which can lead to female foeticide.
9. **Equal Remuneration Act 1976:** This Act provides for the payment of equal remuneration to both men and women workers for the same work or work of a similar nature.
10. **Muslim Women (Protection of Rights on Divorce) Act 1986:** This Act protects the rights of Muslim women who have been divorced by their husbands.
11. **Family Courts Act 1984:** This Act provides for the establishment of Family Courts for the speedy settlement of family disputes.
12. **Bharatiya Nyaya Sanhita 2023 (BNS):** This legislation contains provisions to protect women from dowry death,

► Women Legislation



rape, kidnapping, cruelty, and other offences.

13. Indian Christian Marriage Act 1872: This Act contains provisions relating to marriage and divorce among the Christian community.

14. Legal Services Authorities Act 1987: This Act provides for free legal services to women.

15. Hindu Marriage Act 1955: This Act introduced monogamy and allowed divorce on certain specific grounds. It provides equal rights to men and women concerning marriage and divorce.

16. Hindu Succession Act 1956: This Act recognises the right of women to inherit parental property equally with men.

17. Minimum Wages Act 1948: This Act does not allow discrimination between male and female workers or different minimum wages for them.

18. National Commission for Women Act 1990: This Act provides for the establishment of a National Commission for Women to study and monitor matters relating to the constitutional and legal rights and safeguards of women.

19. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013: This Act provides protection to women in workplaces, both in the public and private sectors.

20. Muslim Women (Protection of Rights on Marriage) Act 2019: This Act protects the rights of married Muslim women and prohibits divorce by the pronouncement of triple talaq by their husbands.

In addition to constitutional provisions and parliamentary legislation, the judiciary has also been interpreting some existing laws in a more favourable way for women. In a landmark judgement in 1995, the Supreme Court held that the widow and daughter of a deceased person have equal rights to the property left by him. Judicial decisions in the Shah Bano case and the Shayara Bano case have also been important for reforming Muslim personal law.

Women's Rights Movements and Advocacy

► Women Advocacy

Women's rights movements and advocacy efforts have played a transformative role in challenging systemic inequality, raising awareness, and securing legal and social reforms for gender equality. From grassroots activism to international lobbying, these movements have significantly shaped the global human rights landscape.

4.3.4. Role of NGOs and Civil Society

Non-governmental organisations (NGOs) and civil society actors are central to the advancement of women's rights, both locally and globally. Their work includes advocacy, legal aid, education, health services, policy reform, and international lobbying.

- **International NGOs:**
 - **Equality Now** campaigns against legal inequalities and gender-based violence.
 - **Women's International League for Peace and Freedom (WILPF)** links disarmament, human rights, and gender equality.
 - **Global Fund for Women** provides funding and support to grassroots women's organisations.
 - **Centre for Reproductive Rights** litigates and advocates for reproductive freedom globally.
- **Grassroots Organisations:** Often run by and for women in marginalised communities, these groups address localized needs—from economic empowerment and domestic violence shelters to legal literacy and advocacy for indigenous rights.
- **Civil Society Movements:** Coalitions, women's marches, and local forums continue to press for accountability, equality, and gender-sensitive policies at the national and international levels.

► Women NGOs

Current Trends and the Way Forward

Over the past few decades, significant progress has been

► Women Progress

made in advancing women's rights, but persistent challenges and emerging global dynamics continue to shape the future of gender equality. The path forward involves adapting to new contexts, embracing intersectionality, and ensuring sustained global and local commitment to women's empowerment.

4.3.5. Progress and Achievements in Recent Decades

In recent years, there has been a significant change in legal protections and societal perspectives regarding women's rights:

- **Legislative Progress:** Numerous nations have implemented laws safeguarding women against violence, guaranteeing equal rights to inheritance and property, and encouraging participation in politics. The implementation of gender quotas has resulted in greater representation of women in legislative bodies and leadership positions.
- **Education and Health:** Record numbers of girls are in school now, and worldwide maternal mortality rates have dropped considerably thanks to better access to healthcare
- **Economic Participation:** The growth of women-led enterprises and greater representation in the formal job market indicate slow yet significant progress in economic empowerment.
- **Global Obligations:** The Sustainable Development Goals (notably Goal 5: Gender Equality) have strengthened global responsibility and efforts regarding women's rights.
- **Cultural Changes:** Initiatives such as #MeToo, #TimesUp, and #HeForShe have integrated gender topics into popular conversations and assisted in confronting deep-rooted patriarchal standards.

► Recent Advances

4.3.6 Women's Rights in Digital and Conflict Zones

Digital Spaces:



► Digital Impact

- **Opportunities:** The digital world offers new avenues for education, activism, entrepreneurship, and connection. Women's voices are increasingly amplified through online platforms.
- **Challenges:** Women face disproportionate levels of cyberbullying, online harassment, and doxxing. Gendered disinformation campaigns and digital surveillance are rising concerns, particularly for women journalists and activists.
- **Digital Divide:** In many parts of the world, women still lack access to digital tools and skills, reinforcing existing inequalities in information, employment, and political participation.

Conflict Zones:



► Conflict Effects

- **Increased Risk:** Armed conflicts frequently result in rises in gender-based violence, forced displacement, and erosion of fundamental rights. Women face a higher likelihood of experiencing interrupted healthcare and an elevated threat of trafficking.
- **Roles in Peacebuilding:** Although women are affected by war more than men, they are increasingly participating in peace talks and rebuilding efforts. UN Security Council Resolution 1325 (2000) highlights the significance of including women in peace and security initiatives.
- **Access to Justice:** Accountability for gender-based violence in conflict areas is still limited, although initiatives via the International Criminal Court (ICC) and transitional justice systems are progressing.

4.3.7. Strategies for Promoting Equality and Empowerment

To guarantee a fairer and more equal future for women and

girls, diverse and inclusive approaches are crucial:

- **Enhance Legal Safeguards and Enforcement:** Current laws need to be thoroughly enforced, overseen, and funded, with a particular focus on addressing legal deficiencies in aspects such as reproductive rights, inheritance, and violence prevention.
- **Encourage Economic Empowerment:** Supporting women's businesses, providing access to financing, ensuring equitable labour practices, and implementing social protection initiatives can change economic outcomes.
- **Support Education and Leadership:** Fair education systems and mentorship initiatives must be established to nurture the upcoming generation of women leaders in every field.
- **Advocate for Reproductive Justice:** Ensuring access to comprehensive reproductive health services—such as contraception, safe abortion, and maternal care—should be a top priority.
- **Leverage Technology for Inclusion:** Closing the digital gender gap by ensuring affordable access, enhancing digital skills, and providing protections against cyber violence is essential.
- **Involve Men and Boys:** Gender equality is a social concern, and involving men and boys as partners in changing detrimental norms is crucial.
- **Prioritise Marginalised Voices:** Initiatives should acknowledge and elevate the voices of women from historically underrepresented groups, encompassing factors such as race, ethnicity, disability, sexual orientation, and socio-economic status.

► Future Strategies

4.3.8. Human Rights of Children

Children are often a neglected section of Indian society; even their basic human rights are denied in one way or another. They have been subjected to hunger, poverty, malnutrition, and even sexual exploitation. A majority of these unwanted children are

► Children's Plight

born out of the sexual needs of parents. They are marketable commodities, subject to sale and purchase. Children are also victims of droughts, famine, organ trafficking, etc. They are economically exploited by being put into dangerous work. The condition of girl children is often more tragic than that of boy children; they are ill-treated by family members. At ages 5 or 10, they are sold out of the community as a supplement to family income.

The founding fathers of our Constitution were conscious of this plight of children. Therefore, they specifically included many provisions regarding child welfare. The constitutional rights and safeguards provided to children are mentioned below:

► Constitutional Safeguards

- The State is empowered to make any special provision for children; in other words, these provisions enable the State to make affirmative discrimination in favour of children (Article 15(3)).
- The State shall provide free and compulsory education to all children of the age of 6 to 14 years (Article 21A).
- Trafficking in human beings and forced labour are prohibited (Article 23).
- No child below 14 years shall be employed in any factory, mine, or any other hazardous employment (Article 24).
- The State is required to ensure that children of tender age are not abused and that they are not forced by economic necessity to enter occupations unsuited to their age (Article 39(e)).
- The State is required to ensure that children are given opportunities and facilities to develop in a healthy manner (Article 39(f)).
- The State shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years (Article 45).
- It shall be the duty of every parent or guardian to provide opportunities for education to their child or ward

between the ages of 6 and 14 years (Article 51A(k)).

4.3.9. Legal Rights

The various legislations which contain several rights and safeguards for children are as follows:

- Right of Children to Free and Compulsory Education Act 2009.
- Prohibition of Child Marriage Act 2006 (This Act prohibits child marriages rather than only restraining them, replacing the 1929 Act).
- Juvenile Justice (Care and Protection of Children) Act 2015.
- Child Labour (Prohibition and Regulation) Act 1986.
- Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992. The Act has been made with a view to the protection and promotion of breastfeeding and ensuring the proper use of infant food.
- Guardians and Wards Act 1890: Provides that the court must take into consideration the welfare of the child while appointing a guardian.
- Children Act 1960 (Note: This Act was largely replaced by the Juvenile Justice Acts. If referring to a current relevant Act, the year may need updating). This Act provided for the care, protection, maintenance, welfare, training, education, and rehabilitation of neglected or delinquent children.
- Immoral Traffic (Prevention) Act 1956: This Act has been passed to prevent trafficking for commercial sexual exploitation.
- Legal Services Authorities Act 1987: Provides for free legal services to children.
- The following legislations prohibit the employment of children in the related occupations and processes:

► Child Rights Laws

a. Factories Act 1948 b. Plantations Labour Act 1951
c. Merchant Shipping Act 1958 (Note: The year was incorrect in the original; 1958 is the main Act) d. Mines Act 1952 e. Motor Transport Workers Act 1961
f. Apprentices Act 1961 g. Beedi and Cigar Workers (Conditions of Employment) Act 1966

- Commissions for Protection of Child Rights Act 2005: Provides for the establishment of a National Commission for Protection of Child Rights, State Commissions for Protection of Child Rights, and Children's Courts for the purpose of providing speedy trials of cases of violation of child rights.
- Protection of Children from Sexual Offences (POCSO) Act 2012: Provides protection to children from the offences of sexual assault, sexual harassment, and pornography. It also provides for the establishment of special courts for the trial of such cases.

In spite of all these provisions, the position of children has not improved significantly. Therefore, the rights of the child call for further protection and promotion in the context of Indian society. The following problems require special attention:

1. Violence against Children

Child trafficking is a grave violation of children's rights in India. Trafficked children are often forced into labour, sexual exploitation, and servitude. The National Crime Records Bureau has reported a rise in crimes against children in recent years. There are also reports of growing violence against street children in many urban areas.

► Child Trafficking

The Parliament of India passed the Juvenile Justice (Care and Protection of Children) Act for the care, protection, treatment, development, and rehabilitation of neglected and delinquent juveniles. The Act also aims at a specialised approach for the juvenile justice system. The Act creates a few new offences: employment of a juvenile for begging, giving a juvenile intoxicating drinks or narcotic drugs or psychotropic substances, and exploitation of juvenile employees. It provides for juvenile homes for neglected children and special homes and observation homes for delinquent juveniles. However, due to the lack of resources, the number of juvenile homes

established so far has been limited. Nonetheless, the National Crime Records data indicates conditions showing a declining trend in some areas.

2. Child Labour

India has a significant number of working children in the world. Millions of children, mostly belonging to Scheduled Castes and Scheduled Tribes, are working long hours for nominal wages and in unhygienic surroundings, at the expense of their education, play, health, dignity, and freedom. After decades of independence, child labour persists in all its ugly and inhumane forms despite various legislative enactments preventing it. It is a matter of common knowledge that large-scale exploitation of children for free and cheap labour has been taking place before our eyes.

There is no reliable data on the exact number of children being exploited at work; however, the 2001 census estimated that the proportion of child workers to the child population was 4.97%. Children are engaged in a variety of industries or vocations: making matches and fireworks, carpet making, glass bangle making, making brass wires, plastic and rubber weaving, salt extraction, diamond cutting and polishing, biscuit making, steel rolling and chip recycling, domestic work, construction industries, etc. For example, about 80,000 to 100,000 children are working in Kashmir's carpet industries. It is calculated that about 45,000 children work in match factories in Sivakasi and become victims of exploitation. This painful reality exists despite various legislative enactments referred to above.

The Government of India pledged to eliminate child labour from all hazardous industries. The Supreme Court also directed the Government of India to take action to prevent child labour at an early date. In 2006, the Ministry of Labour notified certain occupations to be added to the list of hazardous occupations for children. These include domestic servants, workers in restaurants, hotels, tea stalls, resorts, and other recreational centres. The ILO Convention of 1999 also attempts to distinguish between hazardous and non-hazardous employments. The Convention seeks the immediate elimination of certain types of child labour, including slavery, prostitution, drug trafficking, and other hazardous activities that are likely to harm the health, safety, and morals of children.

► Child Labour

Child labour is one of the major socio-economic problems in India. Therefore, all states and organisations should work collectively to eliminate this inhumane practice.

3. Child Marriage

Despite the law against child marriage, it continues to be a pervasive issue in India, especially in rural areas. Girls as young as 12 or 13 are often forced into marriage at the expense of their education and personal growth, effectively robbing them of their childhood. This practice also leads to early pregnancies and health complications, exacerbating gender inequality and limiting women's participation in society.

▶ Child Marriage

4. Child Sexual Abuse

It is widely acknowledged that a significant number of children in India are subjected to sexual abuse. The stigma surrounding sexual abuse prevents many victims from coming forward, perpetuating a culture of silence. Despite legislative measures like the POCSO Act, the incidence of child sexual abuse remains disturbingly high.

▶ Child Sexual Abuse

5. Child Abandonment

Child abandonment is another critical issue affecting children. Many children are abandoned due to poverty, social stigma, or gender discrimination. These children are exposed to various forms of exploitation, including trafficking and forced labour. Many do not have access to education or healthcare, further exacerbating their plight.

▶ Child Abandonment

6. Cyberbullying of Children

The rise of technology has led to new forms of violence against children. Many children experience harassment, threats, and humiliation online, which directly impacts their mental health and self-esteem. Cyberbullying can lead to anxiety, depression, and even suicidal thoughts among affected children.

▶ Cyber Voilence

The aforementioned problems are significant issues in India. Therefore, all states and authorities should work collectively to eliminate these inhumane practices.

The Children's Rights Movement



► Origins of Movement

The origins of the modern **children's rights movement** can be traced to **Thomas Spence's 1796 publication *Rights of Infants***—an early English-language assertion of child rights. The movement gained momentum throughout the 20th century with activism surrounding:

- **Homeless children**
- **Access to education**
- **Child labour laws**

Opposition to Children's Rights

Opposition to children's rights is deeply ingrained and predates current legal systems. Historical resistance, tracing back to at least the 13th century, reveals concerns about shielding children from the pressures of adult existence. Critics often romanticise childhood as a period of purity and absence of responsibilities, implying that rights akin to those of adults could undermine this state.

- Contemporary resistance arises from:
- Concerns regarding national sovereignty and the rights of states
- Worries about government intrusion in the relationship between parents and children
- Traditional value frameworks
- Limitations on implementation due to financial and political factors[54][55]. In certain countries, particularly the United States, the concept of children's rights has faced challenges in gaining substantial support or public awareness, hindered by political opposition and cultural traditions that prioritise parental control over child independence.

► Opposition to Rights

4.3.10. Human Rights of Scheduled Castes (SCs) and Scheduled Tribes (STs)

Human Rights of Scheduled Castes and Scheduled Tribes

► Marginalised Communities

Scheduled Castes (SCs) and Scheduled Tribes (STs) are socially, economically, and politically marginalised sections of Indian society. The Constitution of India does not define who the SCs and STs are. Traditionally, these were people who were considered 'out of caste', categorised as 'untouchables'. The majority of them live below the poverty line. Their labour is exploited as they receive low wages, and their dignity is not recognised. They are socially alienated, economically deprived, and their political rights and privileges are denied. Dalits are often victims of violence from the upper castes. Most are landless labourers and face conditions akin to modern slavery.

► Caste Discrimination

In many villages, Dalits are not allowed to draw water from public wells or even to wear footwear. Untouchability or pollution challenges the dignity and rights of Dalits, violating their human rights. It was reported in the press in 1980 in Tamil Nadu that four Dalit children drowned because they dared to bathe in a well belonging to an upper-caste man. Human rights violations occur before our eyes due to a low societal response.

► Severe Social and Religious Exclusion of Dalits

Dalits are beaten and even burnt to death by upper castes. Members of the Dalit community are not permitted in certain temples, which are reserved for higher castes. Although the Indian Constitution upholds the dignity and equality of all persons, incidents have been reported from Bihar and Karnataka where caste Hindus forced Dalits to consume human excreta. They are also excluded from participating in festivals.

► Persistence of Untouchability and Constitutional Safeguards for Dalits

It is disheartening to note that the practice of untouchability continues in many parts of the country despite the Protection of Civil Rights Act and the SCs and STs (Prevention of Atrocities) Act. The prohibition of Dalits entering temples, public places, streets, public conveniences, eating establishments, and educational institutions still exists in some areas.

From the above, it is evident that Dalits are the most disadvantaged, neglected, and marginalised people in our society. The founding fathers of our Constitution were well aware of this historical truth; that is why they incorporated certain safeguards and welfare measures for their upliftment.

Constitutional Provisions

- Untouchability is abolished, and its practice in any form

is forbidden (Article 17).

- Trafficking in human beings and forced labour are prohibited (Article 23).
- The State is empowered to open Hindu religious institutions of a public character to all sections of Hindus (Article 25).
- The State shall promote the educational and economic interests of SCs and STs and shall protect them from injustice and all forms of exploitation (Article 46).
- The State is empowered to make special provisions for SCs and STs regarding admission to educational institutions, including private educational institutions, except minority educational institutions (Article 15(5)).
- The State is empowered to provide for reservation in promotions in favour of SCs and STs (Article 16(4A)).
- The claims of SCs and STs shall be considered in making appointments to public services of the Centre and the States (Article 335).
- Seats shall be reserved for SCs and STs in the Lok Sabha (Article 330).
- Seats shall be reserved for SCs and STs in the State Legislative Assembly (Article 332).
- Seats shall be reserved for SCs and STs in every Panchayat (Article 243D).
- Seats shall be reserved for SCs and STs in every Municipality (Article 243T).
- The President is required to appoint a Commission to report on the administration of Scheduled Areas and the welfare of STs in the States (Article 339).
- The President shall establish a National Commission for Scheduled Castes and a National Commission for Scheduled Tribes to investigate and monitor all matters relating to the constitutional and legal rights and safeguards for SCs and STs and report to him (Articles

► ***SC/ST Constitutional Safeguards***

338 and 338A).

Legal Rights

The legislations that contain the rights and safeguards for SCs and STs are as follows:

- 1. Protection of Civil Rights Act 1955:** This Act prescribes punishment for the preaching and practising of 'untouchability' and for the enforcement of any disability arising therefrom. It provides penalties for the practice of untouchability.
- 2. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:** This Act prevents the commission of offences of atrocities against SCs and STs by persons other than SCs and STs. It also provides for the establishment of special courts for the speedy trial of such offences. Furthermore, it makes provisions for the relief and rehabilitation of the victims of such offences.
- 3. Bonded Labour System (Abolition) Act, 1976:** This Act provides for the identification and release of bonded labourers and the rehabilitation of freed bonded labourers.
- 4. Legal Services Authorities Act, 1987:** This Act provides free legal aid to Scheduled Castes (SCs) and Scheduled Tribes (STs).
- 5. Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013:** This Act seeks to prohibit employment as manual scavengers by prescribing stringent punishment of up to five years. It also includes provisions for the rehabilitation of manual scavengers and their families.
- 6. Central Educational Institutions (Reservation in Admission) Act, 2006:** This Act provides for a reservation of 15% for students belonging to SCs and 7.5% for STs in Central Educational Institutions.
- 7. Central Educational Institutions (Reservation in Admission) Act, 2006:** This point is a repetition of the

► SC/ST Legislations



previous one.

8. **Central Educational Institutions (Reservation in Teacher's Cadre) Act, 2019:** This Act provides for the reservation of posts in appointments by direct recruitment for SCs and STs.
9. **Forest Rights Act, 2006 (The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act):** This Act seeks to recognise and vest forest rights and occupation of forest land in forest-dwelling STs and other traditional forest dwellers.
10. **The Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA Act):** This Act is aimed at preserving the customs, practices, and resources of STs. It provides for reservations for STs in the Panchayats.

In addition to all these, there is a provision for the establishment of cells in important institutions such as universities, police departments, and civil service institutions.

The main reason for atrocities against Dalits is the caste system. It is challenging for many Hindus to abolish the caste system as it is perceived to offer various social and economic advantages. Despite the abolition of untouchability and laws like the Prevention of Atrocities against SCs and STs, atrocities against Dalits have been on the rise. The Protection of Civil Rights Act, 1955, provides for penalties for refusing admission to hospitals, educational institutions, hotels, or temples; refusing to sell goods or render services; demanding compulsory or unlawful labour, etc. Notwithstanding such laws, there has been an increasing trend of atrocities against SCs and STs. Hence, a new piece of legislation titled the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was enacted to combat crimes against them by non-SCs and STs. The new law empowers state governments to take suitable measures for the effective implementation of its provisions. Ultimately, it may be stated that the effective observance of existing legal provisions, both in letter and spirit, is the soundest guarantee against current crimes against Dalits.

► Dalit Atrocities

4.3.11. International Human Rights Standards

India's obligations under international human rights treaties reinforce its duty to protect SCs and STs:

► International Obligations

- **Universal Declaration of Human Rights (UDHR)**
- **International Covenant on Civil and Political Rights (ICCPR)**
- **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**
- **ILO Convention 169 (on Indigenous and Tribal Peoples)** – Though not ratified, it sets global standards for tribal rights.

Steps Forward: Strengthening Human Rights

To bolster the human rights framework for SCs and STs, the following actions are vital:

► Strengthening Protections

- Efficient implementation of current laws and accountability for infractions.
- Grassroots campaigns focused on legal awareness and literacy.
- Enhancement of complaint resolution systems and protection for whistleblowers.
- Community involvement in the planning and execution of welfare programmes.
- Rights to land and livelihood must be safeguarded according to the Forest Rights Act and constitutional assurances.

The fight for the human rights of Scheduled Castes and Scheduled Tribes is an essential constitutional and ethical obligation. Although substantial advancements have occurred, the disparity between legislation and actual conditions remains significant. An inclusive, rights-centred approach grounded in equality, dignity, and justice is crucial for making the ideals of the Constitution a tangible experience for all.

Human Rights of Minorities (Sexual and Cultural) and Persons with Disabilities



Introduction

► Marginalised Rights

Human rights are the essential freedoms and rights that belong to every person, regardless of their nationality, ethnicity, gender, or ability. However, in reality, marginalised populations, such as sexual and cultural minorities and individuals with disabilities, frequently encounter systemic discrimination, exclusion, and violence. These communities have traditionally been deprived of equal opportunities in education, employment, healthcare, and legal protection. This essay examines the human rights issues faced by sexual and cultural minorities and individuals with disabilities, the legal frameworks designed to safeguard them, and the persistent obstacles in guaranteeing dignity, inclusion, and equality for everyone.

4.3.12. Human Rights of Minorities (Sexual and Cultural) and Persons with Disabilities

Rights of Sexual Minorities

► Sexual Minorities

Sexual minorities are individuals whose sexual orientation, sexual identity, or gender identity differs from the majority in society. This includes people who identify as gay, lesbian, bisexual, transgender, and other gender or sexual identities that are not heterosexual or cisgender. These individuals may face unique challenges and discrimination due to their sexual orientation or gender identity. It is important to note that sexual minority groups are not monolithic, and each group may experience different forms of discrimination.

► Rights Protection

In this context, it is worth noting that they are entitled to the same human rights and fundamental freedoms as everyone else. Like any other person, they have the right to privacy, freedom from discrimination, and equal protection under the law. These rights are recognised and protected at both international and national levels. However, challenges and discrimination persist.

The Supreme Court of India, in *National Legal Services Authority (NALSA) v. Union of India (2014)*, declared transgenders to be the third gender, and they are entitled to the same Fundamental Rights guaranteed under the Constitution of India. The court also held that transgenders should be treated as socially and economically backward classes, and they

should be granted reservations in education and employment. In this context, it is desirable to examine the key aspects of their rights.

► Transgender Rights

1. **Non-discrimination:** They have the right to be free from discrimination based on their sexual orientation or gender identity in all areas of life, including education, employment, housing, and healthcare.
2. **Decriminalisation:** The Supreme Court, in a recent judgement, held that consensual sexual relationships between two adults, whether homosexual, heterosexual, or lesbian, cannot be regarded as a crime. The court observed that sexual orientation is a natural phenomenon determined by biology and science. Any discrimination on this basis is unconstitutional, the court noted.
3. **Right to Privacy:** This includes the right to make personal choices about one's sexuality and relationships free from state interference.
4. **Freedom of Expression and Association:** Sexual minorities have the right to express their sexual orientation and gender identity and to form groups and organisations to advocate for their rights.
5. **Protection from Violence and Abuse:** This includes protection from physical and psychological violence, hate crimes, and harmful practices like 'conversion therapy'.
6. **Legal Recognition of Relationships:** Many sexual minorities advocate for the legal recognition of same-sex relationships, including marriage and other forms of partnership.
7. **Access to Healthcare and Services:** Sexual minorities have the right to access healthcare and other essential services without discrimination.
8. **Recognition of Gender Identity:** Transgender and gender-diverse individuals have the right to have their gender identity recognised by the State and to obtain identity documents that reflect their gender identity.

Challenges

Social Stigma: Deep-rooted social attitudes and stigma against these individuals persist in many parts of India, leading to prejudice, harassment, bullying, and violence in society.

Family Rejection: They often face rejection and discrimination within their families, resulting in strained relationships, homelessness, and a lack of support systems.

► Challenges Faced

Healthcare Access: They often encounter barriers to accessing healthcare services, including discrimination from healthcare providers.

Inadequate Legal Recognition: There is a lack of comprehensive legal recognition and protection. Legal challenges related to marriage, adoption, inheritance, and other civil rights persist for them.

Intersectional Challenges: These individuals, along with other marginalised groups, face compounded discrimination and marginalisation based on their intersecting identities.

Manipulative Counselling: Manipulative counselling practices such as conversion therapy and the pathologisation of their identities exacerbate these challenges.

► Support Mechanisms

The role of human rights organisations is crucial in addressing these challenges. Similarly, education and awareness campaigns are essential to combat prejudice and promote understanding and acceptance of sexual minorities. Additionally, developing and implementing inclusive policies and practices in various sectors, including education, healthcare, and employment, is vital. Above all, international cooperation and support are essential to ensure that sexual minorities around the world can enjoy their human rights.

Human Rights of Cultural Minorities

Cultural minorities are groups within a larger society that possess distinct cultural practices, languages, religions, or other characteristics that differ from the dominant culture. They often face challenges related to discrimination, marginalisation, and lack of representation.

The Constitution refers to two types of minorities: religious

minorities and linguistic minorities. However, the term 'minority' has not been defined anywhere in the Constitution. The Central Government has notified five communities as religious minorities at the national level: Muslims, Sikhs, Christians, Buddhists, and Zoroastrians.

A linguistic minority is a group of people whose mother tongue differs from that of the majority in a state, meaning that linguistic minorities are determined on a state-wise basis.

The Constitution of India contains special provisions to safeguard the social, educational, and economic interests of minorities. Some of these provisions are common to both religious and linguistic minorities.

4.3.13. Constitutional Rights

- Any section of citizens having a distinct language, script, or culture has the right to conserve it (Article 29).
- No citizen shall be denied admission to any educational institution maintained or aided by the State on the grounds of religion, race, caste, or language (Article 29).
- All minorities, whether based on religion or language, have the right to establish and administer educational institutions of their own choice (Article 30).
- The compensation amount fixed by the State for the compulsory acquisition of any property of a minority educational institution shall not restrict or abrogate the rights guaranteed to minorities, whether based on religion or language (Article 30(1A)).
- In granting aid to educational institutions, the State shall not discriminate against any educational institution on the grounds that it is managed by a minority, whether based on religion or language (Article 30(2)).
- The wearing and carrying of *Kirpans* shall be deemed to be included in the profession of the Sikh religion. In other words, Sikhs have the right to wear and carry Kirpans (Article 25(2)).

Legal Rights

► Minority Legislation

- 1. National Commission for Minority Educational Institutions Act (2004):** This Act provides additional safeguards to minority educational institutions. It contains provisions for the following: a. Establishment of a National Commission for Minority Educational Institutions. b. The right of a minority educational institution to seek affiliation to any university of its choice.
- 2. Waqf Act, 1995:** This Act was enacted to safeguard the existence of a large number of Waqf properties in the country. The Act provided for the establishment of a Central Waqf Council to advise the Government of India on matters pertaining to the working of the State Waqf Boards and the proper administration of Waqfs in the country.
- 3. National Commission for Minorities Act, 1992:** This Act accorded statutory status to the Minority Commission set up in 1978. The Commission monitors the working of the safeguards provided to minorities in the Constitution and the laws. It also addresses specific complaints regarding the deprivation of rights and safeguards for minorities.

In addition to the above constitutional safeguards, linguistic minorities are also provided with certain consensual safeguards, which are as follows:

► Linguistic Safeguards

- a. Instruction in minority languages at the primary and secondary stages of education.
- b. Translation and publication of important rules, regulations, and notices into all languages spoken by at least 15% of the total population at the district or sub-district level.
- c. No insistence upon the knowledge of the State's official language at the time of recruitment; a test of proficiency in the State's official language to be held before completion of probation.

International Standards and Frameworks

Several international instruments and declarations address the rights of cultural minorities. They include:

- 1. Universal Declaration of Human Rights:** It establishes

the principle of non-discrimination and equality for all individuals.

► International Safeguards

2. **The International Covenant on Civil and Political Rights:** Article 27 of the Covenant protects the right of persons belonging to minorities to enjoy their own culture, religion, and language.
3. **The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities:** This Declaration provides a framework for States to protect and promote the rights of minorities.
4. **UNESCO Convention against Discrimination in Education:** This Convention aims to eliminate discrimination in education based on various factors, including religion and language.
5. **Regional Human Rights Instruments:** Many regional human rights treaties and mechanisms also address the rights of minorities.

However, certain challenges are faced by them. The major challenges include discrimination and prejudice, marginalisation and exclusion, loss of cultural identity, displacement and forced relocation, and more.

4.3.14. Human Rights of Persons with Disabilities

The human rights of persons with disabilities are enshrined in international and national laws.

► Disability Rights

Disabilities can be physical, cognitive, behavioural, or emotional. All human beings are born free and equal in dignity and rights. People with disabilities around the world experience human rights violations, stigma, and discrimination. Having a disability means facing fundamental difficulties in accomplishing tasks that others take for granted. Many social factors can affect whether individuals with disabilities are included in or excluded from participation in various activities. Disability is thus not just a health problem; it is a complex phenomenon.

Constitutional Rights of the Disabled



► Disability Rights Framework

- **Prohibition of Discrimination:** Persons with disabilities have the right to be treated equally and not to be discriminated against. This includes ensuring equal access to education, employment, healthcare, and other services.
- **Right to Life:** Every person with a disability has the inherent right to life, just as any other person does.
- **Dignity and Integrity:** The right to live with dignity and respect for one's physical and mental integrity is fundamental.
- **Participation in Political and Public Life:** Persons with disabilities have the right to participate fully in political and public life, including the right to vote, the right to stand as a candidate for election, and participation in civil society.
- **Access to Justice:** They have the right to access the justice system on an equal basis with others, including access to legal aid and fair trials.
- **Freedom of Movement:** Individuals with disabilities have the right to freedom of movement and residence and should not be confined to specific living arrangements.
- **Right to Work:** They have the right to work on an equal basis with others, including the right to choose their employment freely and work in an inclusive, accessible environment.
- **Accessibility:** Governments and other entities are obliged to ensure that the environment, including buildings, transportation, and information, is accessible to persons with disabilities.
- **Education:** Children with disabilities have the right to inclusive education, with appropriate support and reasonable accommodations to facilitate their learning and development.
- **Healthcare:** They have the right to access healthcare services, including medical, psychological, and rehabilitative treatment.

- **Personal Autonomy:** Disabled persons have the right to make their own decisions about their lives, including decisions related to their health, finances, and personal relationships.
- **Freedom from Exploitation, Violence, and Abuse:** They have the right to be protected from all forms of exploitation, violence, and abuse.

International Instruments

► International Disability Rights

- **Declaration on the Rights of Disabled Persons:** This was a declaration by the General Assembly of the UN made on 9th December 1975. According to the Declaration, disabled persons shall enjoy all rights contained within it without distinction or discrimination.
- **The Convention on the Rights of Persons with Disabilities (CRPD):** This is an international Human Rights Treaty of the UN intended to protect the rights and dignity of persons with disabilities.

Rights of Disabled Persons in India

► Disability Rights India

Persons with disabilities are often one of the most neglected sections of our nation. Keeping this aspect in mind, the Government of India passed the '**Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.**' According to the Act, 'disability includes blindness, low vision, leprosy-cured persons, hearing impairment, locomotor disability, mental retardation, and mental illness.' (Note: This Act has since been replaced by **The Rights of Persons with Disabilities Act, 2016**, which covers a wider range of disabilities. It might be beneficial to update this reference for accuracy).

- **Disability Certificate:** This is the most basic document that a disabled person should possess in order to avail themselves of certain benefits and concessions. The State Medical Board, established under the State Government, can issue a disability certificate to any person with more than 40% disability.
- **Disability Pensions:** People who are above 18 years of age, suffering from more than 80% disability, and

► Disability Benefits

living below the poverty line are entitled to a disability pension under the Indira Gandhi National Disability Pension Scheme.

- **Income Tax Concession:** Under Sections 80DD and 80U of the Income Tax Act, 1961, persons with disabilities are entitled to certain income tax concessions.

In conclusion, we can say that persons with disabilities face unique challenges but possess significant potential. However, they experience many problems and discrimination. These issues are real. Promoting inclusion, accessibility, and equal opportunities is crucial for creating an egalitarian society where everyone can thrive.

Summarized Overview

Unit 3 focuses on the human rights of India's most vulnerable populations, including women, children, SCs/STs, minorities (sexual and cultural), and persons with disabilities. Despite constitutional guarantees and legal provisions, these groups continue to face systemic inequalities and abuse. Women deal with issues like domestic violence, dowry deaths, and workplace harassment. Children are affected by child labour, trafficking, and a lack of education and healthcare. SCs and STs suffer caste-based discrimination and atrocities, despite laws like the Protection of Civil Rights Act and SC/ST (Prevention of Atrocities) Act. Sexual and cultural minorities face societal stigma and institutional neglect, though landmark judgments like *NALSA v. Union of India* (2014) and *Navtej Singh Johar v. Union of India* (2018) have advanced their rights. Persons with disabilities are often denied access to basic facilities, and while the Rights of Persons with Disabilities Act, 2016 offers strong protection, gaps remain in its execution. This unit also draws attention to international conventions and human rights norms that shape national legislation and advocacy. Through a multidisciplinary approach combining law, policy, and activism, the unit advocates inclusive, rights-based frameworks for addressing systemic injustice and empowering marginalized groups.

Self-Assessment Questions

1. What are the key human rights issues faced by women in India?
2. Mention constitutional safeguards available for the protection of children.
3. Explain the legal protections provided under the SC/ST (Prevention of Atrocities) Act, 1989.
4. What is the significance of Article 17 of the Constitution?
5. Discuss the role of the judiciary in advancing the rights of LGBTQ+ individuals.
6. What are the main provisions of the Protection of Women from Domestic Violence Act, 2005?
7. How does the POCSO Act protect children from abuse?
8. What rights are guaranteed under the Rights of Persons with Disabilities Act, 2016?
9. Explain the impact of international human rights treaties on Indian domestic law.
10. How can NGOs and civil society contribute to promoting the rights of vulnerable groups?

Assignments

1. Examine the role of constitutional provisions in safeguarding the rights of women and children.
2. Critically analyse the challenges in implementing the SC/ST (Prevention of Atrocities) Act.
3. Discuss the effectiveness of Indian laws in protecting sexual minorities.
4. Compare and contrast the legal protections available to children and persons with disabilities.
5. Evaluate the implementation of the Rights of Persons with Disabilities Act, 2016.
6. Explain how intersectionality affects the human rights experiences of marginalized groups.
7. Write a report on a landmark Supreme Court case protecting the rights of vulnerable communities.
8. Discuss the contribution of women's rights movements in shaping national legislation.

9. Analyse child labour and child marriage as violations of human rights in India.
10. Suggest legal and policy reforms to better protect marginalized communities in contemporary India.

Suggested Reading

1. C. J. Nirmal – *Human Rights in India: Historical, Social and Political Perspectives*
2. Usha Ramanathan – *Law and Poverty*
3. Flavia Agnes – *Law and Gender Inequality*
4. P. Ishwara Bhat – *Law and Social Transformation in India*
5. B. Sivaramayya – *Equality and Non-Discrimination under International Law*

Reference

1. Nirmal, C.J. (2000). *Human Rights in India: Historical, Social and Political Perspectives*, Oxford University Press.
2. Agnes, Flavia (1999). *Law and Gender Inequality: The Politics of Women's Rights in India*, Oxford University Press.
3. Bhat, P. Ishwara (2009). *Law and Social Transformation in India*, Eastern Book Company.
4. Ramanathan, Usha (2004). *Law and Poverty*, ICSSR Publication.
5. Sivaramayya, B. (1999). *Equality and Non-Discrimination under International Law*, Indian Law Institute.

Space for Learner Engagement for Objective Questions

Learners are encouraged to develop objective questions based on the content in the paragraph as a sign of their comprehension of the content. The Learners may reflect on the recap bullets and relate their understanding with the narrative in order to frame objective questions from the given text. The University expects that 1 - 2 questions are developed for each paragraph. The space given below can be used for listing the questions.

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SREENARAYANAGURU OPEN UNIVERSITY

MODEL QUESTION PAPER- SET- A

QP CODE

Enrollment Number:

Name:

M.A DEGREE EXAMINATIONS, APRIL 2025

Third Semester

M.A Political Science

M23PS01DE – Human Rights

(2024 July admissions)

Time: 3 Hours

Max Marks: 70

Section A

Answer any ten of the following questions in a word or sentence each. Each question carries 1 mark.

1. What do you mean by Human Rights?
2. Mention one civil and political right.
3. What is the significance of the UDHR?
4. Expand ICCPR.
5. Who is considered the father of modern human rights philosophy?
6. What is meant by third-generation rights?
7. Name any one international human rights NGO.
8. Mention one fundamental right enshrined in the Indian Constitution.
9. What is the goal of the NHRC?
10. Which article guarantees equality before the law in India?
11. Expand CEDAW.



12. What is the focus of the feminist approach to human rights?
13. What do you understand by cultural rights?
14. Mention one major UN human rights body.
15. Who appoints the Chairperson of the State Human Rights Commission?

(1×10 = 10)

Section B

Answer any five of the following questions in two or three sentences each. Each question carries 2 marks.

1. Briefly explain the concept of human dignity in human rights.
2. What are the key features of the liberal approach to human rights?
3. Differentiate between civil and social rights.
4. What is the role of Amnesty International in global human rights advocacy?
5. Mention two rights of children according to international conventions.
6. What is the significance of Directive Principles in protecting rights?
7. What are third-world perspectives on human rights?
8. Write a note on Black rights movement.

(2×5 = 10)

Section C

Answer any five of the following questions in a paragraph each. Each question carries 4 marks.

1. Discuss the evolution of human rights through various historical stages.
2. What are the main features of socialist approach to human rights?
3. Explain the importance of the International Covenant on Economic, Social and Cultural Rights.
4. Describe the structure and functions of the National Human Rights Commission (NHRC).
5. What are the challenges faced by minorities in exercising their rights?
6. Highlight the contribution of the feminist movement to the human rights discourse.



7. Explain the importance of human rights education.
8. What is the significance of the UN Human Rights Council?

(4×5 = 20)

Section D

Answer any three of the following questions in two pages each. Each question carries 10 marks.

1. Examine the nature, scope, and classification of human rights.
2. Analyze the roles of United Nations and UDHR in promoting global human rights.
3. Discuss the human rights issues faced by women, children, SCs, STs, and persons with disabilities in India.
4. Evaluate the differences between liberal and socialist approaches to human rights.
5. Explain the role of international human rights organizations like Amnesty International and Human Rights Watch.
6. Critically examine the role of the Indian Constitution in safeguarding human rights.

(10×3 = 30)



SREENARAYANAGURU OPEN UNIVERSITY

MODEL QUESTION PAPER- SET- B

QP CODE

Enrollment Number:

Name:

M.A DEGREE EXAMINATIONS, APRIL 2025

Third Semester

M.A Political Science

M23PS01DE – Human Rights

(2024 July Admissions)

Time: 3 Hours

Max Marks: 70

Section A

Answer any ten of the following questions in a word or sentence each. Each question carries 1 mark.

1. Define natural rights.
2. What is the full form of UDHR?
3. Mention any one socio-economic right.
4. Name a feminist human rights thinker.
5. Which body monitors the implementation of human rights covenants?
6. What is the objective of CEDAW?
7. Mention a key right under the Indian Directive Principles.
8. What are first-generation rights?
9. Name one global covenant on human rights.
10. Mention one function of SHRC.
11. Expand UNHRC.



12. What is the Massacre of Nanking known for in human rights history?
13. What is meant by group rights?
14. Mention one constitutional right available to disabled persons in India.
15. Name any two international NGOs working for human rights.

(1×10 = 10)

Section B

Answer any five of the following questions in two or three sentences each. Each question carries 2 marks.

1. Write a brief note on the concept of universalism in human rights.
2. How does liberalism influence human rights understanding?
3. Differentiate between political and cultural rights.
4. Mention any two human rights conventions.
5. What are the objectives of the UN Human Rights Council?
6. Describe the role of media in promoting human rights.
7. What are the challenges of protecting refugee rights?
8. What is the objective of the UN Declaration on the Rights of Indigenous Peoples?

(2×5 = 10)

Section C

Answer any five of the following questions in a paragraph each. Each question carries 4 marks.

1. Explain the nature and scope of human rights.
2. Compare liberal and third-world perspectives on human rights.
3. Describe the role of Human Rights Watch.
4. What is the constitutional framework for fundamental rights in India?
5. Discuss any three rights of disabled persons as per international law.
6. What is the role of SHRC in protecting state-level human rights?

7. Explain the importance of cultural rights in a pluralistic society.
8. Write a note on the human rights challenges faced by sexual minorities.

(4×5 = 20)

Section D

Answer any three of the following questions in two pages each. Each question carries 10 marks.

1. Describe the evolution and classification of human rights from ancient to modern times.
2. Discuss the contribution of feminist and black rights movements to the human rights discourse.
3. Critically examine the effectiveness of the Indian Human Rights Commissions.
4. Examine the scope and limitations of the international covenants on human rights.
5. Analyze the impact of globalization on human rights protection.
6. Explain the significance of rights-based approaches to development.

(10×3 = 30)



സർവ്വകലാശാലാഗീതം

വിദ്യായാൽ സ്വതന്ത്രരാകണം
വിശ്വപൗരരായി മാറണം
ഗ്രഹപ്രസാദമായ് വിളങ്ങണം
ഗുരുപ്രകാശമേ നയിക്കണേ

കുതിരുട്ടിൽ നിന്നു ഞങ്ങളെ
സൂര്യവീഥിയിൽ തെളിക്കണം
സ്നേഹദീപ്തിയായ് വിളങ്ങണം
നീതിവൈജയന്തി പറണം

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**DON'T LET IT
BE TOO LATE**

SAY NO TO DRUGS

**LOVE YOURSELF
AND ALWAYS BE
HEALTHY**



**SREENARAYANAGURU
OPEN UNIVERSITY**

SREENARAYANAGURU OPEN UNIVERSITY

The State University for Education, Training and Research in Blended Format, Kerala



Human Rights

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