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Genesis of Human Rights

How is education connected with the human rights problematique? Do educational system and processes; formal as well as informal have direct bearing on human rights situation in any society? In the first place, one has to answer these questions in the affirmative and there are sound socio-historical reasons to do so. There are two, the macro and micro dimensions of education which influence, among other things, the phenomenon of rights of the people, including of those who are at the receiving end; be they socially and economically marginalised, or culturally and politically subjugated.

Macro dimension relates to education's pedagogical potential of creativity, criticism, inquiry and interrogation. Real education in the sense of critical awareness about the social environment and impediments in its path of sustainability, equity and justice, does contain these elements of raising questions and also finding answers to them [Gould: 1998]. On the basis of this inquisitiveness and anxiety, a critical *body of social knowledge is constructed giving rise to various schools of thought.*

Civilisations before the renaissance in Western Europe have witnessed this emergence of critical thinking on rights or man's position in this world, vis a vis nature and human species and their organisations, the state and other superstructures. As one scholar has put it so perceptively, the elements of the philosophy of human rights were first conceived during the Renaissance in Western Europe. During 300 years beginning from early 16th century, the implications of modern social philosophy were brought out by a succession of thinkers; Grotius, Locke, Milton, Condorcet, Voltaire, Montesequie, Kant, etc. [Ray: 1994].

Two great historic events placing the principles of human rights at the heart of civilizations were the American War of independence and the French Revolution. On August 1789, in France the Constituent Assembly adopted the historic declaration of the Rights of Man and of the citizen, which formulated the underlying principles of a modern democratic state [Hargopal: 1997].

It is worth remembering the pronouncements of Thomas Jefferson in his draft on the Declaration of Independence adopted by the Continental Congress on July 1776. He stated: "We hold these truths to be self-evidence, that all men are created equal, that they were empowered by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness —That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed" [quoted in Ray: 1994]. The Declaration was followed by the Bill of Rights, which became part of the American Constitution on December 1791. 'The phase which began with the American Declaration of 1776, reached its climax in December 10, 1948, when the General Assembly of the United Nations [representing 58 nations] adopted and proclaimed the Universal Declaration of Human Rights'; Ray correctly observes.

Contextualising Human Rights

In Indian context, the rise of Buddhism can probably be singled out as the foremost historic event for providing unified philosophical matrix. Buddhism abdicated caste system, which was a source of subordination and slavery, and berated the *Karma* theory then upheld by the orthodox Hinduism rigidly committed to *Varnashram Dharma*. Charvak, Chakradhar, Phule, Ambedkar, Agarkar, Ranade, Gandhi, and many other veteran thinkers in this country have contributed a great deal in unsettling our settled schemes of thoughts on social, economic and political arrangements and compelled us to think on alternative social mores and practices [Omvedt: 1994].

History of India in pre-British and British rule is a testimony to this epoch-making social and philosophical movement.

Historical evidence suggests that at macro level Social' or 'societal' education or spread of ideas through family, community and group network did make a visible impact on society. Awareness of self-esteem, dignity, respect and recognition was spread through critical organs like *Mandals*, Associations, and even caste councils. It would be relevant here to refer to another potent source of social awakening; and that is *Bhakti* Movement. Teachings and practices of saint-poets during this phase of the movement in 13th to 16th centuries had indelible impact on the lives of ordinary men and women [Malik: 1977]. *Bhakti* Movement played key role in raising the consciousness of human beings and especially those deprived of equal religious [and also human] status and dignity.

These saint- poets made them feel proud and assertive at least in relation to god or Supreme Being. Teachings of *Dalit* saint poets like Chokha Mela and Rohidas were observed with reverence in the settlements [*Bastis*] of the ex-untouchables in Maharashtra and Karnataka regions during those days. The commentators have said that these teachings inspired the lowly to raise their head, be conscious about their selfhood, and begin to plead for equal religious status.

This awakening also helped the later anti-untouchability movements and their mobilisers to further consolidate their struggle with specific socio-economic demands. Studies on social movements led by Phule, Periyar, Ambedkar and others in the western and southern parts of our country vindicate this organic strength and linkages in the field of human rights assertion. Thus, the macro dimension of education [in a non-formal matrix] is a critical source of change and decisive transformation. It interrogates the existing structures or some critical elements within them, and also attempts modification of social behaviour and practices.

One therefore cannot undermine the transformative potentials of this indigenous knowledge. What we hear today about need and urgency of propagating value education even at primary level is nothing but an implicit acknowledgement of this hidden but persuasive power of socio- philosophical thinking that acted as a guiding force in pre-Independence era.

Human Rights and Educational System

There is second, micro dimension concerning linkage of education with human rights. This relates to internal as well external environment of the educational system itself.

This dimension covers the rights of children, teachers, parents and certain other related segments of a wider society. This also covers the policy framework which guides and influences functioning of the educational institutions, and determines the rights of the actors within the system and also the limits imposed upon those roles.

First about the children who constitute the cornerstone of any educational institution. No formal education can stake any claim for its success if it cannot ensure 100 % enrolment in primary schools. But what is the ground reality? Large number of children in India has remained outside the formal educational system and for variety of reasons; economic, social, cultural, etc. Who are these non-enrollers? They are from both, the urban and rural areas; they include both; boys and girls. They are found in such places that otherwise claim to be most advanced, socially and educationally.

What is the social status of these non-enrollers, or out-of-school children? They mostly belong to socially and economically backward castes and classes and regions. Members of certain religious minorities like Muslims also reportedly suffer a great deal. This is largely because of their poor economic status, and also poor social environment. In all groups, compared to boys, the girls suffer the most in terms of enrolment. Their education is not much valued in the households falling in poor, illiterate and socially vulnerable strata.

Secondly, those who are lucky enough to enrol themselves in schools are not always in a position to reach even secondary or higher secondary levels. They drop out much before they reach fifth standard. Why? Once again, their poor economic status remains a sordid handicap to pursue studies at higher levels. Also there are other social and cultural factors that impede their education. Right to education is their fundamental right, and constitution guarantees that right.

But we have not been able to fulfil these goals of cent percent enrolment and retention of children in the school at higher levels. In this respect, situation varies from one state to another; and within state, from one region to another, from one social group to another. Overall picture is that of worry and anxiety both for the educationists and others working for the social development of deprived communities.

In this context, focus on *Dalit* children including those belonging to tribal communities and Muslim minority groups is very necessary. Indeed we do not have much in-depth analysis of what is happening to these socially deprived sections of Indian society. Geetha Nambissan makes penetrating observations in this regard. According to her, there are two major points concerning the education of the Dalits

in India [Nambissan: 1995, p.22]. First point is that these children have been traditionally denied opportunities for education. 'The lack of exposure for generations to skills of literacy, numeracy, literature and other forms of knowledge considered desirable is likely to put them at a disadvantage where access to school knowledge is concerned. This would imply that these children are likely to require specific pedagogic support from the school system. This is integral to their right to education'. Second point is that *Dalit* communities have been denied learning in the past specifically because of their lowly status in caste hierarchy. 'Hence there is need for special vigilance to see that they do not continue to face social discrimination within the school'; she maintains.

Nambissan also brings forth other disabling factors in education to *Dalits*. These include social accessibility of schools due to spatial segregation, inadequate inputs in schooling, poor quality of teaching, etc. What is significant is the reference to social processes within schools and class rooms that influence learning environment provided for *Dalit* children. Nambissan then talks of official curriculum and hidden curriculum, and says; "Scattered references in a number of studies do indicate that the education of Scheduled Castes may not be looked upon with favour by the upper and dominant castes in many parts of India".

Elaborating further on this point, she says that the SC communities and the experience of untouchability rarely form part of school knowledge. 'Textbooks are silent about Dalit communities, even in states where these communities form a significant section of the population. Though untouchability and maintenance of social distance from certain communities still persists in most parts of India, such practices are rarely mentioned in school books or discussed in the class room'. She concludes her essay with deep sense of anguish saying, "The inadequate academic support given to Dalit children, the prevailing attitudes regarding these communities and the stereotypes that teachers and other members of the school community hold regarding their educability and their destiny impinges on the right of the child to education with dignity".

Deprivation of school education for boys and girls belonging to socially and economically vulnerable groups constitutes a most serious violation of the rights of children, and the blame for this has to be shared by all concerned groups including the parents of the child. This is happening at a time when we are self-congratulating ourselves as a nation with a fairly large body of technical and scientific manpower. Also we are claiming to be the hub of technical education with finest standards.

We are also proudly proclaiming that highly educated and trained Indians have secured a place of pride in American and European industrial enterprises. All this is true, and certainly a cause of instilling a sense of national pride in us. But at the same time, we must awaken ourselves to the dire realities of educational deprivations and distortions taking place on the home front. We must consciously aim at removing such distortions and close the gaps between our international achievements and national performance.

From the human rights perspectives, the educational content also need closer scrutiny and reappraisals from various groups and agencies; official as well as non-official, including the NGOs and People's Organisations working with downtrodden classes in the urban areas and in the countryside. As Rajni Kothari has aptly summed up, there are two divergent and opposite standpoints concerning links between the human rights ideas and formal educational system [Kothari: 1994]. According to him, the first approach consists in utilising this as a pedagogy in which education is considered as an 'extension activity, 'trickling down from established institutions of learning and reacting out to the communities, the people and the individual recipient'. Far more significant and relevant to India's needs is a second approach which contains 'a pedagogy that draws upon what is going on among the people - their struggles against hegemony and for due regard and dignity - and to structure the research, the teaching and even the training in the light of such education from the bottom up'. What are to be practiced are the second, and not the first.

Historical Legacies and Present Dilemmas

Why does human rights education have to incorporate the historical legacies of disjuncture, struggles, etc.? There is a justifiable reason for this. As India's historical past reveals, every change, institutional or otherwise, has largely come about through battle of ideas [Baxi: 1992; Balgopal: 1987]. Even our freedom movement against the British rule was full of conflicting perspectives and thought processes. Hence, there is an urge among the human rights activists to encourage engagement with real life situations in human rights education. The situations they emphasise are those of conflict and struggle, 'of the political process of dealing with them and of the knowledge and understanding that are gained from such engagement'.

Did India have a smooth, non-combative path in terms of relationships among different social groups or in terms of ruling traditions in different historical periods? Did these relations as well as ruling traditions lack some basic philosophical principles like justice, freedom, dignity, etc.? Some would say that such exercise is meaningless,

and wasteful, and the best would be to recover only the positive residues of the earlier epochs. That would be utterly unscientific and reductionist approach to one's historical past; as the writings of Phuley, Ambedkar, and others have persistently demonstrated in recent years.

Sibnarayan Ray, a scholarly mind, has aptly touched upon these sensitive issues. He talks of three paradigms needed for correct use and application of human rights education. To reproduce him, he first talks of seamy side of our great traditions and shows how these traditions disapproved equal status to women. He says; "The great traditions of India - Hinduism, Islam and Christianity - see women as inferior to men, and deny women equal right with men to leading roles in public life" [Ray: 1994]. They all extolled the virtues of motherhood, their domesticity and devoted service to the husband and children. "Even Buddhism is not very different in this respect. It also distrusts women and practices segregation of sex in monastic life"; he says.

The second most important paradigm is one that critically reflects on caste system, both in its historical and contemporary ideology and functions. Caste *system* is a basis of traditional Hindu social organisation. It has also permeated Muslim and Christian communities in India. The modern notion of human rights must radically reject this notion of social hierarchy in terms of birth. Sibnarayan Ray correctly argues that the untouchability stands punishable under the law, and yet there is no clear and open rejection of *Varna* system in public life. 'Social and political behaviour [is] still determined by caste affiliations and caste ideology. Any education in human rights will have to expose the pernicious nature of the caste ideology and practice'.

The third paradigm relates to fundamental right to criticise authority of religious knowledge, be they scriptures, divinities, *avatars*, prophets, *pirs*, saints, gurus, etc. Exercise of this right paves the ground for countering authoritarianism. Indeed, to doubt is to invite social isolation, even ostracism. Sibnarayan Ray is correct when he says; "Militant Hinduism managed to wipe out almost completely the Charvakas and other Nastikas and eventually to drive out Buddhism and to transmute and absorb what still remained of it." He further elaborates how methods of physical persecution, blacklisting, marginalisation, etc. were subtly used against those who dared to critique the then established notions.

Even in current times, threat to this fundamental right exists. Some years ago, a history professor in Marathwada region was under tremendous pressures for his critical comments on Shivaji, an icon in Maharashtra. Similar situations had prevailed in

Karnataka when Basveshwar was critiqued, and in Panjab, when Sikh's early Guru came under critical lenses. The popular sentiments were roused against the critical comments against the historical documents or deeds and then the atmosphere turned into major controversy creating law and order problems for the state. In Gujarat, followers of *Swaminarayan Sect* raised hue and cry against an article that appeared in a Gujarati quarterly journal, as it was critical of some aspects of the sect.

Given the popular feelings and sentiments, how can one recover the historical truths and present them before the lay masses? What is the role of enlightened political leadership in such events: to permit debate and discussion or scotch the argument in its incipient stage? What is the function of the secular, democratic state in matters where historical evidence raises some doubts against religious principle vis-a-vis practice? These are important questions that need to be resolved in the coming years for firm anchoring of the ethos and practices of human rights [Caudwell: 1972]. We cannot afford to postpone the consideration of such issues for long, as the ground swell may overturn the stability of social and cultural fabric.

One need not labour the point that human rights education is a necessary theme to be incorporated at all levels of educational system; from primary level to graduate and post graduate degree level. Principles, perspectives and practices of human rights should constitute an essential ingredient not only within the stream of liberal education, but also within other professional and technical courses as well. The students of architecture, engineering, medicine, management, etc. must have some rudimentary knowledge on and about human rights situation in India and elsewhere.

But what is central to teaching of human rights in the school or college or university is the openness and transparency about the whole process of discovering the breaches or violations of human rights in our society. That requires a grit and imagination. Pal has rightly commented that; "The constitutional provisions enshrining the concepts of human rights and social justice are already being taught in schools and colleges, although not imaginatively. The approach is mostly mechanical without illustrating the concepts in terms of our social practices and experience with the law enforcement agencies. Thus, the worst forms of rights abuse either through the practice of varna\ caste or custodial deaths, rapes, and torture of suspects and prisoners by the police, go side by side with the teaching of human rights in classrooms. The two remain unrelated" [Pal: 1995, p.20].

That formal educational system should be duly informed of human rights perspectives and issues was recognised in our midst quite early. In 1980s, the University Grants

Commission had appointed a Commission under the chairmanship of Justice S.K.Sikri, and its report came in 1981. Major recommendations of the Sikri Commission concerning the educational contents were: [1] Importance of Human Rights to the individual and society, [2] Socio-economic foundations for the realisations of political and civil rights, [3] Stress on the guarantee of rights as part of the Indian Nationalist movement, and [4] Some basic ideas about the movement for the international protection of human rights [Pal: 1995].

The commission further underscored the interdependence of political and civil rights on the one hand, and economic and social rights on the other. The Commission also emphasises norms in certain fields, e.g. equality; rights of minorities, of women, of children; free compulsory education; equitable distribution of the material resources of the community and actual realisation of these norms.

More importantly the Sikri Commission desired that human rights education should also be extended to extra-mural or auxiliary bodies like adult education, extension programmes and continuing education. Therein the most important component of human rights education should be: (a) to educate the masses about the basic rights that they have under the law of the country, and (b) to inculcate as sound a knowledge as possible on the remedies, legal and extra-legal, and on agencies; official and non-official, to which they could take recourse in case of violation of their rights". The Commission also underlined that the simple literature for this mass awakening will have to be prepared.

Human rights constitute one of the most sensitive and critical themes, and no formal educational system in a democratic setup can ignore its consideration for long. In my view, there are three basic merits within the human rights perspectives. Firstly, human rights tend to envelop liberating, emancipating force within society [Kothari: 1988]. It promotes and encourages those critical faculties within individuals that are germane to supremacy of reason, rationality and freedom. Ray asserts that right to criticise authority is central to the very philosophy of rights. It bases itself on the wider-ranging right freedom of expression without which neither individuation nor creativity can flourish. Rights are essential as much to the growth of knowledge as to the development of an open society based on freedom, equality and justice; on rational thinking and conduct and on voluntary cooperation and toleration of differences'. It also supports and upholds the dignity and honour of the individual, irrespective of his\ her age, region, language, religion, caste, ethnicity, nationality, etc. Thus, human rights are central for preservation of principle of brotherhood and solidarity.

Secondly, it has potentials for uncovering the contradictions and duplicity in the governance of civil society, including its polity, economy and culture [Desai: 1986]. Given the right kind of environment and support structures, human rights education in its applied dimensions can lay bare what Rajni Kothari termed as 'Double-Think' and 'Double-Speak' of the ruling elites, and what Govind Mukhoti described as 'Moral amnesia of the ruling classes'. In sum, it can act as a cleansing, purification process within civil society.

And thirdly, unlike other armchair themes, the human rights terrain is more vocal, dynamic, practice-oriented and people-centred [LRSA: 1996; SALAG Inc.: N.A.]. It inheres the capacity to activate and inspire the silent majority and rouse them to action. Events in post-Independence era are witnesses to mass mobilisations and action on the part of the human rights activists, who belonged to different disciplines; from law to medicine; from engineering to architecture. The breach of human rights is being discovered in the fields of health, environment, tourism and what not. This shows its wide-ranging compass and horizon.

A Concluding Note

In summing up, let me conclude this essay with a note of optimism despite some setbacks and reverses in our midst. One will agree with a scholar of Rajni Kothari's stature when he says that there is 'deep ambivalence of the middle class towards the victims of oppression'; and 'equally deep naivete in the same class'. One may further concur with him that 'educated middle class needs the enlightenment the most, if it is to come out of its present state of callous complacency' [Kothari: 1994]. But one has also to admit that the human rights activists and authors of the advocacy groups have also come from within the same class. There are other positive signs around us. Here I may reproduce the optimistic assessment of M.A. Thomas who has remained a foremost critique of human rights situation in India. He says:

"The awakening among a growing number of concerned citizens about the breakdown of morality in politics is a positive sign. The press in India is on the whole the champion in this area, though the attempts to gag the press continue. Several human rights organisations and groups of young people have become restless about the deteriorating situation. The people at large, literate or illiterate, particularly the rural folk, are becoming increasingly aware that they are being deceived continuously through slogans. We see certain signs of tidal waves and emergence of a clearer political scene" [Thomas: 1992, p.7].

Question before us are to identify a set of real questions pertaining to the human rights scene and its trajectory. In my view, some of these questions could be: What are the bottlenecks that group of activists encounter in their struggle against violation of human rights? How do other state and non-state actors relate themselves with the agenda and activities of the human rights organisations; their advocates and sympathisers? What are other social and cultural remnants within the body social that create a stumbling block for achievement of the minimum program in human rights arena?

These are some crucial questions that we need to pursue in right earnest in the coming years.

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