

AWARENESS OF HUMAN RIGHTS THROUGH EDUCATION

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ABSTRACT

Level of education determines the development of individual and society through awareness which will make them capable of contributing something substantial to the sound functioning of democracy. The success of democracy depends upon the extent to which the people are aware of their rights and duties. All the basic and relevant national and international documents speak volumes with respect to fundamental rights and duties of citizens. Any violation of such birth rights can be challenged before the higher courts by invoking Article 32 and 226 of Indian constitution. The Honourable Supreme Court of India through its landmark decisions widened the scope and ambit of fundamental rights. High Courts also made substantial contribution in widening the width of the fundamental rights listed in the third part of Indian constitution. Article-51A of our constitution contains a long list of fundamental duties. Thus our constitution strikes a balance between rights and duties. Every statute also provides this. These rights and duties are for the people of the country. But a considerable number of people are not aware of their rights and corresponding duties. Thus the provisions relating to the fundamental rights and duties contained in the basic national and international documents and statute books remain only as letter bombs. Efforts are to be made to make them aware of their rights and duties through which the success of democracy can be guaranteed. Theoretically, democracy as a prominent political order stands for the overall development of individuals and societies. Practically, awareness regarding the rights and duties will make it fruitful. This is to be considered as the social responsibility of every government and societies. With this end in view provisions are to be made in every legislations. As far as the people for whom legislations made are concerned, knowledge about such laws is not reached to them. So the barriers of such non-accessibility should be removed. For this purpose modern technology related with information can be made use of. Common people, particularly rural folk are to be made capable of using such technology. Voluntarily organizations can do much in this regard. Thus the existing system of democracy can be made more vibrant.

“M. K. Gandhi :Education certainly is a means to all-round progress of man. In other words, the pathway to human-development goes through the lanes of education. Moreover, true education is the sole basis of achieving one's purpose in life.”

Introduction

Legal awareness sometimes called Public legal education is the empowerment of individuals regarding issues involving the law. Legal awareness helps to promote consciousness of legal culture, participation in the formation of laws and the rule of law. Citizenship is the status of a person recognized under the custom or law as being a legal member of a sovereign state.

Etymological Meaning of Education. The word education is derived from the Latin word “educare” which means to bring up. Another Latin word “educere”, means to bring forth.

Need of Legal Literacy

Though ignorance of law is not an excuse is the basic (principles of) law it is not explicitly expressed in any law of the lex loxi. As in the case of other nations in our nation also laws are enacted for

the people. But our people are not even aware of the fundamental laws, or laws which are knowingly or unknowingly practicing in their day to day life. To create and sustain a society free from exploitation awareness of people regarding the provisions of basic laws is a pre-requisite. Fortunately our nation is blessed with abundance of welfare legislations and our legislatures are keen in the performance of their duty of enacting laws. But unfortunately our people have not much accessibility to the such beneficial legislations though such enactments are having the effect of constructive notice. This non accessibility to the enactments is the crucial bottle neck to the system of progressive democracy.

Human activities are always controlled by laws. Laws are always associated with time. With the passage of time either new enactments are needed or amendments are made in existing laws. In an age of developmental explosion we are blessed with torrent of laws. Yet, in some times we experience a state of lawlessness. This is so because we are being denied our fundamental rights when our constitution guarantees them; we are being attacked when there are powerful criminal laws; we are being cheated when there are strong contract laws; we are being exploited when there are perfect consumer protection laws and we are being deprived of informations when there are sentient right to information laws. These circumstances necessitate a nationwide legal literacy

A primary knowledge of the basic classifications of laws is necessary in the light of the fact that all laws are not of same kind. One of the basic classifications of law is

a. Substantive Laws

b. Adjective or Procedural Laws

Substantive Laws: -

Those laws which determine our right and liabilities are called Substantive laws.

Adjective or Procedural Laws:-

Those laws which prescribe the practice, procedure and machinery for the enforcement of our rights and liabilities are called Adjective or Procedural laws.

The administration of justice can be broadly divided into two branches, civil and criminal. A wrong regarded as the subject matter of civil proceedings is called a civil wrong, while that regarded as the subject matter of criminal proceedings is called a criminal wrong or crime. Civil proceedings, if successful, result in a judgment for damages and criminal proceedings, if successful, result in punishments.

The statement man is a social animal is replenished by a man's legal awareness. Legal awareness makes him more conscious about his rights and duties. Awareness regarding rights and duties make democracy more sentient. There are umpteen number of documents regarding man's rights and duties, both in national and international levels. In addition to these, there are multifarious statutes which also safeguard man's right and confer or impose duties on him. All the statues are intended to protect the person and property of a person and it is nothing but a fundamental right. These rights are also known as Human Rights. Though the term Human Rights is relatively new it does not mean it did not exists in the past.

Magna Carta of 1214 is considered as the first basic document regarding fundamental right. Bill of Rights of 1689, American Declaration of independence of 1776 and French Declaration of Rights of men and citizen of 1789 are the glittering land marks in the history of Human Rights. All these international

Documents laid a strong foundation for the evolution and revolution of the concept of human rights. The following sub topics will educate the people and enhance their legal awareness to build a fine democratic society.

Human Rights

It can very well be said that the modern history of human rights started with adoption of Charter of Human Right which is popularly known as UN Charter in the year 1945 on which United Nations Organization was established. But the concept of Human Right is vividly universalized with the adoption of Universal Declaration of Human Rights, by the General Assembly of United Nations Organization in the year 1948. Universal Declaration of Human Right clearly mentioned the civil, political, economic and cultural rights of a man. Consequently two documents namely International Covenant on Civil and Political Rights and International Covenant on Social Economic and Cultural Rights were also adopted by the United Nations Organization in the year 1966. Two optional protocols to the civil and political rights were also adopted by the United Nations Organization. Thus the Bill of Rights is now composed of Universal Declaration of Human Rights, the two above mentioned international covenants and two optional protocols. In addition to these many other global and regional conventions are also adopted in the global and regional levels. European Convention For The Protection Of Human Rights and Fundamental Freedoms of 1950, American Convention On Human Rights of 1969, African Charter On Human Rights and People's Right of 1981 and The Arab Commission on Human Rights are some of the regional conventions.

Human Rights & Indian Constitution

In the national levels also there are many laws to safeguard human rights. Our constitution itself is the Supreme Law which preserve our birth rights. The third part of our constitution contains a long list of fundamental rights and if such birth rights are violated the aggrieved person can approach either the Honourable Supreme Court under Article 32 of the Honourable High Court under the article 226 of our constitution. In the year 1994 Government of India passed the Protection of Human Rights Act as per the United Nations Organization's request to the member countries. The scope of the Human Right has been widening by the apex court through the process of interpretation of the provisions of the statues. All laws both pre and post constitutional periods have been enacted with a view to protecting our rights.

As an Indian Citizen

As everybody knows Indian constitution is the lengthiest of all other constitutions of the countries of the world. The inclusion of a long list of fundamental rights is one among the several reasons for its lengthiest nature and this not only beautifies but also sensitize Indian constitution. No doubt, it is the sunny side of our constitution. There is a dark side also. The dark side is, most majority of our people are not aware of the sententious provisions regarding their fundamental rights. Facilities are seldom exist to make our people aware of these fundamental rights. All the rights contained in the 3rd part of our constitution are closely related with their existence. Yet article 21 of Indian constitution is to be especially made mention of. Article 21 says that "no person shall be deprived of his rights and liberties except according to the procedure established by law". Though euphemistic, the depth and width of the provision of Article 21 has

been revealed by the Honourable Supreme Court of India through the process of Judicial Interpretations since the historic case Maneka Gndhi V Union of India. The verdicts of the Supreme Court of India in all such cases dealing with fundamental rights are giving energy of vigor and vitality to the people of India to live with dignity. So constitutional provisions and their interpretations by the apex courts preserve and safe guard the fundamental rights of the people of India, the second largest population in the world. But the pertinent questions are how many people are aware of these rights how much they are aware and what facilities are offered by the authorities to make them aware.

As a Party to Contract

As in the case of constitution there are several statues, the provisions of which are closely related with the day to day affairs of the people. In one sense we can say that a man's a day's of life is the sum total of that day's transactions. A transaction is the result of the identity of the mind of the persons engaged in the transaction. Identity of mind means agreement between the persons engaged in the transaction. A man has to do several transaction or engaged several agreements in a day. Several of which are not written. That means there are a number of transactions or agreements which are of implied in nature. These implied agreements are not written agreements. But one can make sure that there is an agreement which can be inferred from the course of business or circumstances. Like written agreement they are also valid. If anybody violates the terms and conditions of such implied agreement the aggrieved party can take legal action against the party who fails to perform his respective obligations. Just like that there are several agreements which are not having any legal validity. If any agreement which infringes a man's private right such as his parental rights or his right to marry and the like such agreements are not valid. Anybody's property is lost either by mistake or otherwise and if the custody of which is found is somebody the aggrieved party can take legal action against the party in whom the property is found to restore or to recover the property. Thus we ought to know that there is a principle of law by which no person shall be allowed to enrich unlawfully at the expense of another.

As a Consumer

As a consumer there are several opportunities to be cheated and exploited as by the unscrupulous businessmen. To save us from such exploitation we have consumer protection Act. The Act is enacted to protect our interests in the best manner as consumer. As per the provisions of the Act it is our right to get products free from manufacturing defects. The provisions of the Act protect us from unfair-trade practice. The Act prevents the businessmen from neglecting grossly the consumers by making available to them the required services. Had our people been aware of these important provisions of the Act we would not have been exploited by the businessmen. This also calls for people's awareness in this regard.

As a Person in need of Information

As everybody knows ultramodern era is the era of rapid and comprehensive growth and development. Thus speediness in all spheres is one among the several features of the present century. Speedy and right information in the right time and place is a required pre-requisite for such rapidity and comprehensive growth and development. For centuries red tapism had been a curse to our country and its

economy. To remove the curse of red tapism Government of India enacted Right to information Act. The sensibility of the provisions of the Act help us to protect our peoples basic right ie., right to know. More precisely right to know within a reasonable time period. Our people should familiar with the provisions of the Act.

As a Person in need of Protection

Though welfare state the most important function of the modern states is that of the police states. That means they have to protect their citizen from the external attacks and to maintain law and order within their political boundaries. Maintaining law and order is also a protection which the state ought to give its people from criminals and their criminal activities. People are living by enjoying their basic rights such as right to move, reside etc. without any fear because they are all protected by the state with its invisible safe guards. Live and let to live is the order of the modern living style. If anybody violates this solemn order he commits an offences against the state. Then state will initiate legal proceedings against such law breakers. Hence state is the real petitioner and the victim of the crime is only a witness and prosecutors appointed by the state appear before the court against the accused.

Several criminal Acts where enacted to maintain law and order within the territory of our nation intending to facilitate people to live and let live. Among such several criminal Acts Indian Penal Code popularly known as IPC occupies a pivotal position. Inclusion of a chapter under the title private defense starting from section 76 to 106 make its position more and more unique as a substantive piece of law. Awareness of these and several other sections help everyone to live with dignity and confidence. More over awareness of this marvelous piece of legislation prevent, common men from committing any violence under the fear that whether their acts amount to offence.

Rights & Duties of a Citizen

Right is not an end itself. Right corresponds to duties. Article 51 A of our constitution explicitly provides the duties of a citizen. But the provisions of other statues also impose duties on individuals as it guarantees rights. When a provision of law forbids certain act as criminal the same become a duty not to do it against others. Awareness of these facts make person a true and perfect citizen. The success of democracy depends upon how far the citizens are aware of their rights and duties.

Awareness & Democracy

Among the existing political orders and philosophies the system of democracy occupies a unique position. Eminent scholars and philosophers argued for democracy just because of the fact that the system of democracy will definitely enable a man's comprehensive growth and development. As everybody knows modern states are welfare states. They stand for the welfare of the people they assure quality life to its people. Quality of life depends upon people's awareness with regard to their right and their readiness and willingness to be duty mindedness towards their fellow human beings and nation. Such a quality and disciplined population is a precious wealth rather than a burden to the nation. They will make paragon contributions to the country's reconstruction process. So the Government has to do every possible acts to develop and sustain such a population. When the people are aware questions are quite natural.

Governments should treat them as corrective force, not as enemies. This will replenish the statement a form of government, by the people, of the people and for the people. In this regard following deserve much consideration.

Welfare Legislation

Since the death of police state all the states are welfare states. Thus modern states are making legislations aiming at the welfare of its citizens. Now a days the concept of welfare is getting increased recognition which increases the scope of human right.

Accessibility to knowledge of Law

To make the people aware of their rights and duties there should be sufficient access to knowledge of law. Otherwise the powerful provisions contained in statutes will remain only as a letter bombs.

Use of Modern Information Technology

People, especially rural folk are to be inspired to use modern information technology to educate and aware themselves with the legal aspects relating to our rights and duties.

Accessibility to Modern Technology

Facilities of Modern Information Technology is to be made available to all members of our society. It is very relevant especially in the light of the fact that in the rural areas of our nation even the basic facilities are not reached even today. But at the same time a vast majority of our population are living in the rural areas of our nation.

Conclusion

Legal Awareness Training Programmes are to be conducted regularly throughout our nation aiming at making aware of the people regarding their fundamental rights and basic duties. In this regard Government can seek the co-operation of Voluntary Organizations in implementing the legal awareness training programme. Awareness of laws which are in force is essential to make our life smooth and without fear. When the society is turbulent legal awareness crucially important. These awareness can be imparted through legal literacy. Like literacy mission legal literacy mission is to be constituted both in the national and state level. National legal literacy mission shall co-ordinate all the activities of the various states legal literacy mission. In the state level, with the active participation of local self-government institutions the activities of the legal literacy mission shall be implemented.

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