

**The Department of Social Work, Christ University**  
**in collaboration with**  
**The National Human Rights Commission of India**  
**organizes**  
**One-day training programme on Human Rights**  
**on**  
**3 December 2013**



**A Report**

## Programme Schedule:

### ONE DAY TRAINING PROGRAMME ON HUMAN RIGHTS

Date: 3/12/2013

Time	Topic	Resource persons
9.30 am to 10.00 am	<b>Inauguration</b>	
<b>SESSION I</b> 10.00am to 11.30am	<b>Introduction to Human Rights</b> <ul style="list-style-type: none"><li>• Constitutional Provisions</li><li>• Universal Declaration of Human Rights</li><li>• International Covenants regarding Human Rights</li></ul>	Mr.Manohar, Human Rights Activist “CARE” Bangalore
11.30am to 11.45am	<b>Tea Break</b>	
<b>SESSION II</b> 11.45am to 1.15pm	<b>Human Rights Institutions in India</b> <ul style="list-style-type: none"><li>• Protection of Human Rights Act, 1993</li><li>• Composition and functioning of NHRC/SHRCs</li><li>• Other National/ State commissions</li></ul>	Ms. Swagata Raha, Sr. Consultant – Centre for Child and the Law – National Law School, Bangalore
1.15pm to 1.45pm	<b>Lunch Break</b>	
<b>SESSION III</b> 1.45pm to 3.15pm	<b>Rights of Women and Children</b> <ul style="list-style-type: none"><li>• UN Convention on the Elimination of All Forms of Discrimination against Women, 1979 and its optional protocols</li><li>• UN Convention on the Rights of the Child, 1989 and its optional protocols</li></ul>	Ms. Rajakumari Michael, Sr. Manager – Child Rights and You (CRY), Bangalore
3.15pm to 3.30pm	<b>Tea Break</b>	
<b>SESSION IV</b> 3.30pm to 5.00pm	<b>Rights of other vulnerable groups</b> <ul style="list-style-type: none"><li>• Bonded Labour Issues and the Bonded Labour system (Abolition) Act, 1976</li><li>• Child Labour Issues and Child Labour(Prohibition and Regulation) Act, 1986</li><li>• SC/ST issues &amp; Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, Civil Liberties Act, 1988 &amp; The Forest Rights Act, 2006</li></ul>	Mr.Vasudeva Sharma, Executive Director Child Rights Trust Bangalore

The Department of Social Work, Christ University in collaboration with the National Human Rights Commission of India, held a one-day training programme on Human Rights today (3 December 2013). Many senior players and activists from the field of Human Rights were invited to address over a 100 students and faculty from the Departments of Social Work and Sociology.

Prof. Mallika Krishnaswami, the Dean of Humanities and Social Sciences, Christ University presided over the function by drawing light into the issues of human rights violation hovering over us and the relevance of this training programme in such a contemporary scenario. Ms. Sushma, Asst. Professor, Department of Social Work, Christ University, spoke about the role of National Human Rights Commission (NHRC) and the greatness of the work they do by making the concept of Human Rights known to all by supporting ventures and endeavours such as these along with the distribution of a pamphlet describing the work of NHRC and certain concepts and ideas about Human Rights to the attendees at the beginning of the programme.



*Prof. Mallika Krishnaswami, the Dean of Humanities and Social Sciences, Christ University talking about the relevance of this training programme in such a contemporary scenario*

Mr. Manohar, an eminent activist, jump started the sessions by giving an overall idea of human rights and values from a back drop of strong and indigenous ethical values that got lost somewhere in the archives of history from an Indian point of view as well as its amalgamation into the international diaspora with the Universal Declaration of Human Rights. Ms. Swagata Raha, a Senior Consultant with the Centre for Child and the Law, gave specific idea of how Human Rights Commissions are set up at the national and state level. Ms. Rajakumari Michael from Child Rights and You (CRY), gave an insight into the need for engendering and also talked about the UN Child Rights Convention and its protocols. Mr. Vasudeva Sharma cheerfully engaged the students in an interactive session involving students to empathize the stand point of vulnerable people and discussed about the issues of bonded and child labour and acts with regard to the protection of the marginalized communities and the environment.



*A part of the audience who attended the programme*

Overall, the students participation during the training programme was witnessed and appreciated by the Resource Persons and it is the wish of the organizers of this programme that the issue of human rights be seen with a deeper sense of concern by one and all and efforts be taken to curb issues and incidences related to violation of rights-that being the very need of the hour and the only way humane values and human rights handhold to bring forth a bolder, braver and better world.

**Inauguration:**

The one-day training programme on Human Rights organised by the Department of Social Work and National Human Rights Commission was held on 3 December 2013. The programme commenced at 9.00 am and was presided by the Dean of Humanities and Social Sciences, the Coordinator of Sociology, Economics, Social Work and CSA and staff members of Social work and Sociology departments. 110 students were present from the Department of Social Work and Applied Sociology. It was coordinated by Ms. Sushma Murthy who also introduced the influence of NHRC in organizing such a programme and the inaugural note was delivered by Ms. Malika Krishnaswamy incorporating the need for human rights in the world today.

**Session 1: Introduction to Human Rights**

The first session of the training program on Human Rights was taken by Mr Manohar who has done his M.A in Sociology and is a Human Rights Educator and Activist. Mr Manohar started this session by asking the audience what they thought human rights were. Human Rights are the basic rights which everyone inherits the moment one is conceived in the mother's womb.

Mr Manohar then spoke about the urgency to take Human Rights seriously and the core sectors of the Rights which are the 'Right to Freedom', the 'Right to Equality', the 'Right to Health', the 'Right to Education', the 'Right to food and security', the 'Right to shelter and peace' and the 'Right to development' which are the different aspects of the 'Right to Life and Livelihood with Dignity'.



*Mr Manohar during the session*

The session then moved on to the principles of Human Rights, which are Inalienable, Inherent, Universal, Irrevocable and Indivisible. Human Rights were categorized based on generations, where the first generation was the individual level – the civil and the political. The second generation was the collective level – the economic, social, cultural, the tribal, minorities and the indigenous and the third level which was development, peace and environment. Various definitions of Human Rights given by famous personalities such as Jack Donnely, Tiber Mancham, Joel Feinberg, Kant Baier and others were analyzed.

The Rights related to Life, Equality and Liberty were discussed and analyzed and the conclusion made was that if an individual has his Right to Life, Equality and Liberty he dignity will be upheld, which is the fourth right.

Human Rights in India were divided into various periods. The Vedic Period, Arthashastra-300 BC, the Colonial Period, Post-Colonial Period, Late 60's and early 70's

The various similarities between the UDHR and the Indian constitution, the ICCPR and the Indian constitution and the ICESCR and the Indian constitution were brought out.

## *Discussions*

-What are shadow reports?

These are the reports sent by Ngo's or any other private institutions to the Human Rights Commissions by the residents of the country.

-What is the penalty for working more than the regular hours and the laws that are applicable to this?

Labor laws have a set of policies which act as guideline to protect the employees of an organization or an industry.

-Does the penalty for working more than the regular hours, apply to educational institutions as well?

This varies from different educational institutions since most of the universities are deemed or are currently working under the government.

## **Session II: Human Rights Institutions in India**

The second session of the day was scheduled from 11:45am to 1:15pm which was addressed by Ms Swagata Raha from National Law School, Bangalore. The session aimed at covering Human Rights Institutions(HRI) in India with special focus on National Human Rights Commission(NHRC) , National Commission for Women(NCW) , National commission for protection of Child Rights(NCPCR) .

The speaker focused on history, growth, composition and functioning of Human Rights Institutions in India under the following headings:

Establishment –need and emergence of HRIs as institutions which are neither governmental nor non governmental bodies but are independent bodies. Establishment of HRIs at national and state levels.

International standards –minimal standards to be met by institutions and their independence in terms of foundational, operational, functional and financial nature.



*Ms Swagata Raha during the session*

Composition – Pluralistic representation of social forces involved in protection and promotion of Human Rights. The commission consists of chairperson and few members who are mostly chosen based on their contribution to the field and have no past records of violation of Human Rights and Child Rights. Ex. Chief Justice of Supreme Court.

Appointment the guidelines on the appointment process, and the tenure and removal of the members, salaries and allowances were discussed.

Functions of HRIs like inquiry, inspection, review, promotion of Human Rights literacy, monitoring and implementation of laws, etc.

Operational autonomy of the various institutions were studied where the only autonomy that all the three institutions in concern had were dependence on central government staff. Their powers

of search and seizure , investigation , inquiry , to make regulations etc were also critically analysed.

Financial dependency of the HRIs was discussed. The flow of funds were explained in detail.

Critical evaluation The speaker then went on to talk about why multiple commissions in India had failed, and spoke about her proposal of merging all the institutions into one, after which she compared single and multiple institutions of Human rights, pointing out the advantages of a single human rights institution.

### *Discussions*

-Would not a single model mean that there is less wrong doing in the country?

Yes I agree to the point but there are a lot of political factors in our country which make it impossible.

-Are the department of child rights, ministry of child and women, and commission of child and women related?

No, they are not related. The HRI is not part of the government, but the parent ministry exercises control on them.

-Why does the NCPCR not have any power to instigate an inquiry?

That is how the law is designed. Since the NCPCR does not have judges on the panel, it is very hard for them to instigate enquiries.

-What has been the response to your proposal?

It is a new idea, so it will take time for the people to process and accept it.

-Is it possible for the people to overcome political pressure and bring about change?

In the recent past, the RTI act has been used to find out how appointments have been made. There should be no nomination for the posts but an application process, and transparency should be ensured.

### Session III: Rights of Women and Children

The speaker (Rajakumari Michael (CRY)) initiated the discussion by citing two examples out of her experiences on vulnerability of women in India. The women in both the cases were victims of domestic violence. She also talked about the status of women and children in India.



*Rajakumari Michael during the session*

In India high infant mortality rate is seen in girls. 77 in every 1000 children born in India do not see their 5<sup>th</sup> birthday. Among these, most of them are girls. Female girl child and women (esp Dalit) are the most vulnerable group in India.

India had signed the UN Convention on the Elimination of All Forms of Discrimination against Women. But India refused to sign the optional protocol 3 which is on communication process.

#### *Discussions*

-Isn't reservation in itself is discrimination?

According to the speaker and students, women have been exploited and suppressed over a long period of time. They were denied of their legitimate rights and also they were not allowed to

express their views. In a male dominated society, it is very difficult for the women to carve their place. Moreover, to balance the social difference and distance between men and women reservation is necessary.

-Has the chain of historical customs led to the social problems in today's time?

Most of the malpractices carried out today do not have its traces in history (Vedic period). It was simply practiced by a group of people or community.

#### **Session IV: Rights of other Vulnerable Groups**

In the fourth session Mr Vasudeva Sharma, the Executive Director of CRT, Bangalore illustrated on the rights of other vulnerable groups. The session began with the discussion on equality to vulnerability. According to him Vulnerability is a state of mind that we have created and anyone can be vulnerable at any point of time. He also emphasised on the issues faced by the vulnerable groups such as lack of access to resources, unequal treatment, discrimination, untouchability, prohibitions, lack of access to public services. Most often they are subjected to victims of false cases, exploitation and denial of justice. They are restricted in many ways such as bonded labour, lack of freedom of expression and restricted opportunities.



*Mr Vasudeva Sharma during the session*

The session went on to speak about District Human Development Report (DHDR), which has six dimensions that includes inclusion, discrimination, freedom, standard of living, gender dimension and access to basic facilities.

The loop holes in the laws pertaining to vulnerable groups also were included in the session. The acts that were discussed were Abolishment of Bonded Labour System Act 1976, Abolition and Regulation of Child labour Act 1986, Scheduled caste and Scheduled Tribe Prevention of Atrocities Act 1989.

**Beyond the lectures:**



*Delicious food was served and the community of budding Social Scientists bonded at lunch*

## **The Handout:**

# **Human Rights**

## **What are human rights?**

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

## **Universal and inalienable**

The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.

All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates legal obligations for them and giving concrete expression to universality. Some fundamental human rights norms enjoy universal protection by customary international law across all boundaries and civilizations.

Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.

## **Interdependent and indivisible**

All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

## **Equal and non-discriminatory**

Non-discrimination is a cross-cutting principle in international human rights law. The principle is present in all the major human rights treaties and provides the central theme of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of a list of non-exhaustive categories such as sex, race, colour and so on. The principle of non-discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights.”

## **Both Rights and Obligations**

Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others.

## **National Human Rights Commission (NHRC)**

The National Human Rights Commission (NHRC) of India is an autonomous public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by The Protection of Human Rights Act, 1993 (TPHRA). The NHRC is the national human rights institution, responsible for the protection and promotion of human rights, defined by the Act as "rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants".

TPHRA mandates the NHRC to perform the following functions:

- Proactively or reactively inquire into violations of human rights or negligence in the prevention of such violation by a public servant
- By leave of the court, to intervene in court proceeding relating to human rights
- Visit any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates and make recommendations

- Review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation
- Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures
- Study treaties and other international instruments on human rights and make recommendations for their effective implementation
- Undertake and promote research in the field of human rights
- Engage in human rights education among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means
- Encourage the efforts of NGOs and institutions working in the field of human rights
- Such other function as it may consider it necessary for the protection of human rights.

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