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# HUMAN RIGHTS AND EDUCATION FOR CITIZENSHIP, SOCIETY AND IDENTITY IN INDIA

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## ABSTRACT

The Indian idea are human rights and these are key to both the identity of India and to engaging young people is a sense of citizenship. Rights can be seen as a defining characteristic of the Union. Young people are interested in rights, and particularly keenly interested in injustice. The establishment, extension and enforcement of rights are an important way of challenging and changing injustices. While young people should be aware of the way in which the rights that have been established in former times, and should appreciate the struggles and the sacrifices of former generations, they are much more likely to be excited by the rights yet to be achieved, and to learn their citizenship, and their identity, through the establishment of new rights. I am examine the discourses, visions and ideologies that have shaped the ideas about civics, citizen and human rights education in India over the last one and a half decades. It tries to assess the congruence of the aims of human rights educations with the existing understanding and practice of civics in India. The respect and implementation of the multitude of international human rights norms and standards such as for social, economic, cultural, political, civil, women s, children s or migration issues might provide answers to new forms of urban governance, integration and accountability. Keywords: Citizenship, Education, Human rights, Learning, India, participation.

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## 1. INTRODUCTION

Since the days of the Indus Valley Civilization, Indian culture has been the product of a synthesis of diverse cultures and religions that came into contact with the enormous Indian sub continent over a very long stretch of time. As Jawaharlal Nehru wrote, there is "an unbroken continuity between the modern and the most ancient phases of Hindu thought extending over three thousand years." The rights of man have been the concern of all civilizations from time immemorial. "The concept of the rights of man and other fundamental rights was not unknown to the people of earlier periods." The Babylonian Laws and the Assyrian laws in the Middle East, the "Dharma" of the Vedic period in India and the jurisprudence of LaoTze and Confucius in China, have championed human rights thought history of human civilization. The Indian concept perceives the individual, the society and the universe as an organic whole, Everyone is a child of God and all fellow beings are related to one another and belong to a universal family. In this context, Mahatma



Gandhi remarks, "I do not want to think in terms of the whole world. My patriotism includes the good of mankind in general. Therefore my service to India includes the services of humanity."

Despite continuous struggles on the part of disenfranchised and marginalized peoples throughout the world, and various initiatives undertaken by national states and international organizations, social justice remains an unattainable goal for many diverse groups and populations. By "social justice" we mean an equitable distribution of fundamental resources and respect for human dignity and diversity, such that no minority group's life interests and struggles are undermined and that forms of political interaction enable all groups to voice their concerns for change.

Human rights are distinct from citizenship rights. The notion of citizenship has three inter-related dimensions: political participation, rights and obligations, and membership in a political community (Cohen, 1999). The modern concept of citizenship links rights and political participation membership to a nation-state. The human rights tradition, institutionalized through the United Nations Universal Declaration of Human Rights in 1948, disassociates rights from membership in a bounded community by making rights universal (Teeple, 2005). Thus, the cross-border movements of peoples, such as labour migrants, refugees, and asylum seekers, are subject to an international human rights regime (Benhabib, 2004, p. 7). In this regard, human rights can be presented as conceptually distinct from citizenship, and some researchers believe they should not be conflated.

Although different in kind, the two notions are inter-related. First, both the notion of human rights and modern Western conceptions of citizenship rights are entrenched in the idea of natural rights as "inalienable rights of man" first elaborated by the Enlightenment era philosophers. The political expressions of these philosophical ideals are found in the American Declaration of Independence and the Bill of Rights, and the Declaration of the Rights of Man and the Citizen of the French Revolution (Sjoberg et al., 2001, pp. 17–18). These ideals were appropriated by emerging nation-states in an effort to formulate notions of citizenship and citizenship rights as limited to those recognized as legitimate members of these political units (Cohen, 1999). Such notions have, however, undergone transformations. The concept of citizenship is not only sensitive to historical changes but can also be used to mobilize certain rights and claims. Originally concerned with the protection of individuals against the arbitrariness of the state, particularly in relation to private property, notions of citizenship have been stretched to include political rights and social rights (Isin, 1997; Teeple, 2005). More recently, and especially in the last few decades, citizenship claims have been expanded to include issues of identity (Isin & Wood, 1999) and protection from environmental and security threats (Be'land, 2005). Such struggles of recognition and redistribution have been taken up by feminists, new social movement theorists, and those generally critical of the liberal tradition (Benhabib, 2004; Hoffman, 2004; Lui, 2004).

Human rights principles similarly reflect adherence to notions of the "inalienable rights of man". Underlining universality as its basic principle, human rights also reveal commitments to civil, political, and social rights, as expressed in the Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social, and Cultural Rights. Given that both citizenship and human rights traditions are anchored in the same philosophical principles as both the struggle for human and citizenship rights.

## **2. ORIGIN AND DEVELOPMENT OF HUMAN RIGHTS IN INDIA**

The origins of the idea of citizenship are generally traced to the ancient Greek and Roman republics. The word itself is derived from the Latin word *civis* and its Greek equivalent *polites* which means member of the polis or city. With the development of capitalism and liberalism, the idea of the citizen as an individual bearing rights irrespective of her/his caste, class, race, gender, ethnicity, etc, became entrenched. Since the nineteen eighties however, globalisation and multiculturalism have provided the contexts within which this notion of citizenship has been challenged. It is argued has been displaced as the core of citizenship theory and rights of cultural communities and groups have started gaining ground. Thus, it may be said that the idea of citizenship has developed over several historical periods. Its form and substance have not remained the same but changed according to specific historical contexts. The various forms which citizenship took historically have not, however, disappeared entirely. They have not only influenced the modern meanings of citizenship, they also exist as different strands within the bundle of meanings surrounding citizenship.



The Buddhist doctrine of non-violence in deed and thought says Nagendra Singh, "is a humanitarian doctrine par excellence, dating back to the third century B.C." Jainism too contained similar doctrines. According to the Gita, "he who has no ill will to any being, who is friendly and compassionate, who is free from egoism and self sense and who is even-minded in pain and pleasure and patient" is dear to God. It also says that divinity in Human's is represented by the virtues of non-violence, truth, freedom from anger, renunciation, aversion to fault-finding,

Compassion to living being: freedom from covetousness, gentleness, modesty and steadiness -the qualities that a good human being ought to have. The historical account of ancient Bharat proves beyond doubt that human rights were as much manifest in the ancient Hindu and Islamic civilizations as in the European Christian civilizations. Ashoka, the prophet Mohammed cannot be excluded from the genealogy of human rights.

### **3. HUMAN RIGHTS EDUCATION: INDIAN SCENARIO**

Article 51A (1) of Indian Constitution 1950, imposes a duty on all citizens to develop scientific temper, humanism and the spirit of inquiry & reform. The effective discharge of this duty will require to give people enhanced awareness & greater openness. Right to education has also been incorporated. The Constitution mandates the state to direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom & dignity and that childhood and youth are protected against exploitation and against moral & material abandonment. The children as well as the other people is indispensable to the full realization of the responsibility under this constitutional directive.

Indian state has an obligation to foster respect for international law and treaty obligations as laid down in Article 51 of the Constitution. India is a signatory to UDHR & has ratified Civil and Political Rights Convention, Economic, Social and Cultural Rights Convention, CEDAW CRC etc. it is inescapable and a legal obligation. We can foster a spirit of respect for others and high citizenship qualities. 'Citizenship in a democracy involves many intellectual, social and moral qualities a democratic citizen should have the understanding and an intellectual integrity to sift truth from falsehood, facts from propaganda & to reject the dangerous appeal of fanaticism & prejudice should neither reject the old because it is old nor accept the new because it is new, but dispassionately examine both and courageously reject what arrests the forces of justice and progress. it is important because it can prevent violation of human rights, promote assertion of human rights and human rights is an essential part of social studies curriculum.

The National System of Education envisages a common educational structure. The 10 + 2 +3 structure has now been accepted in all parts of the country. Regarding the further break-up of the first 10 years efforts will be made to move towards an elementary system comprising 5 years of primary education & 3 years of upper primary, followed by 2 years of High School. Higher Education follows in graduate, post graduate and doctoral degree programmes in various subjects including management, professions & technology. The National Policy on Education underlines the importance of value education. The growing concern over the erosion of essential values and an increasing cynicism in society has brought to focus the need for readjustments in the curriculum in order to make education a forceful tool for the cultivation of social & moral values.

Human Rights is not treated as a separate subject in the curricula. NCERT has felt that all contemporary concerns & issues cannot be included in the curriculum as separate subjects of study. It has called upon incorporation of certain emerging concerns including human rights in the course content. This is in line with the UNESCO suggestion. Human rights education cannot be reduced to the simple introduction of human rights content in already overburdened curricula. It brings about a profound reform of education, which touches upon curriculum in -service & pre-service training, text books, methodology, classroom management & the organization of the education system at all levels. But it is disappointing to observe that the NCF 2005 has failed in identifying the content of the schools.

### **4. HUMAN RIGHTS AND THE INDIAN CONSTITUTION**

The Constitution of the Republic of India which came into force on 26th January 1950 with 395 Articles and 8 Schedules is one of the most elaborate fundamental laws ever adopted. The Preamble to the Constitution declares India to be a



Sovereign, Socialist, Secular and Democratic Republic. The term 'democratic' denotes that the Government gets its authority from the will of the people. It gives a feeling that they all are equal "irrespective of the race, religion, language, sex and culture." The Preamble to the Constitution pledges 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 to ail its citizens. India and the Universal Declaration India was a signatory to the Universal Declaration of Human Rights. A number of fundamental rights guaranteed at the individuals in Part III of the Indian Constitution are similar to the provisions of the Universal Declaration of Human Rights. The following chart makes it very clear.

## 5. MEDIA AND HUMAN RIGHTS

The Information Media is an important arm of any modern democratic polity through which the people exercise their freedom of information. The freedom of information, the democratic right to know, is crucial in making all other human rights effective and providing an important safeguard for the enjoyment of all those rights. Traditionally, the vehicle of public information was the Press. Today it is called the media, which include the press, the radio, the television and the internet. The "Fourth Estate" plays a crucial role in a large democracy like India where about 1500 different types of newspapers are circulated.

Since the 1970's the media in India have played a central role in sensitizing people with information about governance, development, science and technology, foreign relations and so on. However, of late it has also come in for criticism, as highlighted by the above Supreme Court decision. While the media is "a vital leverage to keep the rulers in check," it has failed "to educate people to assert their claim to the right to information," observes another senior journalist. The press also has come in for rough treatment by terrorists, insurgents, and some individual politicians. The media also has a tendency to launch "trials by the media," even sentencing by the media, even while a court proceeding is underway. Considering the totalit! of the impact of the media during the past two decades, despite the above pitfalls, one must recognise that the contribution of the media in revealing and highlighting human rights causes has been most impressive. remains an impediment in the effective exercise of the freedom of information.

## 6. CIVIL AND POLITICAL RIGHTS

India is a Party to the International Covenant on Civil and Political Rights. Based on this treaty, the Government of India has an obligation to make sure that Dalit women can enjoy a whole range of human rights, such as the right to life, freedom from torture or cruel, inhuman or degrading treatment or punishment, freedom from slavery, the right to be equal before the court, the right to recognition as a person before the law, the right to privacy, the right to marry only with free and full consent, and the right to take part in public affairs. The life and dignity of Dalit women depends on the realisation of these human rights. However, they are breached systematically. An essential precondition for the realisation of civil and political rights of Dalit women is registration. Article 24 (2) of the Covenant provides that every child shall be registered immediately after birth. In India, 46 % of all children are not registered. There is also no system of registration of marriages. This is not only a barrier for the realisation of civil and political rights; it also prevents the protection of Dalit girls from sexual exploitation and trafficking, child labour and forced and early marriages.

## 7. ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

India is also a Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). This treaty not only identifies a range of economic, social and cultural rights, but it also requires that all people have these rights, without discrimination. The treaty also discusses the ways in which states must work to realise the rights. The rights outlined in the ICESCR include the right to work and to just and favourable conditions of work, and to form trade unions, the right to social security, protection of the family, the right to an adequate standard of living, including food, housing and clothing, and the right to health. Dalit women hardly enjoy any of these human rights.



## 8. CITIZENSHIP AND RIGHTS

Citizenship is generally understood as referring to the relationship between the individual/collective and the state. The commonly accepted definition of citizenship by the British Sociologist T.H.Marshall as 'full and equal membership in a political community' denotes (a) the unit of membership, i.e., the political community, which in the modern context is the nation-state, and (b) the nature of that membership, i.e., full and equal. Citizenship would thus manifest a significant aspect of the relationship among people who live together in a nation. It comprises, therefore, of a range of issues and elements, including, rights, freedom and equality, political allegiance to the state, civic loyalties within the community, and cultural and emotional ties and identities that mediate the relationship among citizens and the state. Thus citizenship is no longer seen only in narrow legal-formal terms and has acquired significance as an analytical category and a conceptual tool for understanding social reality. It is increasingly being seen as a substantive notion capturing a range of issues that manifest the lived experiences of people. While the underlying principle defining citizenship is equality, the fact that society is hierarchical, means that socio-economic categories of gender, class, caste, race, nationality etc., determine the extent to which we enjoy our rights of citizenship, have access to various resources that equip us for citizenship, or even the extent to which we can exercise our duties of citizenship. While one may have grown up thinking that citizenship is primarily concerned with rights and duties of individuals, it is become acceptable to talk about cultural rights, whereby cultural/religious communities, while participating in the common national political life, have the right to maintain their own cultures. Rights of citizenship therefore, may then be seen as not just accruing to individuals as citizen, but also to individuals as a part of a community, and the rights of community as such.

## 9. SOME OTHER MEASURES OF PROTECTION OF HUMAN RIGHTS UNDER INDIAN LAW

1. The Protection of Civil Rights Act, 1955
2. Traffic in Women and Girls Act, 1956
3. Maternity Benefit Act, '1961
4. Dowry Prohibition Act, 1961
5. Equal Remuneration Act, 1976
6. Bonded Labour (Abolition) Act, 1976
7. Employment of Children Act, 1938 (Amended in 1985)
8. The Child Labour (Prohibition and Regulation) Act, 1986
9. Juvenile Justice Act, 1986
10. Indecent Representation of Women (Prohibition) Act, 1986
11. Sati (Prevention) Act, 1987
12. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
13. The National Commission for Women Act, 1990
14. The National Commission for Minorities Act, 1992
15. The National Commission for Safari Karamcharis Act, 1993
16. The National Commission for Backward Classes Act, 1993
17. The Mental Health Act, 1987
18. The Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995.

## 10. GLOBALISATION, WORLD CITIZENSHIP, AND HUMAN RIGHTS

An influential strand of citizenship theorists holds that in a globalised, interdependent and inter-connected world, marked by transnational movement of populations and multicultural national populations one can no longer talk of citizenship in terms of membership in a territorially limited *nation-state*, the hitherto uncontested unit of membership. They propose the delinking of relationship between citizenship and the nation-state, replacing it with global/world citizenship with its





basis in human rights. Yasemin Soysal, for example, argues that globalisation has brought in a 'new and more universal' concept of citizenship that has 'universal personhood' rather than 'national belonging' as its core principle. Universal personhood is further augmented by the global system of human rights law, the United Nations network, regional governance etc., that have ushered in the idea of a global civil society. The assurances guaranteed by membership of this global civil society make the securities of nation-state membership redundant. Much of this assurance, it is argued, has emanated from the high degree of agreement on the need for human rights, recognition of human frailty, and the idea of 'global risks'. The emphasis on world citizenship with human rights at its core is, however, riddled with contradictions. Despite the increased role envisaged for trans-national frameworks of cooperation, human rights by themselves are not able to ensure the development of participatory networks essential for safeguarding rights. Human rights are moreover, always contingent on their recognition and enforcement by nation-states.

Moreover, the emphasis on human rights and the world citizen is counterbalanced by a simultaneous trend of 'reinforcement of citizenship' marked by the invocation of stringent immigration laws, the fortification of national and regional boundaries, and emphasis on 'descent' and 'blood ties' in consideration for citizenship. Moreover, human rights, like 'citizens', are almost always articulated in abstract and universalistic, i.e., context free terms, masking the diversity and historicity of citizenship and rights.

## 11. CONCLUSION

The Indian Constitution is a document rich in human rights jurisprudence. Human rights ever framed by any State in the world. Part III of the Indian Constitution may be characterised as the 'Magna Carta' of India. The Judiciary in India plays a significant role in protecting human rights. The Indian Courts have now become the courts of the poor and the struggling masses and left open their portals to the poor, the ignorant, the illiterates, the downtrodden, the have-nots, the handicapped and the half-hungry, half-naked countrymen. Citizenship, in its modern understanding, refers to full and equal membership in the political community, which refers in the present global context to the nation-state. Citizenship, however, also provides a terrain where a number of views contest each other over its form and substance. Historically, civic republicanism formed the most influential understanding of citizenship. The dominant understanding of citizenship today comes from the liberal tradition which sees it as constituting a set of individual rights. Cultural pluralists and communitarians, however, regard these rights as meaningless, unless they also take into account the specific contexts of the rights bearing individuals.

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