

POLITICAL SCIENCE

Human Rights in a Comparative Perspective

B.A. Pol Scie. Hons.Semester 5th

**Important Questions
with Answer**

NOTES



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Human Rights in a Comparative Perspective

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Q. What do understand by Human Rights? Discuss the significance of the Universal Declaration of Human Rights.

Ans - Introduction

Human rights are based on the principle of respect for the individual. Their fundamental assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are called human rights because they are universal. Whereas nations or specialized groups enjoy specific rights that apply only to them, human rights are the rights to which everyone is entitled—no matter who they are or where they live—simply because they are alive.

Yet many people, when asked to name their rights, will list only freedom of speech and belief and perhaps one or two others. There is no question these are important rights, but the full scope of human rights is very broad. They mean choice and opportunity. They mean the freedom to obtain a job, adopt a career, select a partner of one's choice and raise children. They include the right to travel widely and the right to work gainfully without harassment, abuse and threat of arbitrary dismissal. They even embrace the right to leisure.

In ages past, there were no human rights. Then the idea emerged that people should have certain freedoms. And that idea, in the wake of World War II, resulted finally in the document called the Universal Declaration of Human Rights and the thirty rights to which all people are entitled.

❖ Understanding Human Rights

Every person has dignity and value. One of the ways that we recognise the fundamental worth of every person is by acknowledging and respecting their human rights.

Human rights are a set of principles concerned with equality and fairness. They recognise our freedom to make choices about our lives and to develop our potential as human beings. They are about living a life free from fear, harassment or discrimination.

Human rights can broadly be defined as a number of basic rights that people from around the world have agreed are essential. These include the right to life, the right to a fair trial, freedom from torture and other cruel and inhuman treatment, freedom of speech, freedom of religion, and the rights to health, education and an adequate standard of living.

These human rights are the same for all people everywhere – men and women, young and old, rich and poor, regardless of our background, where we live, what we think or what we believe. This is what makes human rights 'universal'.

❖ Importance of human rights

- Values of tolerance, equality and respect can help reduce friction within society. Putting human rights ideas into practice can help us create the kind of society we want to live in.
- In recent decades, there has been a tremendous growth in how we think about and apply human rights ideas. This has had many positive results - knowledge about human rights can empower individuals and offer solutions for specific problems.

- Human rights are an important part of how people interact with others at all levels in society - in the family, the community, schools, the workplace, in politics and in international relations. It is vital therefore that people everywhere should strive to understand what human rights are. When people better understand human rights, it is easier for them to promote justice and the well-being of society.

❖ Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a document that acts like a global road map for freedom and equality – protecting the rights of every individual, everywhere. It was the first-time countries agreed on the freedoms and rights that deserve universal protection in order for every individual to live their lives freely, equally and in dignity.

The UDHR was adopted by the newly established United Nations on 10 December 1948, in response to the “barbarous acts which [...] outraged the conscience of mankind” during the Second World War. Its adoption recognized human rights to be the foundation for freedom, justice and peace.

Work on the UDHR began in 1946, with a drafting committee composed of representatives of a wide variety of countries, including the USA, Lebanon and China. The drafting committee was later enlarged to include representatives of Australia, Chile, France, the Soviet Union and the United Kingdom, allowing the document to benefit from contributions of states from all regions, and their diverse religious, political and cultural contexts.

The UDHR was then discussed by all members of the UN Commission on Human Rights and finally adopted by the General Assembly in 1948.

The Declaration outlines 30 rights and freedoms that belong to all of us and that nobody can take away from us. The rights that were included continue to form the basis for international human rights law. Today, the Declaration remains a living document. It is the most translated document in the world.

❖ **Human rights are universal, indivisible and interdependent**

All human rights are equally important, and all governments must treat human rights in a fair and equal manner, on the same footing and with the same emphasis. All states have a duty, regardless of their political, economic and cultural systems, to promote and protect all human rights for everyone without discrimination.

So, no matter what distinctions people have, there is one basic principle that underlies all the rights outlined in the UDHR: that every human being has the same inalienable rights. This means human rights are the same for every man, woman and child across the world, no matter what their circumstances.

There can be no distinction of any kind: including race, colour, sex, sexual orientation or gender identity, language, religion, political or any other opinion, national or social origin, of fortune, of birth or any other situation. Universal means everyone, everywhere.

The UDHR also shows us that human rights are interdependent and indivisible. All of the 30 articles in the Declaration are equally important. Nobody can decide that some are more important than others. Taking away one right has a negative impact on all the other rights.

Conclusion

Today human rights have become one of the significant importance in the civil, political, and economic spheres. The development of human rights is based on the different Bills and Declarations that demand the rights of the citizens, the freedom from the oppression of the state. With the establishment of the UN, State started to accept the legal obligation under various international treaties and conventions. This in turn forced the state or government an obligation to protect the right and freedom of its citizens.

The study of human rights can be traced from the three generations of rights, the first generation of rights focuses on Liberty which provides individual legal protection against abuse by the state. Therefore, attention is to secure civil and political rights and restrict the state over absolute authority over its citizens. The second generation of rights puts Equality at the center and strives for Social and Economic Rights. In this, the state has to play a prominent role as it requires intervention by the state to implement the welfare measures. The third generation of rights moves beyond the individual and stresses on the social groups. It is also called solidarity rights as the scope is universal.

With the signing of the Universal Declaration of Human Rights, there has been significant recognition and consideration of human rights in both domestic and international politics. The scope of human rights has been expanded under several conventions, charters, and protocols that reaffirm the universal character and sphere of its application. From the Right to Liberty, Equality, and Fraternity the understanding and scope of human rights have shifted from Individual rights to collective rights.

Q. What is Terrorism? Analysis various forms of Terrorism in India.**Ans - Introduction**

Terrorism has emerged as the most critical challenge to the global peace and, specifically, to Asia's internal and external security. It is a crime against humanity that has harmed communities across the world. The terrorist has put the values of democracy and freedom at jeopardy, as well as the existence, progress, and development of humanity.

Due to the ease with which terrorist organizations are able to get highly modern weapons, terrorism has taken on a whole new dimension. There are numerous different terrorist groups operating throughout the world that are not affiliated with any other international terrorist organizations. Terrorist attacks have increased dramatically after the end of USSR, probably the rise of Terror in gulf countries, and this is a source of great concern.

India is dealing with several problems when it comes to managing its own security. Domestic Terrorist groups are rising in various regions in India, including activities of cross border terrorist groups. Terrorism has now taken on global proportions and has become a worldwide issue. Terrorist groups and organizations are using contemporary methods of communication and technology, such as communication systems, transportation, advanced weapons, and several other resources, to expand their horizons and capabilities.

So, by using global technology and methods now, they can terrorize and affect a more significant number of people. The Indian criminal justice system isn't designed to handle these terrible acts. But in these circumstances, it was highly needed to implement specific anti-terror laws that would tackle these heinous crimes efficiently.

❖ Terrorism

The phenomenon of terrorism is complicated to define. This is due to the multifaceted and ambiguous concepts and the difference in point of view. The term 'terrorism'⁴ comes from the French word 'terrorisme', which is based on the Latin verb 'terrere' meaning 'to cause to tremble.' **According to Oxford English Dictionary 1989,** terrorism is a "policy intended to intimidate or cause terror."

The Encyclopedia Britannica defines "terrorism as the systematic use of violence to create a general climate of fear in a population and thereby to bring about particular political objectives. Terrorism is violence or other harmful acts committed or threatened against civilians for political or other ideological goals." The European Union defines "terrorism as an act with the aim of destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country."

❖ Terrorism in India

As the representative body of Government of India, the planning commission listed the reason for the violence to the minority in India. The expert body clearly stated in a social, economic, and political context that Dalits and Adivasis who led the foundation for the movement are deprived of even their fundamental human rights for decades.¹⁸ It also shows that the root causes are denial of righteousness and justice, exclusion and alienation, and human rights violations for minorities.

There has been a steep rise in terrorism in India in the last two decades. There is a various terrorist attack in cities like Jaipur, Ahmedabad Bangalore, Mumbai and Pune. Prevention of such terrorist attacks is essential; it might be possible by laws like POTA. After the 26/11 attack on Mumbai, regulations have become stricter about limiting such activities.

There is no second opinion that terrorism is a big challenge for India security and democracy. States have undertaken several measures like anti-terrorism legislation implementation of special development schemes for affected areas, strengthening the security and intelligence apparatus, deployment of the police force in anti naxal operation, and negotiation with representatives of militant's groups. The roots of terrorism in India can be traced before it got independence in 1947, but those aimed to create fear among the British ruler and not killed the general people.

Terrorist acts throughout the centuries performed on the religious ground to either spread or in force a system of belief viewpoint or opinion. Domestic and external terrorist activity is currently rising in India due to spiritual causes and factors like poverty, unemployment, not being developed, etc. Us state department's annual report 2007 declared India as the second-worst affected country by terrorist violence.

India has experienced almost all forms of terrorist attacks:

- hijacking and blowing up of aircrafts
- sabotaging railway tracks
- kidnapping hostages for meeting political demands
- suicide attacks
- the assassination of two of its Prime Ministers
- attacks on places of worship, transportation systems, security forces and financial hubs
- communal riots followed by extreme violence
- attacks both by religious and non-religious terrorist groups.

Conclusions

Terrorism is a crime against humanity that has wreaked havoc on societies all over the world. Terrorists have not only put the principles of democracy and freedom in jeopardy, but they have also posed a significant threat to humanity's existence, growth, and development.

Terrorism is frequently used to describe violent acts committed just by non-state individuals and groups. Unless a neutral and accurate definition of terrorism is applied to all parties, any violence done by the state that falls under the description will indeed be considered a criminal act.

Indiscriminate, illogical, and disproportionate mass fatalities and damage imply horrific intentions. There are many ways to undermine a group's goals; however, there are many different forms of religious terrorism that use minorities discrimination for increasing their strength.

A greater understanding of such groups, their leadership, and their goals will allow for a more reasonable approach, perhaps leading to much more success in combating their propaganda and use of terrorism in the name of religion. A variety of counterterrorism strategies aimed at decreasing or eradicating religious-based terrorism are discussed in certain parts. These alternatives need a basic grasp of the organization, its leadership, and the goals for which it is fighting. Furthermore, no kind of religious terrorism can be destroyed only by the use of force.

Q. Do you agree that Caste leads to social inequality in India?

Ans - Introduction

The term equality itself is a complex term since we are all different beings but we all should be treated equally, which is adopted in our constitution. As we know that Equality is a crucial feature of democracy and influences all facets of democracy for its functioning. It appears to be natural to ascribe negative meanings to differences, to associate difference with the supposedly inferior or superior or the dangerous, although it's not. It is something we learn and is therefore something we can unlearn (Kelvin Boyle: 2005).

- **Caste in India**

Since the beginning of the Indian sub-continent when the foreigners like Megasthenes, Al Baruni and many more came to India, caste has been such a prominent factor of Indian society that it has never failed to attract the attention of the foreigners or outer world. The Hindu society is divided into many groups, known as castes or Jaati with varying degrees of respectability and circles of social intercourse. Caste is the most general form of social organization in India but its shape and flavor has been shaped during various courses of time.

Caste has two distinct features ubiquity and strangeness which attracted attention from many prominent scholars like G S Ghurye, Gail Omvedt, Gopal Guru, Vivek Kumar, S K Thorat, Sushrut Jadhav, Surinder Jodka and even after 75 years of India's independence it's been discussed and debated in different angles by various scholars.

- **Caste and social inequality**

For Britishers the system of caste was really complex and they wanted to make it simple for administrative purposes. Henry Waterfield who belongs to the Statistics and Commerce Department, India office believed that caste was even more difficult to handle. Waterfield noted that 'Great pains have been taken by the writers of the several reports in the classification of the population according to caste. The result, however, is not satisfactory, owing partly to the intrinsic difficulties of the subject, and partly to the absence of a uniform plan of classification, each writer adopting that which seemed to him best suited for the purpose'.

The general report on the census of the Northwest Provinces prepared under the guidance of W.C. Plowden wrote that, 'The whole question of caste is so confused, and the difficulty of securing correct returns on this subject is so great, that I hope on another occasion no attempt will be made to obtain information as to the castes and tribes of the population'.

According to James Prinsep who took charge of the census of Benares in 1834, 'no less than 107 distinct castes of Brahmins were found in that one city. For 1872, The Primary Principle of classification used in 1872 and again in 1881 was that of Varna'. The empirical project of the census was closely linked to the most general of Orientalist categories for the classification of the social order, with built in assumptions about hierarchy and precedence.

Whereas in Madras Presidency, W.R. Cornish (who was responsible for the census of Madras 1871) commented that 'It is plain that we can place no reliance upon the statements made in the Hindu sacred writings. Whether there was ever a period in which the Hindus were composed of four classes is exceedingly doubtful'.

For the 1872 census, Waterfield thought that it would be easier to classify Indians along the four Varna systems. As we all know that everyone today identifies Varna systems into four categories. But it was W.R. Cornish who observed that 'it is doubtful that there was any period during which the Hindu was divided only into four categories and that even more divisions existed'. So, the British popularized the four varna systems in which the Brahmins were classified at the top as the privileged class.

Brahmins - The highest ranked of the four varnas or traditional social classes of India include Hindu priests, advisors, and intellectual leaders.

Kshatriya - The second highest of the varnas, includes rulers, military leaders, and large landowners.

Vaishya - The third highest of the four varnas includes merchants, traders and farmers.

Shudra - The lowest ranked varnas- traditionally includes artisans, laborers, and servants.

Dalit - (formerly called 'untouchables') a fifth category, with no varna designation, includes various low status persons and those outside the caste system.

The Hindu Muslim laws that completed its first phase in 1864, actually taken by Warren Hastings In 1772. Warren Hastings hired eleven Brahmin Pandits, who took advantage of the situation and applied Vedic laws even more widely and rigidly. This is termed as 'Brahmanism' or 'Brahmanvaad' that was forced upon the Hindus because until then, the Vedic system of four castes was not so widely practiced and nor did every Hindu practice it. It was forcefully imposed and British India increased the divide between the upper and the lower castes in India.

Conclusions

Historically, one of the main dimensions of the Indian Caste System is that people are socially differentiated through class, religion, region, tribe, gender, and language. Although this or other forms of differentiation exist in all human societies, it becomes a problem when one or more of these dimensions overlap each other and become the sole basis of systematic ranking and unequal access to valued resources like wealth, income, power and prestige.

The present Indian society is moving from its closed systems towards a state of change and progression marked by the assertion of the human spirit irrespective of castes and creeds. The protest and struggle of and by the Dalit's or SC's has influenced the Indian government to frame new laws in keeping with the spirit of Fundamental rights. Although the existence of a right or a law or even a policy on paper does not mean that it exists in reality.

The desire for equality, dignity and respect is not new. It has existed in different forms throughout Indian history. If inequality exists, similar processes of struggle, writing, negotiation and organizing the Dalit movement need to continue in future.

Q. What do you understand by Gender? Highlight the various dimensions of gender inequality in India.

Ans - Introduction

Gender : Gender refers to the characteristics of women, men, girls and boys that are socially constructed. This includes norms, behaviours and roles associated with being a woman, man, girl or boy, as well as relationships with each other. As a social construct, gender varies from society to society and can change over time.

Gender is hierarchical and produces inequalities that intersect with other social and economic inequalities. Gender-based discrimination intersects with other factors of discrimination, such as ethnicity, socioeconomic status, disability, age, geographic location, gender identity and sexual orientation, among others. This is referred to as intersectionality.

Gender interacts with but is different from sex, which refers to the different biological and physiological characteristics of females, males and intersex persons, such as chromosomes, hormones and reproductive organs. Gender and sex are related to but different from gender identity. Gender identity refers to a person's deeply felt, internal and individual experience of gender, which may or may not correspond to the person's physiology or designated sex at birth.

Gender influences people's experience of and access to healthcare. The way that health services are organized and provided can either limit or enable a person's access to healthcare information, support and services, and the outcome of those encounters. Health services should be affordable, accessible and acceptable to all, and they should be provided with quality, equity and dignity.

❖ Dimensions of gender inequality

This study considers the gender inequality that exists in India. Inequality is present in every field of the country because men and women both are not treated equally by the society. The present study arranges to critically review the gender inequality in India. The study based on secondary data. Critically review the literature available from various online academic databases. After reviewing the available literature, six categories of Dimensions regarding Gender Inequality have been observed which are education, labour participation, economic participation, political field, women empowerment and participation in Agriculture. Gender inequality is the main reason of low economic growth and poverty. without equality development of world is impossible.

Gender inequality and discrimination faced by women and girls puts their health and well-being at risk. Women and girls often face greater barriers than men and boys to accessing health information and services. These barriers include restrictions on mobility; lack of access to decision-making power; lower literacy rates; discriminatory attitudes of communities and healthcare providers; and lack of training and awareness amongst healthcare providers and health systems of the specific health needs and challenges of women and girls.

Gender inequality discrepancy between men and women and different access to resources in health, education, political empowerment and economic empowerment and women is considering the caretaker of the houses and producer of children. Gender inequality remains a major barrier that exists in our country. Gender inequality acknowledges that men and women are treated differently in the education field, Healthcare, employment opportunities, economic participation, decision making, Political participation etc.

Traditionally most of the women are housewives and they are synonym with childcare, as time changes women 's role also change day by day as compare to traditional time. They are no longer sitting in home, struggling with housework. Now they also contribute in income of family. In recent years gender inequality is very critical concept. For centuries women suffering from the exploitation, harassment, discrimination at various levels.

Women is near about half of the population of country so for the development of the country it is very important to consider women in all the activities. Govt. takes it serious day by day and focus on to provide equal opportunities, employment, healthcare to both men as well as women. As they develop women through five-year plans. As Central social welfare Board (CSWB) established in 1953 by resolution of govt.

CONCLUSION

In India economic, social, cultural, legal and political factors are responsible for gender inequality in India. India needs to neutralize the gender Inequality. The needs of the day are trends where girls are able not only to break out of the culturally determined patterns of employment but also to offer advice about profession opportunities that might be different form the traditional one. Man and Woman are like two wheels of a carriage.

The life of one without the other is incomplete. For reducing gender inequality in India, we should offer high level of education to girls and increase women empowerment. NGOs also play an important role to eliminate Gender Inequality in India through the various societal programs. The Campaign of our Prime Minister Mr. Narender Modi **"Beti Bachao Beti Padhao"** can be successful, when the mindset of Indian society will be changed towards women.

Q. Do you think that Adivasis/aboriginal are struggling for their Land Rights in India and Australia? Comment.

Ans - Introduction

Adivasis and aboriginals have been marginalized for the longest of time. They have been alienated from their native places where they were living for centuries now. The similarities that Adivasis and Aboriginals have is that they practice different cultures and lead such lifestyles which are very different from the mainstream cultures. This is the major reason of their alienation from the majority communities.

Adding to their ordeal, governments have further played their part in detaching them from their roots by uprooting them from their own lands in the name of development and modernization. Likewise, aboriginals were ousted by British colonialists from their own land where they were living for thousands of years. Later in the chapter we will try to understand their origin, their problems related to land, the laws brought against and in favour of them.

Adivasis : also referred to as tribals or original inhabitants are communities who lived, and often continue to live, in close association with forests. Around 8 per cent of India's population is Adivasi and many of India's most important mining and industrial centres are located in Adivasi areas – Jamshedpur, Rourkela, Bokaro and Bhilai among others. Adivasis are not a homogeneous population: there are over 500 different Adivasi groups in India. Adivasis are particularly found in states like Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Gujarat, Maharashtra, Rajasthan, Andhra Pradesh, West Bengal and in the northeastern states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura

Aboriginals : The word aboriginal comes from the Latin words ab (from) and origo (origin) popularly used in Australia. Aboriginals are considered as those people who have lived in a place for the earliest of time. The term was used in Australia to describe its Aboriginal peoples as early as 1789. It became capitalized and was employed as the common name to refer to both Aboriginal and Torres Strait Islanders, although today the latter are not included in the term. The term "Aborigine" (as opposed to "Aboriginal") is not used anymore as it is regarded as having colonialist connotations.

- **Adivasi in India**

Adivasis have lived on their lands for centuries. They are claimed to be the original inhabitants of India; some communities are said to have evolved after the decline of the Indus valley civilization. During British rule the colonial rulers barged into the tribal lands which led to resentment against the British among the tribesmen. The regularly supported rebellions. Land both forest areas which belong to Adivasis was rapidly made the property of British employed zamindars who in turn gave it to their economic benefits from their land. Major Adivasi Groups are: Bhils, Gonds, Mundas, Santhals, Khasis, Mizos, Meenas, Garos, Kharias, Hos, Irulas, Bhutias, Asurs, Baigas, Birhors, Bhumijis, Angamis, Chakmas, Lepchas, Kotas, Todas, Tharus.

- **Aboriginals in Australia**

Australian Aboriginal peoples include two distinct groups of Indigenous peoples of Australia, the other being the Torres Strait Islander peoples. They have spiritual connections and they take care of the health of their land and water which is central to their culture. It is said that Australia is the only continent where the entire indigenous population maintained a single kind of adaptation that is hunting and gathering into modern times.

There are evidences of practice of agriculture and aquaculture by aboriginal peoples. This finding raises questions regarding the traditional viewpoint that presents Aboriginal peoples and Torres Strait Islander peoples as perhaps unique in the degree of contrast between the complexity of their social organization and religious life and the relative simplicity of their material technologies.

- **Adivasi and the Land**

Governments are trying to get their lands by promising fake jobs, houses and all the facilities for various development projects such as dams, highways, etc. Even after so many years of independence the problems of Adivasi communities have only increased. It is hard for them to get access to basic necessities. Facilities such as sustainable livelihood elementary education food drinking water, etc. As per our constitution, the article equality of opportunity is still not fulfilled.

Tribal culture and its values are not taken care off by the government. The tribal communities have witnessed division of their habitats and their lands. Their cultures have been disrupted by the government projects on tourism and development. This has resulted in their impoverishment. Majority of the tribal communities across the states have been dispossessed systematically through state action. However, it should be remembered that their right of tribal communities in India protected by the constitution and special legislations. Despite all of this their rights to land remains under danger.

- **Aboriginals and the Land**

Aboriginals have close relations with their land. Land is treated as a mother which instill a stronger urge in Aboriginals to take good care of it. The relationship between many Indigenous people and the land is one of reciprocity and respect – the land sustains and provides for the people, and the people sustain and manage the land

through culture and ceremony. Because of this close connection, when the land is disrespected, damaged or destroyed, this can have real impact on the wellbeing of Indigenous people.

According to them their land is their life and they say if anyone comes and tries to destroy their land and their holy site then they are not only destroying their lands but it will take their lives too. They also say without their land well are nothing. Respecting the sacred relationship with land is highly important. How well they will honor the earth, the very sky, the very earth, waters, air, that gives us the very life and existence.

Conclusion

Adivasis and Aborigines have experienced similar kind of marginalization for very long time. They have been alienated from their native places where they were living for centuries now. The similarities that Adivasis and Aborigines have is that they practice different cultures and lead such lifestyles which are very different from the mainstream cultures. This is the major reason of their alienation from the majority communities. Adding to their ordeal, governments have further played their part in detaching them from their roots by uprooting them from their own lands in the name of development and modernization.

Likewise, aborigines were ousted by British colonialists from their own land where they were living for thousands of years. So, it is clear that exploitation of whether Aborigines or Adivasi is still prevalent in the society and their upliftment in the realms of social, political, economic becomes even more necessary by the government authorities and provide them with all that is required to fulfill their needs.

Q. What are Human Rights? Discuss the Three Generation of Human Rights and its significance in the world.

Ans - Introduction

Human rights are standards that recognize and protect the dignity of all human beings. Human rights govern how individual human beings live in society and with each other, as well as their relationship with the State and the obligations that the State have towards them.

Human rights law obliges governments to do some things, and prevents them from doing others. Individuals also have responsibilities: in using their human rights, they must respect the rights of others. No government, group or individual person has the right to do anything that violates another's rights.

❖ Human Rights

- Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death.
- They apply regardless of where you are from, what you believe or how you choose to live your life.
- They can never be taken away, although they can sometimes be restricted – for example if a person breaks the law, or in the interests of national security.
- These basic rights are based on shared values like dignity, fairness, equality, respect and independence.
- These values are defined and protected by law.
- In Britain our human rights are protected by the Human Rights Act 1998.

❖ The Evolution of Human Rights

Human rights were not manufactured, out of the historical vacuum, in a day or two. For they had evolved over generations. Scholars and political theorists generally trace three generations to highlight the pattern in which human rights had evolved. The first generation of human rights had focused on the civil and political rights, and the second generation emphasised on the socio, economic and cultural rights, and the third generation proclaimed the collective and solidarist rights.

❖ Three Generation of Human Rights

- **The First Generation: Civil and Political Rights**

The first generation of human rights laid an enormous stress on civil and political rights. The political upheavals and the social revolutions of 17th and 18th century created the awareness of the civil and political rights such as the right to freedom of speech and expression, right to vote and contest elections, freedom of religion, freedom from discrimination etc. The English revolution of 1688 which recognized the supremacy of parliament, the French declaration of rights of man and citizen of 1789, the American bill of rights of 1791 are some noteworthy examples that shaped the first generation of human rights.

The first-generation rights are influenced by the ideas that were unthinkable to the previous political societies: that the political sovereignty rests with the people instead of the monarch, that government is representative rather than unilateral and absolute and that the government is the result of a social contract and general will of the people. The idea of power itself was re-conceptualized. It was defined not so much along the lines of the monarch as it was along lines of the people.

Civil and political rights are today detailed in the International Covenant on Civil and Political Rights (ICCPR, 1966) and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

- **The Second Generation: Social, Economic and Cultural Rights**

The Second-generation human rights are the social, economic and the cultural rights such as the right to work, education and cultural participation. Firstly, unlike the civil and political rights, these rights are shaped by a radically different context, which is the advent of industrialization and the growth of capitalism. As pointed out by Marxist literature so vividly, rapid industrialization creates not only the class stratification but also consolidates the emerging income inequalities.

The sharper the inequalities and injustices in the society, the more violent is the growing discontentment from the people. People resort to a strike or a revolution to realise their ends and expectations. Secondly, the second-generation rights are also the positive rights because furtherance of these rights is made possible only through the intervention of the state. For instance, the right to work applies only if the state is providing work to the workers in the first place. Therefore, some kind of affirmative action such as ensuring healthcare and education is needed on the part of the state.

- **The Third Generation: Collective Rights**

The third-generation human rights have moved away from the approaches adopted by the first two generations. Whereas the first and second generation embraced individual centred approaches to understanding the evolution of Human Rights, the third generation employed the collective one. The collective rights that appeared at the forefront of the discourse were the right to peace, right to development, right to environment and the right to self-determination.

Rights such as peace and environment appeared in the context of the emerging transnational threats such as cross border terrorism and the climate change. Likewise, rights such as self-determination grew in the context of the decolonization of the 1960's which elicited a collective and a shared identity among the erstwhile colonies.

In the third-generation rights, the 'collective' has become immensely relevant with the appearance of these threats that fashioned themselves as the common enemy to humankind. For collective thinking equips us to cultivate and envision solidarity among all human persons because then alone human rights will have evolved into their highest heights.

Conclusion

Human Rights are the basic rights which form the essential part of his/her development as human being. Constitution acts as a protector of those basic rights as Fundamental Rights and DPSPs. More emphasis has been given to the fundamental rights and they are directly enforceable in the court of law.

The division of human rights into three generations was initially proposed in 1979 by the Czech jurist Karel Vesak at the International Institute of Human Rights in Strasbourg. He used the term at least as early as November 1977. Vesak's theories have primarily taken root in European law.

His divisions follow the three watchwords of the French Revolution: Liberty, Equality, Fraternity. The three generations are reflected in some of the rubrics of the Charter of Fundamental Rights of the European Union.

Q. Give a comparative account of human rights enshrined in the Constitutions of India and South Africa.

OR

Q. Compare the Constitutional status of Human Rights between India and South Africa.

Ans - Introduction

The Constitutional court approved the South African Constitution on the 4th of December, 1996, and it became effective on the 4th of February, 1997.

The South African constitution is considered the supreme law. No other law or government action can replace the South African constitution provisions.

Among the critical features of the South African constitution is that it is the most progressive constitution globally and is highly acclaimed all over the world. The constitution-makers created the South African constitution as a negotiation against the non-democratic past of South Africa.

The main aim of the South African constitution was to promote justice, offer legal existence to South Africa, and define the duties and rights of the citizens of South Africa. The South African constitution preamble mentions these aims of the constitution.

❖ **Important Features of the South African Constitution**

The essential features of the South African constitution are the following:

A Democratic Constitution

Section 1 of the South African constitution mentions that the Republic of South Africa is a democratic and sovereign country.

It bases its values on human equality, dignity, non-racialism, advancement of human rights, non-sexism, a multi-party system, the rule of law, fair elections, and Universal adult suffrage.

Languages

Section 6 of the South African constitution lists the official languages of South Africa. The official languages are Sesotho, Sepedi, siSwati, Setswana, Xitsonga, Tshivenda, English, Afrikaans, isiXhosa, isiNdebele and isiZulu.

Supreme

The South African constitution is supreme. Section 2 of the constitution affirms this fact. The section declares it the supreme constitution compared to all the other laws of South Africa.

Bill of Rights

It is also one of the crucial features of the South African Constitution. Chapter 2 of the South Indian constitution offers the Bill of Rights for South African citizens.

Written Constitution

The South African constitution is a written constitution. This constitution mentions the legal principles in a single document referring to the Constitution of the Republic of South Africa, 1996.

❖ The Indian Constitution

On the 26th of January, 1950, the Indian Constitution came into force.

At the time of adoption, in the Indian Constitution, there were 395 articles in 22 parts and 8 schedules. Additional parts and articles are added later through different amendments.

The constitution was 145,000 words long, and it was declared the longest national constitution to be adopted ever.

The Indian Constitution currently has 12 schedules. It also has a Preamble and a special mention of the repealed articles.

The Preamble

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

- JUSTICE, social, economic, and political;
- LIBERTY of thought, expression, belief, faith, and worship;
- EQUALITY of status and opportunity;
- and to promote among them all
- FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;
- IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November 1949, do
HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

Key Points Mentioned in the Preamble

Sovereign

As mentioned in the Preamble, the word 'sovereign' means that India has an independent authority. No external power can dominate India. In India, only the legislature has power for lawmaking, and it also has certain limitations.

Democratic

Democratic means, the Indian constitution is an established form of constitution, and people express their rights by voting in the election.

Socialist

The 42nd Amendment of the Preamble added the term 'Socialist'. Socialist achievement ends by democratic means. In democratic socialism, both the public and private sectors co-exist along with each other.

Republic

Republic means people select the head of the state directly or indirectly. In India, the President is considered the head of the state. People elect the President through indirect voting.

Secular

The 42nd Amendment of 1976 also added the term 'secular' to the Preamble. Secular means all the Indian religions must get equal protection, respect, and support from their state.

Conclusion

This article discusses the critical features of the **South African constitution and the Indian constitution.**

There may be various other features of the South African constitution, but here we have mentioned the important characteristics of the South African constitution. While in the Indian Constitution, there were 395 articles in 22 parts and 12 schedules. In the Indian constitution, the Preamble plays an important role.

Q. What is censorship? compare the status and nature of Censorship in India and China.

Ans - Introduction

In case of India, the democratic set up of governance did not allow any larger scope for the government to exercise the power of censorship more commonly. The vibrant Indian civil society and the independent judiciary makes for a necessary check on the power of government. And if the executive power is widened to limit the scope for rights and freedom, the highest court has fundamental power and authority to intervene.

In contrast to this, the party-state model of China does give absolute power to the Communist Party of China (CPC) to exercise strict surveillance and censorship over its citizens. This is so regular and established in the Chinese system that many scholars refer to the Chinese state model as of being censorship state or Surveillance state. These are common words, which are often used, in the public discourse to refer Chinese political system.

Censorship : Censorship, the suppression of words, images, or ideas that are "offensive," happens whenever some people succeed in imposing their personal political or moral values on others. Censorship can be carried out by the government as well as private pressure groups. Censorship by the government is unconstitutional.

In contrast, when private individuals or groups organize boycotts against stores that sell magazines of which they disapprove, their actions are protected by the First Amendment, although they can become dangerous in the extreme.

Private pressure groups, not the government, promulgated and enforced the infamous Hollywood blacklists during the McCarthy period. But these private censorship campaigns are best countered by groups and individuals speaking out and organizing in defense of the threatened expression.

❖ Types and Elements of Censorship

In a democratic society secrecy and openness reflect conflicting values and freedom of thought in a political system. However, in case of censorship by the state or any kind of political establishment there are always efforts to control information in different contexts. Norms about the concealment of information and restrictions on communication are mostly present in different forms in Constitutional practice and in the running of government.

For example, Britain's Official Secrets Act or the United States' Freedom of Information Act, are statutory laws with a character of secrecy and element of restricting information from the public domain. One of the fundamental attributes of censorship involves Secrecy, which is the norm about the control of information, whether limiting access to it, destroying it, or prohibiting or shaping its' creation. Secrecy is a general and fundamental social process known to all societies.

In preventing or restricting communication, the legally supported form of censorship discussed here involves secrecy. Press and broadcast organizations and the major newspapers and television networks have codes of ethics and voluntary standards. These agencies are often subject to censorship in various types by regimes in any of the democratic and authoritarian systems. The political system tends to use state laws at times on different agencies, which are subject to control and regulation by the executive.

❖ Censorship in India

In a democratic country like India there can be no scope for the exercise of any kind of censorship or surveillance by the state. The India constitution permits broad set of rights and protection against any kind of executive action, which violates the law and procedure. However, the development of democracy in the post independent era has does witnessed some steps and actions by the state which are often in the category of exercising censorship in India.

Despite India's deeper democratic foundations, there have been instances when the government has tried to restrict freedom for the citizens. The infamous Emergency in 1970s is one such instance when we witness the use of extreme form of censorship and surveillance by the state in India. This was the time when in fear of public opposition and social upheavals the government of the day tried to suppress the freedom and rights for the citizens.

When we talk of censorship, it basically denotes the systematic repression or control of ideas and information, which is supposed to be circulated in an open society. A censorship is something, which goes against the basic principles of free flow of information. Any political system making way to this kind of process and practice is termed as establishing censorship.

Under Article 19 the right to freedom of speech and expression is guaranteed by our Constitution. In order to limit different form of public expression, which may cause some disruption to the executive interests and its authority, many states across the globe are bound to adhere to frequent use of censorship laws and regulations to consolidate their authority. In the government system, like India for instance it provides for a certain broad set of protection against censorship. In comparison to China, India is best placed in terms of rights protection globally.

❖ Censorship in China

law in China is whether there can be any kind of rule of law in one party led authoritarian rule. It is largely argued that a Chinese state model is based on the inherent tendencies where a strong surveillance and censorship model is practiced by the government. Given the one-party state model there are always questions on Chinese state being a perfect model of surveillance, with no scope for individual rights and freedom.

Unlike India where whole set of constitutional guarantees are provided by the Constitution, and any executive action must be subject to rule of law principles. On the other hand, Chinese model largely approves to the strong censorship model in order to protect the party rule and its authoritarian character. If we argue that rule of law can take place only in liberal democratic state then it may limit its scope and analysis at different levels of governance in non-democratic state.

The rule of law as a principle enshrines certain key values, and if they are present in a non-democratic arrangement then the principle can be viable there too. In case of China with sustained economic growth and lack of political reforms the debate still continues on how far and up to what level it is likely to take root in these states.

In context of China, the main issue is whether the ruling regime is willing to accept the basic tenets of rule of law. The application of even a thin conception of rule of law seems largely absent in respect to China, where the fundamental principle of legality is still being contested. Thin conceptions of rule of law are most useful as a benchmark for states that are still in the process of establishing a modern and functional legal system. In such countries, much of the discussion is about which reforms are required to bring the system into compliance with the requirements of a thin theory of rule of law.

Conclusion

Historically speaking, the role for law in China was understood in the framework of 'class notions' in under the early communist era. This was necessitated to ensure power consolidation for the continuous revolutionary struggle and strengthening people's power. At the same time, the general understanding about law, in terms of being a source for 'procedural justice' much like common law traditions was found less convincing in China.

The shift was undertaken towards building the idea of 'substantive justice' in China. Though initial law making in early revolutionary era, before 1949 saw some examples of progressive law making towards social transformation in China.

The use of censorship and surveillance as a means of limiting the spread of information is a popular practice in many countries across the globe. Even in many democratic states this remains a deliberate choice by the state. However, in democratic countries like India it has been a relaxed and flexible practice, which is not so often.

India largely adheres to a political structure in lines with the liberal democratic state model. But the party state model in China is never admissible to any kind of public dissent or criticism from the society, making it a befitting case for state censorship model in the contemporary world.

Q. Discuss the challenges of terrorism in the light of protecting human rights and upholding the security of minorities.

Ans - Introduction

Human rights are the basic rights of an individual by virtue of his status as a human being. Each individual in the state is entitled to these rights even if he/she belongs to a minority community. The root of human rights can be traced to the ideology of natural law philosophers, such as John Locke and Rosseau. These philosophers in their various theory had philosophized on inherent human rights and sought to preserve these rights at all cost.

According to John Locke, "man is born with a title to perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the law of nature and he has by nature a power to preserve his property-that is, his life, liberty, and estate, against the injuries and attempts of other men."

The concept of human rights is to protect an individual from all types of oppression and injustice in society. It creates duties and obligations on the part of the state to ensure that these rights of an individual should prevail under all circumstances. The enforcement of human rights is a matter of prime concern nowadays.

- **human rights**

Human rights are basic principle based on universal values that seek to protect peoples from all types of atrocities. It protects individuals from the action of state intrusion in the enjoyment of rights, fundamental freedom, entitlement and human dignity. Human rights encompass respect for, and protection and accomplishment of, civil, political, economic and social rights, as well as the right to progress. Human rights are not based on an individual's status as a citizen of a particular state.

- **Terrorism**

The phenomenon of terrorism is complicated to define. This is due to the multifaceted and ambiguous concepts and the difference in point of view. The term 'terrorism' comes from the French word 'terrorisme', which is based on the Latin verb 'terrere' meaning 'to cause to tremble.' **According to Oxford English Dictionary 1989**, terrorism is a "policy intended to intimidate or cause terror."

- **Human rights issues of minority**

The Human right issue of minority is a matter of utmost importance nowadays. In most of the state there exist one or more minorities group based on language, race, religion etc. They face discrimination in various form which affects their enjoyment of rights in negative manners. Their socio, political and economic condition is quite despicable as compared to majority population due to which they become an easy victim of various crimes. Infringement of Human rights of minority group because of lack of their political representation and historical suffering is rampant. They often be treated like that of alien in their native country and are subject to ill-treatment by the authority of state.

- **Impact of terrorism on minority**

Terrorist attack on religious sites all across the world has become a day-to-day event. These incidences targets minorities. Recently, a year ago, the terrorists group ISIS has attacked on Gurudwara in which several people died. None can forget the incident of Christchurch mosque shooting in New Zealand which claimed life of several people.

Terrorism has a cascading effect on minority groups. It is aimed at harming innocent civilians for purpose of coercing the government to achieve some sorts of political and ideological goals in society.

These acts violate the "rule of law" and negatively impact the fundamental human rights of an individual. It hampers all those values enshrined in the charter of the United Nation and various other international instruments.

These values include respect for human rights of minority, rules governing armed conflict and protection of civilians, peaceful resolutions of conflict etc. It acts as deterrence in the enjoyment of many human rights, in particular the "rights to life, liberty and physical integrity of an individual".

It has a multifaceted impact on the lives of people. It undermines the security and dignity of man everywhere and thus creates a sense of terror in the mind of them. It jeopardized the fundamental freedom of an individual. Further, it affects democratic rights and values as well as destabilizes the legitimacy of government. It seeks to threaten the territorial integrity of nations and affects relations with other nations.

Conclusion

Terrorism poses a great challenge to humanity as well as to the basic human rights of minorities. It is very important to ensure respect and dignity of each individual in society. The increasing awareness of people regarding human rights is a great achievement in the contemporary world. People are getting more conscious about their basic inherent rights. Various states have granted special minority right to preserve their identity and culture so that they could enjoy their basic rights and may leave peacefully in their territory.

However, at the same time, wrong tendencies are encouraged in the name of human rights. It has become a tool for shielding terrorist by overlooking the suffering of victims of such inhuman acts. Therefore, the state must discharge their duties and responsibilities on a positive note so that dignity of each individual can be ensured regardless of his/her identity as of majority or minority.

Q. Discuss the various measures through which gender inequality and violence can be cured in India.

Ans - Introduction

Gender equality in India is the most desired state of form, which our Nation is craving to have for since long. Gender equality is no more a moral pressure or social issue but also a social, economic challenge. Gender Equality leads to human development and the overall development of the Nation. India being a Nation full of achievement, still lacks few appreciations in the case of Gender Equality in India.

In India, discriminatory attitudes towards males or females have existed for generations and affect both lives. Although the Indian constitution has granted both men and women equal rights, gender disparities continue to live and rule. Indian society has always been the hub of this discrimination, making women its victim. In the land where women are Goddess's, the same Nation leaves a blot of atrocities and inequality. It is a sad truth of society.

❖ **Solutions to Encourage Gender Equality in India**

It is critical to enhancing girls' value by investing and empowering them with education, skills, sports, and many more.

By realizing the value of girls, we can collectively contribute to the achievement of specific results, some short-term (increasing access to education), others medium-term (ending child marriage), and others long-term (eliminating gender-biased sex selection).

Empowering girls of our Nation requires planned investment and collaboration.

Providing girls with the services and safety, education, and other skills they need in daily life can reduce the risks they encounter and enable them to develop and contribute to India's growth.

Girls have an incredibly tricky time accessing life-saving resources, information, and social networks in their daily life. Access to programs specifically tailored to girls' needs – with an eye on education & developing life skills, mitigating violence, and incorporating girls' needs and contributions from vulnerable sections, including those with disabilities, can strengthen girls' resilience. Long-term solutions designed for girls can further enhance the strength and be a roadmap of girls' transformational & lifelong opportunities.

Solutions – In Brief

All girls, including adolescent girls, need platforms to face the challenges they face in day to day life and explore the solutions that work to build better futures for themselves. UNICEF 2018-2022 is a program initiated to identify deprivations that Indian children face, including gender-based denials. Each program's outcome is committed to a gender priority noted explicitly in its plan, budget, and results.



Healthcare: Reducing excess female mortality under five and supporting equal care-seeking behavior for girls. (For example, frontline workers encourage families to take sick baby girls to the hospital immediately)

Improving Nutrition: Improving the nutrition of women and girls, especially by promoting more equitable eating practices (Example: women cooperatives develop and implement their micro-plans for improved nutrition in their villages)

Education: Gender-responsive support to enable out-of-school girls to learn and enabling a more gender-responsive curriculum and pedagogy. Education for all should be the motto to promote gender equality in India.

Child protection: Female feticide and early marriage is the major hindrance of Gender equality in India. To establish gender equality in India, one should mitigate practices like child marriage, female feticide, teenage pregnancy, etc.

Social policy: Supporting state governments and the Central Government to establish gender equality in India is the need of the hour. The government should launch programs to support women's leadership in local governance.

Disaster risk reduction: Enabling greater gender disaggregation of information management for disaster risk reduction and more leadership and participation of women and girls.

❖ Benefits of Gender Equality in India

It is high time to raise a clarion call to accelerate positive change in the way women are looked at in India regarding their health and well-being. As the adage carries, a woman is the 'architect of a family, a nation, and the whole world.' Thereby, the growing conversation about the acute need for gender equality in India makes imminent sense.

Moreover, the realization is mounting that equality is no more a women-centric issue but an economic one. It's only in an equal society that organizations and nations will realize their fullest potential and prosper.

Other benefits include:

- Gender Equality prevents violence against women/girls.
- Gender Equality in India is good for the economy of the Nation.
- Gender equality in India is also fundamental, as well as the human right of women.
- Gender Equality in India makes our society safer and healthier.

Conclusion

Society should look for gender equality in India and burn their old school thought that women are commodities. It's the only way to usher the Nation on the track of prosperity and accomplishments. We all know that gender equality in India can immensely contribute to its progress in all the departments.

Various stats and figures related to countries in which a significant section of empowered women resides indicate that countries with a higher percentage of gender equality are rapidly rising every day on all the fronts at the global level.

Gender equality in India is a term more than equal representation in society. It is strongly associated with women's rights and often requires policy changes. Gender Equality in India is the secret for all upheld success that our Nation deserves in the long run. Gender equality in India is the secret mantra for achieving the desired state of the Nation.

Q. Brief note of the following

- a) Torture in US**
- b) Torture in India**
- c) Origin of Caste System**
- d) Issue of Gender Violence**

Ans - (a)

Torture in US

Torture is when somebody in an official capacity inflicts severe mental or physical pain or suffering on somebody else for a specific purpose. Sometimes authorities torture a person to extract a confession for a crime, or to get information from them. Sometimes torture is simply used as a punishment that spreads fear in society.

Torture methods vary. They can be of a physical nature, like beatings and electric shocks. It can be of a sexual nature, like rape or sexual humiliation. Or they can be of a psychological nature, like sleep deprivation or prolonged solitary confinement.



After the September 11, 2001 attacks on the United States, the US government

authorized the use of so-called “enhanced interrogation techniques” on terrorism suspects in US custody. For years US officials, pointing to Department of Justice memorandums authorizing these techniques, denied that they constituted torture.

But many clearly do: International bodies and US courts have repeatedly found that "waterboarding" and other forms of mock execution by asphyxiation constitute torture and are war crimes, Other authorized techniques, including stress positions, hooding during questioning, deprivation of light and auditory stimuli, and use of detainees' individual phobias (such as fear of dogs) to induce stress.

violate the protections afforded all persons in custody – whether combatants or civilians – under the laws of armed conflict and international human rights law, and can amount to torture or "cruel, inhuman, or degrading treatment.

" Accordingly, the United Nations Committee against Torture and the UN Special Rapporteur on Torture have clearly stated that these techniques are torture. US President Barack Obama has acknowledged that the US used torture as part of the CIA's post 9/11 interrogation program, and has said that waterboarding constitutes torture.

However, many current and former US officials still argue that the "enhanced interrogation techniques" were not torture. The recent release of the summary of the Senate Intelligence Committee's report on the CIA's detention and interrogation program has heightened debate around this issue.

The claims of those who argue these techniques did not constitute torture are contradicted by past US statements criticizing other countries for using those same techniques. Below are some examples of such statements, drawn from the US Department of State's annual Human Rights Reports.

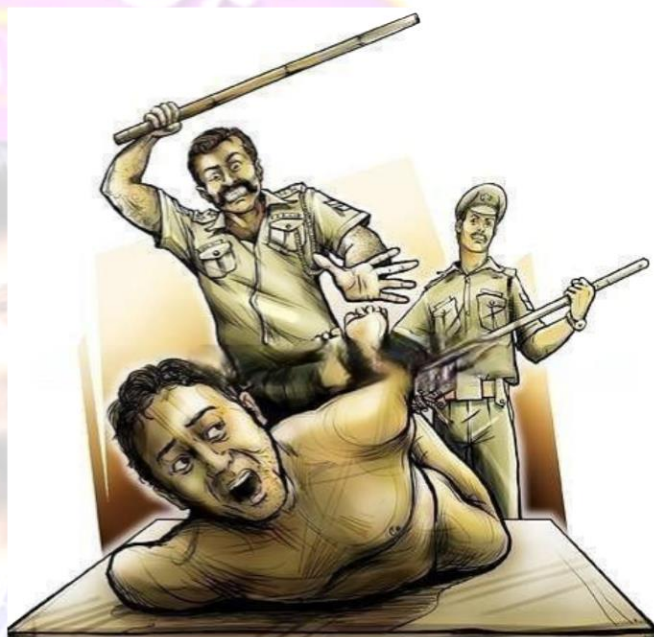
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Torture in India

India has not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, but has signed the Convention on 14 October 1997. A draft Bill against torture is in consideration by the government.

On the existing domestic law:

Torture is not criminalised in law as a separate or special offense. Provisions in the Indian Penal Code, 1860 (sections 330 & 348) penalises acts that can also be considered as torture, with seven and three years of imprisonment respectively if proven guilty. But the offense attracts no particular relevance if the crime is committed by a police officer. The temporal treatment of the law is to deal with a regular offense. The two provisions also fall short of covering all aspects of torture, as defined in the Convention against Torture.



In addition, the reduced possibility of a proper forensic medical examination of a victim and the complete absence of a witness protection mechanism facilitates easy acquittal of the criminal. The Indian Evidence Act, 1872 also does not have any provisions in dealing with the aspect of torture.

On compensation:

An act of torture, if proved, does not require the perpetrator to pay compensation to the victim. The right against torture is not a fundamental right. The courts in India, thus far have taken a minimalistic view on compensatory claims concerning acts of torture. A claim for compensation is dealt within the realm of personal injury claims. Awards of compensation vary widely from court to court throughout the country.

On witness protection:

There is no specific law concerning witness protection in India. The only possible measure is for the court to impose a condition at the time of considering a bail application. The usual practice is to impose conditions like the accused shall not interfere with the witness or the evidence in the case. But there is no safe and watertight framework within which compliance to these conditions could be guaranteed. It is a common practice in India for the accused to try to threaten the witnesses and or tamper with the evidence in a case.

Concern regarding the widespread use of torture in India has been expressed by domestic as well as international experts, particularly the thematic mandate holders under the UN framework. The National Human Rights Commission of India has repeatedly recommended to the Government of India to ratify the Convention against Torture and to criminalise the act of torture in the country. The Commission said " the Commission receives petitions alleging the use of torture, and even of deaths in custody as a result of the acts of those who are sworn to uphold the laws and the Constitution and to ensure the security of its citizens.

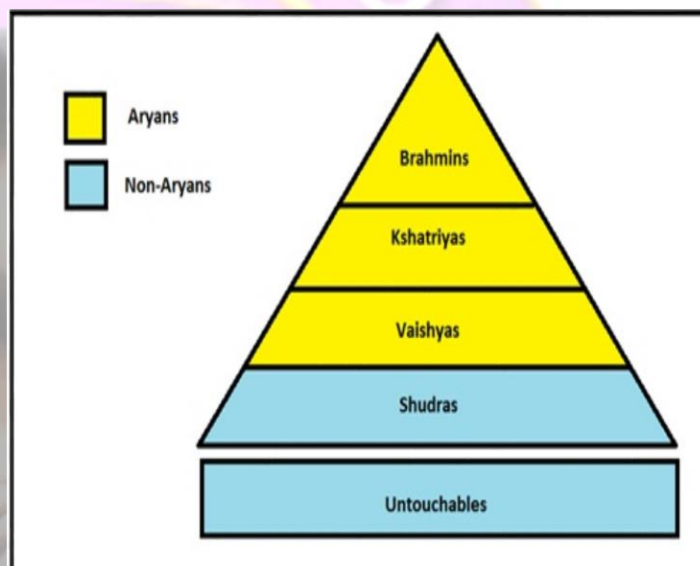
(c)

Origin of Caste System

According to the social historical theory, the origin of caste system finds its origin in the arrival of Aryans in India. The Aryans arrived in India in around 1500 BC. The Aryans disregarded the local cultures. They began conquering and taking control over regions in north India and at the same time pushed the local people southwards or towards the jungles and mountains in north India.

The Aryans organised themselves

in three groups. The first group was of the warriors and they were called Rajanya, later they changed its name to Kshatriyas. The second group was of the priests and they were called Brahmanas. These two groups struggled politically for the leadership among the Aryans. In this struggle the Brahmanas emerged victorious. The third group was of the farmers and craftsmen and they were called Vaisyas. The Aryans who conquered and took control over parts of north India subdued the locals and made them their servants.



Between the outcasts and the three Aryan Varnas there is the Sudra Varna who are the simple workers of the society. The Sudras consisted of two communities. One was of the locals who were subdued by the Aryans and the other was the descendant of Aryans with locals.

In Hindu religious stories there are many **wars between the good Aryans and the dark-skinned demons and devils**. The different Gods also have dark skinned slaves. There are stories of demon women trying to seduce good Aryan men in deceptive ways. There were also marriages between Aryan heroes and demon women. Many believe that these incidents really occurred in which, the Gods and the positive heroes were people of Aryan origin.

And the demons, the devils and the dark-skinned slaves were in fact the original residence. Like most societies of the world, in India also the son inherited his father's profession. And so, they developed families, who professed the same family profession for generation in which, the son continued his father's profession. Later on, as these families became larger, they were seen as communities or Jatis. Different families who professed the same profession developed social relations between them and organised as a common community, meaning Jati.

Later on, the Aryans who created the caste system, added to their system non-Aryans. Different Jatis who professed different professions were integrated in different Varnas according to their profession. Other foreign invaders, who conquered parts of India and created kingdoms, were integrated in the Kshatriya Varna (warrior castes). But probably the Aryan policy was not to integrate original Indian communities within them and therefore many aristocratic and warrior communities that were in India before the Aryans did not get the Kshatriya status. of India whom the Aryans coined as monsters, devil, demons and slaves.

(d)

Issue of Gender Violence

Gender-based violence (GBV) is the

most pervasive yet least visible human rights violation in the world. It includes physical, sexual, mental or economic harm inflicted on a person because of socially ascribed power imbalances between males and females. It also includes the threat of violence, coercion and deprivation of liberty, whether in public or private.



In all societies, women and girls have less power than men – over their bodies, decisions and resources. Social norms that condone men's use of violence as a form of discipline and control reinforce gender inequality and perpetuate gender-based violence. Across the globe, women and girls – especially adolescents – face the greatest risk.

Gender-based violence takes numerous forms: Intimate partner violence, sexual violence, child marriage, female genital mutilation, trafficking for sexual exploitation, female infanticide, and 'honour' crimes are common – with intimate partner violence occurring at staggering rates in every country. Girls and women may also experience gender-based violence when they are deprived of nutrition and education.

Gender-based violence can occur at any point in a person's life, in times of peace or instability. But in crisis settings, threats soar.

Armed conflict, natural disasters and humanitarian emergencies can significantly weaken a society's ability to protect women and girls from gender-based violence. Rates of intimate partner violence often increase in crisis settings. Many armed groups also use sexual violence as a tool of warfare to advance military or political aims. All the while, girls and women may be forced to trade sex for food, money and other resources they need to survive. And in some places, they are married off early or forcefully, to protect or care for their families.

Survivors of gender-based violence suffer devastating short- and long-term consequences to their physical and mental health. Women and girls may experience severe physical injuries, unwanted pregnancies and exposure to HIV or other sexually transmitted infections. Depression, anxiety, post-traumatic stress disorder (PTSD), the limited ability to complete daily tasks, and suicidal thoughts are also common.

Gender-based violence in emergencies also builds evidence for the greater humanitarian community. We invest in strengthening protection systems that address gender-based violence – including through health and social services – and that help keep all women, girls and boys from harm's way.