

ASSIGNMENT

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Course Name	Human Rights and Legislative Procedures
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Declaration Sheet			
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Course Code	MCC 202A		
Course Title	Human Rights and Legislative Procedures		
Course Date		to	
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Signature of the Course Leader and date		Signature of the Reviewer and date	

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Solution to Question No. 1 Part A:

A 1.1 Introduction to Key Human Right:

“The Constitution is not an instrument for the Government to restrain the people, it is an instrument for the people to restrain the Government.” – Patrick Henry (1736-1799)

The freedom of speech is regarded as the first condition of liberty. It occupies a preferred and important position in the hierarchy of the liberty, it is truly said about the freedom of speech that it is the mother of all other liberties. In modern time it is widely accepted that the right to freedom of speech is the essence of free society and it must be safeguarded at all time. The first principle of a free society is an untrammelled flow of

words in an open forum. Liberty to express opinions and ideas without hindrance, and especially without fear of punishment plays significant role in the development of that particular society and ultimately for that state. It is one of the most important fundamental liberties guaranteed against state suppression or regulation.

The rights conferred under Article 19 of the Constitution are the rights of free man. These are natural law or common law rights and not created by a statute. As such every citizen is entitled to exercise such rights provided conditions to be imposed whenever so required by the State. The freedom of speech and expression benefits more the hearer than the speaker. The hearer and the speaker suffer as violation of their spiritual liberty if they are denied access to the ideas of each other. This freedom is also essential for pursuit of truth.

A 1.2 Importance of Opposing or Protesting:

Freedom of expression is a fundamental human right. It reinforces all other human rights, allowing society to develop and progress. The ability to express our opinion and speak freely is essential to bring about change in society.

Free speech is important for many other reasons. Index spoke to many different experts, professors and campaigners to find out why free speech is important to them.

Index on Censorship magazine editor, Rachael Jolley, believes that free speech is crucial for change. “Free speech has always been important throughout history because it has been used to fight for change. When we talk about rights today they wouldn’t have been achieved without free speech. Think about a time from the past – women not being allowed the vote, or terrible working conditions in the mines – free speech is important as it helped change these things” she said.

Free speech is not only about your ability to speak but the ability to listen to others and allow other views to be heard. Jolley added: “We need to hear other people’s views as well as offering them your opinion. We are going through a time where people don’t want to be on a panel with people they disagree with. But we should feel comfortable being in a room with people who disagree with us as otherwise nothing will change.”

“Freedom of speech is one of the most precious and important human rights. A free society depends on the free exchange of ideas. Nearly all ideas are capable of giving offence to someone. Many of the most important, profound ideas in human history, such as those of Galileo Galilei and Charles Darwin, caused great religious offence in their time.”

A 1.3 Example:

While freedom of speech pertains mostly to the spoken or written word, it also protects some forms of symbolic speech. Symbolic speech is an action that expresses an idea.

Flag burning is an example of symbolic speech that is protected under the First Amendment. Gregory Lee Johnson, a youth communist, burned a flag during the 1984 Republican National Convention in Dallas, Texas to protest the Reagan administration.

The U.S. Supreme Court, in 1990, reversed a Texas court’s conviction that Johnson broke the law by desecrating the flag. *Texas v. Johnson* invalidated statutes in Texas and 47 other states prohibiting flag burning.

In his *Areopagitica* (1644), the English poet and political writer John Milton reacted to an attempt by the republican parliament to prevent "seditious, unreliable, unreasonable, and unlicensed pamphlets." He advanced a number of arguments in defense of freedom of speech which anticipated the view which later came to be held almost universally. Milton argued that a nation's unity is created through blending individual differences rather than imposing homogeneity from above, and that the ability to explore the fullest range of ideas on a given issue is essential to any learning process. Censorship in political and religious speech, he held, is therefore a detriment to material progress and the health of the nation.

In the twentieth century, several landmark cases in the US Supreme Court grappled with the limits of free speech. In 1919, Justice Oliver Wendell Holmes, speaking for a unanimous court, upheld a conviction under the 1917 Espionage Act of a man who circulated an anti-draft leaflet during the war and, in doing so, Holmes uttered his famous line about shouting fire in a theatre. In 1964, the case of *New York Times v Sullivan* extended First Amendment protection to those who defamed government officials, unless the official could prove that the statement was made with “actual malice”. Numerous free-speech issues arose from the threat of communism, particularly in the McCarthy era. At the end of the century, whole new types of hate speech were being assessed for their legality

Solution to Question Part B:**Group Information:**

Members include:

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1.1 Title:

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1.2 Introduction:

Human rights are the basic rights that are given to each and every single homo sapien living on earth (or beyond?). these rights define what humans are entitled to once they are born, and these rights cannot be taken away. Despite this, the most violated right is the right specified in article 30, which states that no one can take your human rights. Violations of this right occurs in many places; hence it is important to talk about this right.

1.3 Article/section (UDHR):

The Human Right chosen is article 30 of the Universal Declaration of Human Rights (UDHR), which states that:

“Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein”^[4]

Which essentially means that no one can take away human rights.

1.4 Recent issue faced in India:

Despite the importance of Human rights, there are many violations across the country that occur very frequently. Due to this, it is important to talk about the violations of article 30 of the UDHR. Since article 30 covers violations of all other 29 articles of UDHR, there is a long list of issues that can be covered.

There is a direct relationship between policing and human rights. Police is one of the means in which the state can use to uphold and protect the rights of its citizens. It is ironic how the human rights, which are to be protected by the law enforcers, are violated by the law enforcers themselves.

The police misuse the power they have as law enforcers, thereby violating the human rights they are sworn to protect. The reasons for such misuse are plenty. The most common reason is due to political interference, which again, is ironic as the law makers themselves are violating the human rights. Political interference occurs due to the politicians using the police for various reasons, and also bribe or threaten them in order to avoid arrests.

Another reason is due to the lack of resources, lack of public cooperation, legal handicaps, pressure for quick results, lack of training and so much more. The reasons are summarized as follows:

Reasons	Total
Political Interference	78.7%
Lack of Resources	73.3%
Lack of Public Cooperation	70.2%
Legal Handicaps	68.0%
Pressure for Quick Results	61.8%
Lack of Professional Training	60.0%
Apathy to the use of scientific methods and facilities.	59.6%
Adverse Working/living Conditions	58.2%
Lack of Sensitivity Towards Human Rights	52.4%
Wrong Recruitment	49.3%
Inadequate Supervision.	48.9%
Corrupt Motives	35.1%
Constant Exposure to the Underworld	32.9%

Discrimination is a big problem in India. Being a diverse country with many religions, Indians suffer from constant discrimination due to caste, creed and even gender. This is typically because of the backward mentalities of the literate and illiterate people in India.

The right to basic amenities and education was violated due to discrimination on August 23rd 2018, in Barmer, Rajasthan. At least 70 Dalit families from Kanudi village were not allowed to access basic facilities by the dominant Rajpurohit families. There were complaints about the villagers being denied access from the common water well and their children were stopped by the dominant caste from going to school. This is a clear violation of the right to life and right to education.

The violation of human rights due to discrimination is enormous, as seen by the fact that over the decade to 2016, the crime rates against Dalits rose by 25 percent, against Adivasis by 9 percent in Mumbai alone. Moreover, the pending police investigations rose by 99 percent and 55 percent respectively.

Discrimination is not only seen in rural places, it is also seen in prestigious institutes, albeit in a different form. A Dalit professor in IIT Kanpur was repeatedly insulted and harassed by his fellow “upper class” colleagues. Said colleagues also refused such allegations when questioned. Although such discrimination is not as severe as ones stated previously, it does show how deep rooted this problem is in India, which leads to violation of many human rights.

1.5 Problem

The problem, with respect to the cases mentioned previously, rises due to the fact the caste system is a deeply rooted system in our country. Violations of human rights due to the caste system are not few. Although we may not know the reason why such a system came into picture, the fault lies in the people who abuse such a system for personal desires. There are laws within the country that protect people from such abuse, hence protecting their human rights. But the people living in the rural areas, where the spread of education is not prominent, are ignorant of such laws, and the importance it carries. In a way, the ignorance of people living in rural areas can, to a certain extent, be justified. They are more concerned about going to bed with a not empty stomach, which can, again to certain extent, explain their non-urgent behavior in educating their children.

The government has also issued laws to help farmers, but the law may not be effective 100 percent throughout the country.

1.6 Methodology:

The best way to decrease the number of human rights violations, albeit often heard, is increasing literacy. There is a reason that increasing the literacy rate is a commonly heard solution to many social problems out there. This is because knowledge is power. But such a solution can only be successfully implemented if the people are willing to send their children to educational institutions. In rural areas, where priority is given to survival, government aid needs to be given. The current government strategies that have been implemented to aid rural areas must be more widespread. Along with giving aid, the importance of education and how it can increase the livelihood of families must also be spread. Basic educational institutions in rural places must be set up. These institutions, along with teaching normal subjects, must place heavy emphasis on good manner, proper social behavior and human rights, and inculcate moral values in them, in order to sow the seeds of a proper and solid foundation within the children. The teachers who are hired for such posts should

not have any history of misdeeds, should be of sound mind, should know the importance of such an upbringing and should be capable enough to teach the students.

All this requires much involvement of the government, as the government must have the budget to support these improvements. Exposing and making corrupt politicians step down will definitely help in making sure such schemes to improve the livelihood of citizens and to protect their rights succeed. Trade, tourism and commerce, must be emphasized, in order to gain funds for such an endeavor. Movements such as Make in India must be popularized, as it can increase the economy of the country, which can also contribute to provide funds for the above solution through taxes. Other positive and legal ways to increase the country's economy must be implemented.

1.7 Solution:

The outcome of such implementation is enormously beneficial. The increase in economy of the country can provide funds required for the plan. Disposing of corrupt politicians and appointing capable people will ensure that the funds obtained are put to good use. Correct spread of importance of education and aid will plant the idea of a better livelihood in the minds of the rural people, as humans, in general, strive for a better (and possible luxurious) livelihood. This will lead to the increase in number of students attending the school. Due to the emphasis on manner, values and behavior along with the normal subjects, the students will have a proper foundation, elimination any chance of negative mental impact from the surroundings from influencing the children. This is the most important step. These students will now have the capability to pursue higher studies, also making them aware of the importance of life and the basic human rights, spreading such awareness among their family members.

Having a large number of students such as these will cause a cascading effect in decreasing the number of crimes and human rights violation across the country. Moreover, the economy of the country will also increase, which can further help the government in its endeavors (provided it's not corrupt).

1.8 Conclusion:

The issues faced in India with regards to the article chosen was elaborated upon, focusing on the violation of human rights due to abuse of power and discrimination, two of which are major causes of human rights violation in the country. Brief solutions to address this problem was also stated, emphasizing on education and moral education of the rural areas and increasing the literacy rate of the country. The outcomes of such solution were also briefly explained, and was shown that such solution(s) can bring about positively drastic changes to the country.

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