



HUMAN RIGHTS EDUCATION: ADVOCATING CLINICAL TRAINING

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I

With the secularisation of social life, the issue of human dignity has emerged as an issue of socio-political concern. Ideals of equality, liberty and fraternity underscored the right of each individual to live with dignity without facing any discrimination or oppression on the basis of race, gender, class, caste or religion. These aspirations have been gradually recognised as central to the very constitution of any civil society. In the *Human Rights Questions and Answers* brought out in 1987 the United Nations has termed human rights as those rights which are inherent in our nature and without which we cannot live as human beings. Human rights and fundamental freedoms allow human-beings fully develop their human qualities, intelligence, talents and conscience and to satisfy their spiritual and other needs. They are based on mankind's increasing demand for life in which the inherent dignity and worth of each human being will receive full respect and protection. On these very lines, section 2 (d) of the Protection of Human Rights Act 1993 defines human rights as those "rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the International Covenants and enforceable by Courts in India."

The Universal Declaration of Human Rights proclaimed by the United Nations General Assembly was the documentary recognition of Human Rights at the global level in the 20th century. This was followed by the International Covenant on Economic, Social and Cultural Rights and the International covenant on Civil and Political Rights. The two covenants remained the bone of contention amongst the member states for a considerable period of time. The covenant envisaged the setting up of Human Rights Committee and the Human Rights Commission at the United Nations. To supplement the two Covenants, two optional protocols on civil and political rights and abolition of death penalty were adopted.

India's track record on Human Rights has come for severe criticism in the international fora. Mr. Ramaswamy, speaking for India before the United Nations Human Rights Committee, was at pains to explain the absence of a national institution for the protection of human rights. The claim that the concept of locus-standi has been diluted by the Supreme Court in entertaining public interest litigations did not convince the committee that substitute for national institutions on human rights was available.¹

It was in the wake of strong criticism in different international fora and the increasing pressure mounted by the international community that the Government of India floated a Bill on National Human Rights Commission in May 1993. The powers and functions of the Commission as envisaged in the proposed bill were extensively criticised in the meetings of the Parliamentary Standing Committee on Home Affairs. In the light

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1. *Records of Human Rights Committee* 147-68 (1990-99)



of the comments and suggestions made by the Parliamentary Committee, the Protection of Human Rights Ordinance was issued on September 28, 1993. The National Human Rights Commission (NHRC) was constituted on October 12, 1993. It became an Act of the Parliament in January 1994 (Act No. 10 of 1994).

II

The 1993 Act inter-alia casts a duty on the National Human Rights Commission (NHRC) “to spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights.” To achieve this, the NHRC has attempted to bring human rights awareness through the media, publications, seminars and other available means. With the help and cooperation of the National Council on Education Research and Training, University Grants Commission, National Council for Teacher Education and other organisations associated with education at different levels, the NHRC is attempting to introduce Human Rights as a subject. The subject is proposed to be introduced at the school, college and university levels as a part of the curricula. The NHRC deserves to be complimented for planning to make human rights education a part of formal education for the future citizens of the country.

The exercise to frame a syllabi for imparting instructions in human rights has to be directed at understanding the historical and conceptual aspect of human rights as reflected in international declarations, conventions and treaties. The role of the human rights organisations at the national and international level and the role of the non-governmental organisations in their struggle for the protection of Human Rights will require emphasis. The role of the judiciary, the National and State Human Rights Commissions will call for a detailed reference in the syllabi. While undertaking this exercise, one must address the question as to what will be the object of this education. Human rights education is meant to be given to the students at the school, college or university levels so that they become sensitive to human values. This education is to inculcate a spirit in them that all of us, as human beings, have a right to think, to express ourselves, to earn a lawful livelihood, to live with self respect and so no individual is entitled to take away these rights away from any one else. These principles are enshrined in our constitution based upon the philosophy of rule of law. These principles are already being taught in schools and colleges in subjects like civics and social studies. Yet the truth remains that despite being loaded with the burden of these subjects for the last fifty years, we have been unable to make our children better human beings. Although the very object of teaching social studies, in its present form, is to prepare good citizens but the same has not been achieved. This raises a serious question as to where the things have gone wrong as the results desired from the education of social studies are not being reflected in practice.

III

The main reason for this failure has been the “text book style” of education. Social studies as a subject is taken as another means of securing better marks while obtaining a degree. It is the stereotype lecture of the teacher in the class room highlighting



the concept of equality guaranteed under the constitution. Students attend classes or read study notes with the sole aim of securing better marks in the examination. The examining pattern being that students are asked to attempt five out of the ten questions in the paper. Resultantly the subject in no way helps the students to be socially responsive, it is just one more arena for obtaining marks.

Care needs to be taken at the threshold that human rights education does not go the same way as education in social studies. To ensure this, clinical education in human rights assumes significance. Ultimately it is the involvement of the students in activities directed for the promotion and protection of human rights which could sensitise them and contribute in making them good citizens for the future. Students must see for themselves the conditions in villages, slums, markets, jails and on the roads and develop a feeling of concern for fellow human beings. To achieve this objective the following measures are proposed:

- (a) The “text book approach” which led to the failure of social studies education, should be avoided. The persistence with the text book approach and the five questions examination system in human rights education may well result in books and notes like ten questions on human rights for different classes becoming available in the market.
- (b) It should be compulsory for a student to attend classes for formal instruction and clinical training. Students in small groups, should visit the vulnerable sections of society and work for securing their human rights. The legal aid clinics in the law schools could organise such programmes with the active participation of the students.
- (c) The use of audio-visual materials such as slides, videos and films on human rights should be encouraged. Medium of street plays, dramas, debates, group discussions and case studies should be adopted in human rights education at different levels.
- (d) The performance of a student in the subject of human rights should be delinked from the marks secured in the examination. The performance of a student in the class room and the clinical training on human rights may be separately mentioned on the degree in the form of a ‘grade’.
- (e) The teachers associated with the human rights education at different levels should not just be conversant with the theoretical issues in human rights but should also have a live experience of working in the human rights movements. The motivated teacher should be a trend setter for the students in practising values underlying the issues of human rights.

The above measures if adopted and implemented, could go a long way in making human rights education meaningful and relevant to society.