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Human Rights Movements in India*

Vibhuti Patel

Director, PGSR and Professor and
Head, P.G. Department of Economics,
S.N.D.T. Women's University,
Mumbai
Vibhuti.np@gmail.com

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Abstract

Human rights movement in India got its germination during the Emergency Rule during 1975–1977 and developed during the post Emergency period. Two major trends were marked by Civil liberties concerns and the rights based perspectives. In the last 35 years, the human rights movement has been enriched by collective wisdom emerging from the tribal movement, peasant struggles, environmental movement, women's liberation movement, child rights movement, dalit movement and struggles of the differently abled persons. The state and the mainstream institutions have had love hate relationships with different types of human rights movements at different phases of history.

Keywords

Civil liberties, women's movement, peasant struggles, dalit movement, state, civil society

Introduction

In India, the last quarter of the 20th century has been witness to a growing recognition of the place and relevance of human rights due to pressure from various social movements. It is axiomatic that this interest in human rights is rooted in the denial of life and liberty that was a pervasive aspect of the emergency (1975–77). The mass arrests of the leaders of the opposition and the targeted apprehension of those who could present a challenge to an authoritarian state are some of the dominant images that have survived. The involuntary disappearance of Rajan in

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Kerala is more than a symbol of the excesses of unbridled power. Forced evictions carried out in Delhi in what is known as ‘Turkman Gate’ conjures up visions of large-scale razing of dwellings of those without economic clout, and of their displacement into what were the outlying areas of the city. The catastrophic programme of barbaric mass sterilisation is an indelible part of emergency memory. The civil liberties movement was a product of the emergency. Arbitrary detention, custodial violence, prisons and the use of the judicial process were on the agenda of the civil liberties movement. For past three decades, peasant movements, tribal movements, dalit movements, backward caste movements, women’s movements, working class movements, students’ movements, middle class movements and environmental movements have highlighted human rights concerns (Shah, 2004).

Genesis of Human Rights Movements in India

Rude shock received from the imposition of the national emergency in India in 1976 made the articulate and vocal sections of society sensitised to human rights. Absence of democratic rights during those eighteen months galvanised students, intellectuals, political activists, trade unionists, artists into action. The educated middle class of India had thrived on an uninterrupted flow of democracy in its national life since it gained independence in 1947. The emergency rule was marked by detention without trial for a large number of people—students, youth, political personalities—news censorship, trespassing without legal sanction of private premises, tapping of telephones, interception of letters and constitutional amendment curtailing basic rights to life and freedom in the name of national security and violation of civil liberties. Television being monopoly of the government was totally controlled by the ruling party (Nair, 2006).

Hundreds of thousands of people joined massive rallies to protest against the anti-democratic acts of the government and to mobilise public opinion to safeguard the Indian democracy. Organisations such as Citizens for Democracy, People’s Union for Civil Liberties (PUCL), People’s Union for Civil Liberties and Democratic Rights (PUCLDR) and Chhatra Yuva Sangharsh Vahini were at the forefront of human rights struggles at the national level. Dozens of state-level and city-based groups were also formed during this period. For example, Committee for Protection for Democratic Rights (Mumbai), Association for Protection of Democratic Rights (APDR) and Andhra Pradesh Civil Liberties Committee (APCLC) in Hyderabad.

With the national emergency lifted in 1977, horror stories of custodial violence and barbaric acts of torture in the police custody and prisons started pouring into the mainstream newspapers. Bright young men and women opted for investigative journalism as a career. Newly formed civil liberties and democratic rights groups started bringing out their newsletters and journals in English, Hindi and several regional languages. Even in the post-emergency period, the Janata Party

that had earlier raised the slogan of 'Democracy versus Dictatorship', after came to power with popular mandate, brought into force draconian laws such as Preventive Detention Act, Industrial Relations Bill and condoned Essential Services Maintenance Act and Disturbed Areas Act to repress the toiling poor (Louis and Vashum, 2002). During 1980s, those who were concerned only about formal democracy confined themselves to 'civil liberties movement'. And organisations working against repression of the workers, poor, peasants, dalits, women and tribal people joined 'democratic rights movement'. This set the tone for human rights movements in India during 1990s that established their networks from local and regional to global level.

Now, we have reached a stage where social movements of all ideological hues accept 'emancipatory potential' of human rights (Baxi, 2002). Even the mainstream institutions—universities, print and electronic media, religious organisations and political parties—with mutually exclusive interests talk about 'violation of human rights' in their campaigns. In the 21st century, the state of human rights in a 'post human' and 'machinistic' world is almost overwhelmed by security concerns, 'terrorist threats' and techno-science (Baxi, 2007).

Political Economy and Human Rights Concerns

India's social demography reads as follows:

Approximately half of India's population of over 1129 million consists of women. India has at least 375 million children—more than any other country in the world; over 166 million people in India are dalits, known officially as persons belonging to scheduled castes and scheduled tribes; at least 70 million people are physically/mentally challenged; religious minorities account for almost 20 per cent of the population, including over 138 million Muslims and 24 million Christians; at least 25 per cent of the total population lives below the poverty line; *adivasis* (indigenous people/tribals) account for another 84 million; at least 2.4 million people are living with HIV/AIDS in India, as per the 2007 statistics; approximately 500,000 persons are internally displaced, due to internal armed conflict, ethnic, communal and other forms of violence; the total migrants, according to the 2001 population, are 315 million, a majority of whom are migrant labourers; a very conservative estimate indicates that the gay, lesbian and bisexual population in India constitutes about 10 per cent of the total population—that is, at least 100 million; no conclusive statistics exist on the number of transgendered and transsexual persons.

Human rights violations of vulnerable groups in contemporary India are the result of a complex nexus between the politics of identity, exclusion, inclusion and segregation, rooted in history, cultural ethos, politics and economics (Uma, 2009).

Almost 400 million people—more than 85 per cent of the working population in India—work in the unorganised sector. Of these, at least 120 million are women. The recent Arjun Sengupta Committee Report (2006) is a stark reminder of the

huge size and poor conditions in this sector. A subsequent draft bill to provide security to workers, which bypasses regulatory measures and budgetary provisions, has generated intense debate. Lobbying around this report resulted into Social Security Act, 2008.

Contribution of Women's Movement to Human Rights Movement

Nationwide anti-rape campaign in 1980 resulted into emergence and proliferation of the autonomous women's organisations in several cities and towns of India. While doing agitation and propaganda work against series of rape cases in custodial situation, domestic violence and dowry harassment, these groups realised that to work on a sustained basis and to take care of the rehabilitative aspects of violence against women, it was important to evolve institutional structures for support to the women victims of violence based on feminist principles of solidarity (mutual counselling) and sisterhood. Criminal legal system in India made it inevitable for these groups to establish rapport with the police for an immediate redressal to the women victims of violence. Condition of women in the remand homes and the Nari Niketans were so repugnant and barbaric that they could not be trusted for women's rehabilitation. In fact, many women who suffered at their hands approached the new women's groups. The women activists had to deal with the attitude of victim baiting and double standards of sexual morality, sexist remarks and sick humour from the staff of the police, the legal apparatus and the public hospitals. At each and every step, they encountered class, caste and communal biases. These resulted into confrontation between the women's groups and the established institutions. But in course of time, they realised that it was necessary to suggest concrete alternatives in terms of legal reforms, method of interventions and staff training for attitudinal changes. For public education, literature written in convincing style was a must. Audio-visual material for reaching out to more and more people was necessary. Professional bodies and educational institutions were approaching these groups for understanding the women's question. In these context 'special interest groups' focusing on agitation and propaganda, media-monitoring, resource material for consciousness raising, creation of cultural alternatives, publications, research and documentation, bookstalls and legal aid work came into existence during the 1980s and got consolidated in the 1990s. These groups played complementary roles in each other's development, though the process was not so smooth (Desai, 1988).

Issues Taken up by the New Women's Groups

The movement got momentum with the campaign against the Supreme Court of India's judgment against Mathura, a teenage tribal girl who was gang-raped by the

policemen at the dead of night, in the police station in Chandrapur district of Maharashtra in 1972. After 8 years of legal battle in the Sessions Court, the High Court and the Supreme Court by her sympathetic lawyer Ad. Vasudha Dhagamwar, Mathura lost everything—her status, her self-esteem and her credibility—the court declared that Mathura was not raped by the men in uniform but Mathura being a woman of ‘an easy virtue’ gave a wilful consent for sexual intercourse. Vasudha and her three colleagues in the legal profession wrote an open letter challenging the Supreme Court’s verdict in an extremely poignant and logically convincing style. This letter was widely publicised in the print media. Two major points concerning this issue were: Reopening of the Mathura Rape Case and amendments in the Rape Laws that put burden of proof on women and had a narrow definition of rape. Around these demands, the women’s groups were formed. They collected signatures on their petitions, conducted study-circles where experienced lawyers spoke, organised rallies, sit-ins, demonstrations in front of the offices of the concerned authorities, prepared poster exhibitions, plays, skits, songs, slogans against violence against women, wrote letters to the editors of different newspapers, wrote articles in newspapers and magazines for the first time on women’s problems.

Initially they concentrated on the women-specific issues such as wife battery and dowry murders, domestic violence, rape and eve-teasing, honour killing, pornographic films, plays and literature on harassment of women at the workplace. Militant actions, social boycott, *gherao* of tormentors, raiding of the matrimonial homes for retrieval of dowry had to be resorted to because of antipathy/lethargy of the state apparatus. From these experiences of direct action the activists of the women’s groups got to know the power relations operating within modern families (working class, middle class and upper class), different religious communities and various caste organisations.

Campaign for Reforms in the Family Laws

While providing support to women facing problems concerning marriage, divorce, maintenance, alimony, property rights, custody of child/children and guardianship rights, the activists realised that the existing personal laws and most of the customary laws were discriminating against women. Hindu daughters were deprived of coparcenary rights in parental property as per the codes of *Mitakshara*. Christian women could not get divorce on the ground of husband’s adultery; it had to be coupled with cruelty, bestiality and sodomy; while Christian husband can just declare his wife as an adulteress and divorce her. This antiquated law was enacted in the colonial period to serve the interests of the British bureaucrats who had their legally wedded wives in England and were cohabiting with the Indian (in their language ‘native’) women. Parsee daughters who married non-Parsee men lost their property rights and non-Parsee wives of Parsee husbands got only half the shares in husband’s property as per the Parsee Personal Law. Shariat

Law subjugated Muslim women by imposing *purdah*, allowing polygamy and unilateral divorce by men to his wife/wives and by depriving divorced Muslim women of maintenance rights. Underlying philosophy of all these personal laws was that women are not equal to men. They are governed by the patriarchal ideology. Irrespective of their religious backgrounds, these personal laws perpetuate patrilineage, patrilocality, double standard of sexual morality for men and women and perceive women as dependent on men. Individual women from different communities have challenged the constitutional validity of discriminatory aspects of the personal laws in the Supreme Court of India. Increasing number of educated working women and housewives from all religious backgrounds have been approaching secular women's organisations. Main problems faced by them from their natal families have been forcible marriage, murderous attacks in cases of inter-caste, inter-class and inter-religious marriages, property disputes and incest, and from their husbands and in-laws have been adultery, bigamy, polygamy, divorce, custody of child/children, property, incest etc. As the issue of personal laws is intertwined with the religious identities, the secular women's movement had to face tremendous hostility from the elite of the different communities, mass organisations, patriarchal secular lobby and the parliamentary parties cashing on block-votes. Individual women (divorced, deserted, single and married under duress) are questioning discrimination in the customary laws. Tribal women in Maharashtra and Bihar have filed petitions demanding land rights in the Supreme Court of India. Several women's groups (Saheli, Delhi, Vimochana, Bangalore and Forum against Oppression of Women, Mumbai) and human rights lawyers' team (The Lawyers Collective, Mumbai and Indian Social Institute, Delhi) have prepared drafts containing technical detail of gender just and secular family laws. In 1996, Ahmedabad Women's Action Group (AWAG) filed writ petition to declare Muslim Personal Law which allows polygamy as void as offending Articles 14 and 15 of the constitution (Chorine, Desai and Gonsalves, 2000: 861). 'The issue of women's rights and family law reform has been increasingly entangled within the polemics of identity politics and minority rights', says a feminist lawyer, Ad. Flavia Agnes (2001: 1).

On 23 April 1985, the Supreme Court of India awarded lifelong maintenance to an old divorced Muslim woman, Shah Bano. The communal tone of the judgment—which, instead of highlighting the right to maintenance of a divorced woman, spoke of 'Muslim woman' and 'Muslim husband'—created unnecessary and harmful polarisation on religious grounds. Lawyers, women's groups, progressive and conservative people reacted sharply. Demonstrations, rallies, petitioning, signature campaigns, media war, public meeting, both for and against the Muslim Personal Law—all totally communalised the issue of gender justice (Patel, 2002).

The women's movement has been among the most articulate, and heard, in the public arena. The woman as victim of dowry, domestic violence, liquor, rape and custodial violence has constituted one discourse. Located partly in the women's rights movement, and partly in the campaign against AIDS, women in prostitution

have acquired visibility. The question of the practice of prostitution being considered as 'sex work' has been variously raised, while there has been a gathering unanimity on protecting the women in prostitution from harassment by the law. The Uniform Civil Code debate, contesting the inequality imposed on women by 'personal' laws, has been resurrected, diverted and re-started (Engineer, 1987). Representation, through reservation, of women in parliament and state legislatures has followed the mandated presence of women in panchayats. Population policies have been contested terrain, with the experience of the emergency acting as a constant backdrop (Patel, 2009). 'Women's rights are human rights' has demanded a reconstruction of the understanding of human rights as being directed against action and inaction of the state and agents of the state. Patriarchy has entered the domain of human rights as nurturing the offender.

Sexual Harassment at Workplace

During the 1990s the most controversial survivor of brutal gang rape at workplace involved an employee of Rajasthan state government who tried to prevent child marriage as a part of her duty as a worker of Women Development Programme. The feudal patriarchy who were enraged by the 'guts' of, in their words, 'a lowly woman from a poor and potter community' decided to teach her a lesson and repeatedly raped her (Samhita, 2001). After extremely humiliating legal battle in the Rajasthan High Court the rape survivor did not get justice and the rapists, 'educated and upper caste affluent men', were allowed to go scot-free. This enraged a women's rights group called VISHAKHA that filed public interest litigation in the Supreme Court of India (*Combat Law*, 2003).

Some of the noteworthy complaints of sexual harassment at workplace (SHW) that acquired national level limelight were filed by

- IAS officer in Chandigarh, Rupan Deo Bajaj, against the Super Cop K.P.S. Gill
- An activist of All India Democratic Women's Association against Environment Minister in Dehradun
- An airhostess against her colleague Mahesh Kumar Lala in Mumbai
- An IAS officer in Thiruvananthapuram against the state minister

The Supreme Court directive of 1997 clearly and unambiguously provides an answer to the question 'What is sexual harassment?'

As defined in the Supreme Court guidelines (*Vishakha vs State of Rajasthan*, August 1997), sexual harassment includes such unwelcome sexually determined behaviour as: physical contact, a demand or request for sexual favours, sexually coloured remarks, showing pornography and any other unwelcome physical, verbal or non-verbal conduct of a sexual nature, for example, leering, telling dirty jokes, making sexual remarks about a person's body, etc.

The Supreme Court directive provided the legitimate space for the hidden truth about SHW to surface; earlier one only heard about victim-blaming, witch-hunting and blackmailing. Now women are fighting back tooth and nail.

Sexual Harassment (Prevention and Redress) Bill, 2003 was introduced in the parliament.

Public Interest Litigations and Judicial Activism

During the early 1980s, the Supreme Court devised an institutional mechanism in public interest litigation (PIL). PIL opened up the court to issues concerning violations of rights, and non-realisation of even bare non-negotiables by diluting the rule of *locus standi*; any person could move the court on behalf of a class of persons who, due to indigence, illiteracy or incapacity of any other kind are unable to reach out for their rights. In its attempt to make the court process less intimidating, the procedure was simplified, and even a letter to the court could be converted into a petition. In its early years, PIL was a process which recognised rights and their denial which had been invisibilised in the public domain. Prisoners, for instance, hidden amidst high walls which confined them, found a space to speak the language of fundamental and human rights. This led to 'judicial activism', which expanded the territory of rights of persons. The fundamental rights were elaborated to find within them the right to dignity, to livelihood, to a clean environment, to health, to education, to safety at the workplace.... The potential for reading a range of rights into the fundamental rights was explored. Individuals, groups and movements have since used the court as a situs for struggle and contest, with varying effect on the defining of what constitute human rights, and prioritising when rights appear to be in conflict.

Rights of Domestic Workers

During 1990s, Human Rights Law Network, YUVA and College of Social Work, Mumbai prepared Domestic Workers' Bill to regularise terms and conditions concerning work condition and wages of the domestic workers who happen to be women from the depressed classes. For last three decades, Domestic Workers Union in Pune, Mumbai, Nagpur, Jaipur, Kolkata and Self Employed Women's Association (SEWA), Kerala have been building pressure from below (Labour file, 2010). Deepalaya, Justice and Peace Commission of St. Pius College have published a manual focusing on practical and operational aspects of legal battles, law and order machinery and community's initiatives such as people's courts, out-of-court settlement in presence of an impartial individual or a body.

Dalit Rights Movement

Over one-sixth of India's population, some 170 million people, live a precarious existence, shunned by much of Indian society because of their rank as 'untouchables' or dalit—literally meaning 'broken' people—at the bottom of India's caste system. Dalits are discriminated against, denied access to land and basic resources, forced to work in degrading conditions, and routinely abused at the hands of police and dominant-caste groups that enjoy the state's protection.

Beginning in the 1920s, various social, religious and political movements rose up in India against the caste system and in support of the human rights of the dalit community. In 1950, the Constitution of India was adopted, and largely due to the influence of Dr B.R. Ambedkar (chairman of the Constitutional Drafting Committee), it departed from the norms and traditions of the caste system in favour of justice, equality, liberty and fraternity, guaranteeing all citizens basic human rights regardless of caste, creed, gender or ethnicity. The implementation and enforcement of these principles has, unfortunately, been an abysmal failure. Despite the fact that 'untouchability' was abolished under India's constitution in 1950, the practice of 'untouchability'—the imposition of social disabilities on persons by reason of their birth in certain castes—remains very much a part of India.

Dalit movements have kept caste oppression in public view. Moving beyond untouchability, which persists in virulent forms, the movement has had to contend with increasing violence against dalits even as dalits refuse to suffer in silence, or as they move beyond the roles allotted to them in traditional caste hierarchy. The growth of caste armies in Bihar, for instance, is one manifestation. The assassination of dalit panchayat leaders in Melmzhuvur in Tamil Nadu is another. The firing on dalits by the police forces when they were seen to be rising against their oppression in the southern tip of Tamil Nadu is a third. Gang rape, torture and brutal murder of Priyanka Bhutmange and her family members in Khairlanji, Maharashtra is yet another. The scourge of manual scavenging has been brought into policy and the law campaigns; there have been efforts to break through public obduracy in acknowledging that untouchability exists. In the meantime, there are efforts by groups working on dalit issues to internationalise deep discrimination of caste by influencing the agenda of the World Conference against Racism.

The situation of dalits as well as the violations, atrocities and crimes committed against in India are dire. Indian government reports of crimes against dalits according to official Indian crime statistics, averaged over the period 2001–05, are as follows: twenty-seven atrocities against dalits every day, thirteen dalits murdered every week, five dalits' homes or possessions burnt every week, six dalits kidnapped or abducted every week, three dalit women raped every day, eleven dalits beaten every day and a *crime committed against a dalit every eighteen minutes* (www.ncdhr.org.in).

Dalit Women and Human Rights

The interface of the severely imbalanced social, economic and political power equations in caste and patriarchy impacts ‘untouchable women’ uniquely, distinctly from the experience of other women and even untouchable men. These forces combine to expose them to increased physical and sexual violence and increased exploitation of their labour. Together these keep untouchable women from having access to and control over assets and resources. It does not recognise their social and economic contribution. It limits their choices and opportunities, placing them on the bottom rung in all development indicators. This process of exclusion and discrimination inculcates the disrespect and indignity of untouchable women at the hands of all men and non-untouchable women.

India is a democratic country and a signatory to most of the major UN human rights treaties. These treaties provide the same rights for men and for women. Because India is also a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),¹ the government has an extra obligation to make sure that women can realise their rights. It is generally accepted in international law that governments have to do more than just pass legislation to protect human rights. The Government of India has an obligation to take all measures, including policy and budgetary measures, to make sure that women can fulfil their rights. It also has an obligation to punish those who engage in caste-based violence and discrimination. The Government of India, as a modern country with a growing economy, has the means to fulfil its obligations.

The National Campaign for Dalit Human Rights (NCDHR) is a coalition of dalit human rights activists, civil society organisations, journalists and academics who are committed to ending the caste-based discrimination and ‘untouchability’ practices that deny human rights and dignity to 170 million Indian citizens—one-sixth of India’s population. Established in 1998, NCDHR is a non-party based secular platform centred in Delhi with offices in fourteen states around the country. NCDHR monitors atrocities, legal interventions and advocates nationally and internationally to achieve a three-pronged objective: (a) to hold the state accountable for all human rights violations committed against dalits; (b) to sensitise civil society by increasing visibility of the dalit problem; and (c) to render justice to dalit victims of discrimination and violence. All activities are supported by private contributions; they accept no government funding (www.ncdhr.org.in).

Human Rights of Other Backward Castes

There are three ways in which backward groups can be assisted:

- **Preferential Treatment:** When you do not directly go against so called merit. But you take the position that between a forward caste and a dalit, or an OBC, the forward caste will be not given the job, if qualifications are equal.

- Affirmative Action: Scholarship, etc, for weaker groups. Mandal Commission's proposal for special schools for OBCs falls in this category.
- Positive or Reverse Discrimination: When you argue that historically there has been discrimination against certain identified groups. You cannot make them equal other than by reversing this discrimination, that is, by forcibly getting such people into areas from which they had been excluded like higher education, jobs. Reverse discrimination is not present only in case of reservation for OBCs. The rich are consistent. They oppose it in all forms. It was first established by massive working class struggles. The liberal concept of formal equality says that workers and bosses are equal, and they should enter into free direct contracts. Trade unions, from this viewpoint, are illegitimate. After all, trade unions force bosses to pay higher wages compared to what the individual worker would have 'voluntarily' accepted. But capitalist owners, as well as forward castes, have advantages gained historically. This cannot be accepted as an inviolable fundamental right.

Ad. Mihir Desai has been at the forefront of campaign to support reservation for OBCs.

Resisting Displacement Induced by 'Mega Development' Projects

There has been widespread contestation of project-induced displacement. The recognition of inequity, and of violation of the basic rights of the affected people, has resulted in growing interaction between local communities and activists from beyond the affected region, and the articulation of the rights and the injuries has been moulded in the process of this interaction. Resource rights were demanded in the early years of protest in the matter of forests; conservation and the right of the people to access forest produce for their subsistence and in acknowledgement of the traditional relationship between forests and dwellers in and around forests. Environmentalists and those espousing the dwellers' and forest users' causes have spoken together, parted company and found meeting points again, over the years. The right to resources is vigorously contested terrain in the human rights movements.

Struggle against SEZ

The Land Acquisition Act, 1894, also holds significant relevance in the examination of the socio-economic implications of special economic zones (SEZs). This Act empowers the government to acquire any land for a public purpose or for

the purpose of any use by a company by prior notification and by paying compensation to the owner. Social justice requires that the present owner of land should also get a share of this increased valuation. This Act in spite of all its later amendments does not seem to guarantee this. According to this Act, the term 'land' includes 'benefits that arise out of land and things attached to the earth or permanently fastened to anything attached to the earth'. This latter part reflects largely on those who derive their livelihoods indirectly from land despite not owning land directly.

SEZs no doubt are aimed at pacing up the development of the economy and are therefore conjured to have far-reaching positive economic implications. However, who are the real beneficiaries, the quantum and equitability of benefits are questions that call for due reconsideration. For instance, employment opportunities would be created. But what is to be noted is that the poor farmers are the least likely to be the immediate beneficiaries of industrialisation. Displacement and further marginalisation of the poor should not become the other face of development. Those displaced should not be merely resettled elsewhere but should be rehabilitated adequately. If land acquisition is not dealt with appropriately, it will raise its head with ugly social and even political implications, which will threaten the industrialisation process itself.

Industrialisation involves not only building factories but also supporting infrastructure in the form of rail, road, sea and air transport. The entire paraphernalia gives birth to an increased urban congestion. Industrialisation also poses a threat to food security as an increasing area of agricultural land is being paper-worked as non-agricultural land to meet the increasing needs for industrial space.

The social implications can be very far reaching because land has a strong sentimental value attached to it for the poor. Recent incidents of Nandigram and Singur are reminders of how the coercive method of land acquisition is indefensible not only morally but also in practical terms. Adequacy of compensation, who are to be compensated and who is to compensate them calls for due attention. What adds magnitude to the concern is that the government appears to be keen to woo investors and not very concerned about the displaced.

Displacement does not necessarily pertain only to the landed. The non-land-owning poor in the rural hinterlands depend for various reasons on common property resources (CPRs). The nature of resistance to the acquisition of land, its historical roots and possible solutions thus has to be examined to understand the dynamics of adverse social implications.

There are also very far-reaching implications of SEZs. A callous attitude towards such glitzy constructions and the industries that will operate there and their effects on the environment merit serious debating. Environmental concerns are no doubt social and economic concerns. Green architecture, which makes use of renewable energy, is a way that is picking up pace because this is certainly one way to move along with the inevitable.

Farmers Suicides

Farmers suicides are the most tragic and dramatic symptom of the crisis of survival faced by Indian peasants. Volatility in the Indian agriculture in the post-reform period has unleashed an economic tsunami on Indian farmers. Since 1997, 2 lakh farmers have committed suicide. Rapid increase in indebtedness is at the root of farmers' taking their lives. Debt is a reflection of a negative economy. Two factors have transformed agriculture from a positive economy into a negative economy for peasants: the rising of costs of production and the falling prices of farm commodities. Both these factors are rooted in the policies of trade liberalisation and corporate globalisation.

There are several groups campaigning against the suicide economy and taking up sustainable livelihood issues on a long-term basis. Navdhanya has started a Seeds of Hope campaign to stop farmers suicides (Shiva, 2009). The transition from seeds of suicide to seeds of hope includes: a shift from genetically modified organism (GMO) and non-renewable seeds to organic, open pollinated seed varieties which farmers can save and share; a shift from chemical farming to organic farming and a shift from unfair trade based on false prices to fair trade based on real and just prices.

Campaign against Communalism

The 1980s, but more stridently in the 1990s, communalism has become a part of the fabric of politics. The anti-Sikh riots in 1984, following Indira Gandhi's assassination, was a ghastly reminder that communalism could well lurk just beneath the surface. The Bhagalpur massacres in 1989 represent another extreme communal manifestation. The demolition of the Babri Masjid on 6 December 1992 is an acknowledged turning point in majoritarian communalism, and impunity. The complicity of the state is undeniable (Sachar, 2009).

The killing of Graham Staines and his sons in Orissa was another gruesome aspect of communalism. The questioning of conversions in this climate is inevitably seen as infected with the communal virus. The forcible 're-conversion' in the Dangs area in Gujarat and Kandhmal in Orissa too has communal overtones even when the basic economic issues are at stake. Attacks on Christians in Karnataka, Gujarat and Orissa are regularly reported in the press, and the theme of impunity is being developed in these contexts. Human rights groups committed to secular humanism are exposing the communal game and expressing solidarity to the survivors of violence at the hands of sectarian vested interests.

Current Movements and Campaigns

The professionalising of the non-governmental sector has had an impact on finding public space for certain issues and in making work on the issues sustainable.

Child labour, AIDS-related work, the area of devolution and aiding women's participation in panchayat institutions, and battling violence against women, witch-hunting, honour killing have found support and sustainability in funding infrastructure development and support. These have existed alongside civil liberties groups and initiatives, grassroots campaigns such as the Campaign for the Right to Information based in Rajasthan, the development struggle which has the Narmada Bachao Andolan at its helm, or the fishworkers' forum that has combated, sometimes successfully, the encroachments by the large-scale and capital-intensive corporate into the livelihoods of traditional fishing communities.

Binayak Sen, a paediatrician, public health specialist and national vice-president of PUCL was imprisoned in Raipur. Sen is noted for extending health care to the poorest people, monitoring the health and nutrition status of the people of Chhattisgarh, and as an activist defending the human rights of tribal and other poor people. In May 2007, he was detained for allegedly violating the provisions of the Chhattisgarh Special Public Security Act 2005 (CSPSA) and the Unlawful Activities (Prevention) Act 1967. His detention was declared in breach of international law by Amnesty International. Despite being accused of non-bailable offences, the special laws he has been booked under don't affect his bail rights. Sen first applied for bail before the Raipur Sessions Court and then the Chhattisgarh High Court in July 2007, soon after his arrest, but was granted bail by Supreme Court of India on 25 May 2009. There was a massive campaign demanding release of Dr Sen.

Movements for self-determination, militancy, dissent and the naxalite movement have provoked various extraordinary measures which have, in turn, prompted human rights groups into protest and challenge. The Terrorist and Disruptive Activities (Prevention) Act (TADA) is an instance (Singh, 2007). The Armed Forces Special Powers Act (AFSPA) continues. Encounter killings, disappearances and the ineffectiveness of the judicial system in places where 'extraordinary' situations of conflict prevail, characterise the human rights-related scenario. A jurisprudence of human rights has emerged in these contexts. Networking, and supporting each other through conflicts and campaigns, is not infrequent. There are glimmerings of the emergence of, or existence of, a 'human rights community' in this. This has had groups and movements working on tourism, forest dwellers' rights, civil liberties, displacement, women's rights and environment, for instance, finding a common voice in protesting the nuclear blasts in May 1999, or in condemning the attacks on the filming of 'Water' which had undisguised communal overtones. There has also been a building of bridges across causes and the emergence of an inter-woven community of interests (Roy, 2004).

As the vista of rights has expanded, conflicts between rights have begun to surface. There has been a consequent prioritisation of rights. The determination of priorities has often depended on the agency which engages in setting them—sometimes this has been environmental groups, at others workers, and yet other times, it has been the court.

Responses: State and Non-state, to Human Rights Situations

The post-emergency period has been full of narratives of torture of political prisoners. The last quarter of the 20th century opened the vistas of human rights concerns as a result of interdisciplinary dialogues among the academicians, journalists, film-makers, feminists, judiciary, prison authorities and progressive section of the police and inputs provided by the social movements.

The notion of human rights is founded on core values of freedom, equality, equity and justice. It insists on equality of treatment for all and no discrimination against anyone. Human rights are basic guarantees of entitlements and freedoms that every human being must enjoy in order to be able to live a life of dignity and pursue opportunities to realise one's full potential. Human rights include the rights to live free from fear and want; to be treated as an equal and not to be discriminated against; to be protected from cruel, inhuman and degrading treatment; to have equal opportunities for the pursuit of livelihood; to be free to own and dispose of property; to be in good health and receive care and treatment when ill; to receive education; to have shelter; to express one's thoughts and opinion freely; to pursue the religion of one's choice; and most importantly to have access to justice and an effective remedy when one or more of these entitlements are violated. Human rights belong to all persons no matter who they are, what they do or where they come from, that is to say, they must be enjoyed by every person irrespective of citizenship, nationality, race, ethnicity, language, gender, class, caste, religion, political opinion or abilities (Kannabiran, 2003).

Human rights are not a privilege that may be granted to a chosen few or a discretionary gift or reward. They are the means and measure that, when fulfilled, will ensure human needs are met, human potential realised, opportunity is equally available to all, benefits are equitably shared and the weakest are included and protected. The central notion of equity permits special groups like women, children, minorities and those that have traditionally suffered disadvantage or are vulnerable, to be specifically protected to ensure their equality of status and opportunity.

Prison Reforms

Present prison rules for inmates (whether they are criminals or victims) infantilise the prisoners because there is no input for capacity building and emotional solace. The UN approach which involves *only regular income and food security* turn the prisoners into bullies. Dissociating prisoners from their family members make them self-centred, ego-centric and devoid of a quality of nurturance or long-lasting human bond. Movement for prison reforms is led by Human Rights and Law Network.

Human Rights Education

Need for human rights education was felt for the first time in the post-emergency period by the Indian intelligentsia which faced witch-hunting during the emergency rule. Those who opposed the emergency rule had given the slogan of 'Democracy versus Dictatorship'. In response, the supporters of emergency gave a slogan of 'Discipline versus Democracy'. Betrayal of the large majority of the educated and verbally articulate section of Indian society which opened its mouth only to eat and to yawn (the most famous slogan during nineteen months of emergency rule during 1975–76, *Hum Hamara Munnh sirf Khane ke liye aur ubasi leneke liye Kholate hai*) during the emergency rule was shocking. Networks such as Mumbai Initiative for Human Rights Education (MIHRE) organises workshops for schools and colleges to inculcate ethos of human rights among teachers and students.

Human Rights and Pro-poor Development

Poverty is a brutal denial of human rights and this must be recognised at the outset by policy makers—governments, donors, international organisations and individual parliamentarians. It is a condition generated by chronic situations where individuals, families and entire communities are deprived and as such may suffer from some or all of the following conditions—homelessness, lack of education, ill health, disability, lack of opportunities for livelihood and the inability to access public services or indeed access justice itself (Muralidhar, 2004). Each of these conditions in turn corresponds to the violation of internationally recognised human rights standards, namely, the right to adequate housing, the right to educational opportunities, the right to health facilities, the right to work, the right to livelihood, the right of equal access to public services and the right to seek justice (Mishra, 2008).

Right to Food

PUCL petition on hunger in Rajasthan in the Supreme Court in 2001 snowballed into emergence of the Right to Food Campaign that highlighted key issues such as making the Right to Food a Fundamental Right, converting all existing schemes into entitlements, tackling large-scale malnutrition and chronic hunger and securing employment as a fundamental right linked to the Right to Food.

Some abiding concerns of the Right to Food Campaign are: effective implementation of all nutrition-related schemes; introduction of cooked mid-day meals in all primary schools; reform and expansion of the public distribution system (PDS); realisation of the right to work, especially in drought-affected areas; social security measures for the destitute.

Right to Health

Indian chapter of People's Health Assembly (PHA) is actively fighting for right to health. PHA organises public hearing and press conferences, lobbies for enhancement in health budgets, issues statements and negotiates with the government. It is important to know PHA's history. In 1978 the governments of the world came together to sign the Alma Ata Declaration that promised 'Health for All by 2000'. However, this promise was never taken very seriously and was subsequently marginalised in health policy discussions. As the year 2000 approached it appeared that 'Health for All by 2000' was quietly being forgotten by governments around the world. To remind people of this forgotten commitment the First People's Health Assembly was organised in Savar, Bangladesh in December 2000. The PHA was a coming together of people's movements and other non-government civil society organisations all over the world to reiterate the pledge for Health for All and to make governments take this promise seriously. PHA has contributed greatly to build global solidarity, and to bring together people's movements and organisations working to advance the people's health in the context of policies of globalisation.

Challenges before Human Rights Movements

The urgent tasks before the human rights community in India are to consistently focus on the root causes of human rights violations both nationally and internationally and its specific political context. The war on terror is an attack on the rights and dignity of the workers, urban and rural poor. There is also a need to focus on the fact that the human rights violations on a world scale are due to the unfair terms of international trade and have resulted in the destruction of millions of cultures, economies and ecology. Documenting and exposing the growing role of intelligence agencies in the disinformation campaign and their penetration into the ranks of movements, including the human rights movement are also required. The argument that human rights must be sacrificed for national security must be countered. In fact preservation of human rights standards is the only way to ensure our nation remains secure, as violation leads to greater alienation of the victims. It is absolutely true that human rights is the most evolved form of western imperialism and it has been used selectively to justify gross human rights violations. The US opposed 150 times between 1984 and 1987 resolutions furthering human rights, peace, nuclear disarmament and economic injustice. It is equally true that human rights is also the only common language and framework for the oppressed and victims of that imperialism. The Universal Declaration of Human Rights (UDHR) is a product of thousands of struggles the world over and it needs to be evolved and become more inclusive, especially of collective rights. Human rights movement in India has rallied around fundamental rights guaranteed in the Constitution of India as human rights (Suresh, 2003).

Conclusion

The character and structure of the human rights community has radically changed since the post-emergency period when India saw the first human rights movement emerge after independence from British colonial rule. The emergency period (1975–77) sensitised the middle class to fight for human rights as, for the first time, they experienced deficit in democracy in the post-independence period. Both top-down and bottom-up approaches are used by people's organisations to promote human rights.

We must demand greater transparency from the government in dealing with militancy, which means that all fundamentalists, fascist forces have to be dealt with equal vigour.

Those caught for violating the law and committing crimes must be punished but strictly in accordance with the law and human rights standards. The use of the politics of fear for narrow electoral and short-term political gains serves to encourage corruption among the investigating agencies and undermines the criminal justice system.

The human rights movements are fighting both religious chauvinism and market fundamentalism politically and ideologically. They are promoting secular humanism and voicing the concerns of the oppressed, suppressed and brutalised human beings. Their commitment to human rights is not based merely on individual rights but that which includes the collective rights of the people.

Note

1. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

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