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SPECIAL ISSUE ON

EDUCATION AND HUMAN RIGHTS

Edited by

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C O N T E N T S

Volume 4

Issue 4(3)

April, 2017

Sl. No	Paper Title	Page
1	Origin of human rights movement in India: B.Rajendra Prasad and V. Swamulu,	1
2	Human Rights Violations With Special Reference to Terrorism Affected Regions: K. Daya Sagar Babu	5
3	An analysis of Perspectives & Prospects of Human Rights Education: Y.K. Satyanarayana Murthy	9
4	Connotation of Ethics in Education: K.Satyanarayana and K. Hari Hara Raju	15
5	Economic development: violation of human rights in India: M. Bala Swamy	20
6	Human rights – challengers of women rights: K.Sambasiva Rao	25
7	Human Rights: Issues and Challenges: K. Swaroop Kumar	29
8	The importance of teaching ethics in education – a review: P.Hari Krishnam Raju	33
9	Human Rights Based Approach to Education: K.S.V.Ranga Rao and D.D.N.Prasad	36
10	Ethical education and human rights implementation in present education system: Bathula. Rajababu and V. Charankumar	44
11	Violation of the human rights of elderly people: M.Venkateswara Rao, D.V.Nageswara Rao and Chikkam Satyanarayana	48
12	Role of Education in Promotion and Protection of Human Rights: S.Prasada Rao	53
13	Human Right for Clean Environment: P. Santhi,	58
14	Human Resources in Arts Education –A Scandinavian Perspective: K. Nageswara Rao	62
15	Sexual Violence: Tips for Parents: M.V.L.Bhanumurthy	67
16	Language - a utensil of socialization: P. Santhi and Gudivada Usha Rani	70
17	Financial inclusion for women empowerment through education: B.S.Prakasa Rao	73
18	The Status of Human Rights Education in India: D.Venkateswara Rao	77
19	Gender Equality through Political Empowerment of Women with Special Reference to Amalapuram Revenue Division: N. Ramesh Babu	81
20	Economic & Social Oppression That Leads To Communist Movement in East and West Godavari Districts 1940-1965 – A Study: P. Suryanarayana Raju	85

21	The Right To Inclusive, Quality Education : S.N.Madduleti	89
22	The Role of NGOs in the protection of Human Rights in India: M.Rambabu	93
23	Importance Moral Values In Education – A Review : G.David Livingstone	99
24	Development Curriculum and Teaching Models of Curriculum Design for Teaching Institutes: Ch. N.Rani	104
25	Impact of Human Rights in Education: Kakumanu Kiran Kumar and Kona Yasoda	108
26	Education Related to Social Equality in the context of Indian Democracy: Sreenivasa Rao Borra and Madhura Narasimha Moorthy	115
27	Child Marriage Denies a Girl's Right to Education: V.Rama Krishna	119
28	Development of learning materials: curriculum design: R.Venkata Krishna	124
29	Development of learning materials : B.Aseesh Babu	129
30	Gender Equality in Education: Success and Hope: B. Vimala	135
31	Human Rights in India - A historical and modern Perspective: Ch.Chinna Satyanrayana and A.Venkateswara Rao	139



Human Right for Clean Environment

Dr. P. Santhi, Lecturer in English, S.R.V.B.S.J.B.M.R.College, Peddapuram

Abstract: All Human Rights are universal, indivisible and interdependent and interrelated. The International community must treat Human Rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of National and Regional particularities and various historical, cultural, and religious backgrounds must be borne in mind, it is the duty of the state, regardless of its political, economic and cultural systems to promote and protect all Human Rights and fundamental freedoms."— Office of the High Commissioner for Human Rights.

Key words: fundamental freedoms, historical, cultural,

Introduction

"All Human Rights are universal, indivisible and interdependent and interrelated. The International community must treat Human Rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of National and Regional particularities and various historical, cultural, and religious backgrounds must be borne in mind, it is the duty of the state, regardless of its political, economic and cultural systems to promote and protect all Human Rights and fundamental freedoms."— Office of the High Commissioner for Human Rights. The United Nations Charter signed on June 26, 1945, sought to acknowledge the importance of Human Rights and established it as a matter of international concern. The primary basis for passing the International Bill of Human Rights, 1948 by the UN is to promote protect and monitor human rights and fundamental freedoms. The Bill comprises three texts:

The Universal Declaration of Human Rights, 1948

The International Covenant on Economic, Social and Cultural Rights,

1966 The International Covenant on Civil and Political Rights, 1966.

Together these three texts comprise the International Bill of Human Rights. International human rights law has been designed to protect the full range of human rights required for people to have a full, free, safe, secure and healthy life. The right to live a dignified life can never be attained unless all basic necessities of life like food, pure air and water, work housing, health care, education, etc., are available to everyone.

The Environment in India is as bad as the rest part of the world. The land degradation and water depletion, soil erosion, (degradation of forests, threats to bio diversity conservation and ecosystem, water, air and noise pollution, unplanned growth of human settlement are some of the grave problems the environment faces.

There have been many a legislations made from time to time to protect the **The different statutes / legislations enacted in India exclusively for environment protection are**

- The Water (Prevention and Control of Pollution) Act, 1974



- The Water (Prevention and Control of Pollution) Rules, 1975
- The Water (Prevention and Control of Pollution) Cess Act, 1977
- The Water (Prevention and Control of Pollution) Cess Rules, 1978
- The Air (Prevention and Control of Pollution) Act, 1981
- The Air (Prevention and Control of Pollution) Rules, 1982
- The Environment (Protection) Act, 1986
- The Environment (Protection) Rules, 1986
- Hazardous Wastes (Management and Handling) Rules, 1989
- Manufacture, Storage and Import of Hazardous Chemical Rules, 1989
- 8 The Forest (Conservation) Act, 1980
- The Forest (Conservation) Rules, 1981
- The Wildlife Protection Act, 1972
- The Wildlife (Transactions and Taxidermy) Rules, 1973
- The Wildlife (Stock Declaration) Central Rules, 1973
- The Wildlife (Protection) Licensing (Additional Matters for Consideration) Rules, 1983
- The Wildlife (Protection) Rules, 1.995
- The Wildlife (Specified Plants - Conditions for Possession by Licensee) Rules, 1995
- The Public Liability Insurance Act, 1991
- The Public Liability Insurance Rules, 1991 21
- The National Environment Tribunal Act, 1995
- The National Environment Appellate Authority Act, 199

In spite of the enactment of several Acts to protect Environment, the said Acts were of little help till the Court intervened.

Article 32 of the Constitution of India is available for citizen of India for the enforcement of his Fundamental Right' by the Supreme Court. It provides for an extra ordinary procedure to safeguard the Fundamental Rights of a citizen Right to live is a fundamental right under Article 21 of the constitution and it includes the right to enjoyment of pollution free water and air for full enjoyment of life. If anything, endangers or impairs that quality of life in derogation of laws, citizen has right to have recourse to Art.32 of the Constitution for removing the pollution of water or air. The said rights can also be enforced by a citizen under Article 226 of the Constitution o India, before the jurisdictional High Court. The said rights can also be enforced by public spirited persons or an organization involved in social work by approaching the Supreme Court or the jurisdictional High Court. Part IV of the Constitution of India contains the Directive Principles of State Policy. Art.48-A of the said part prescribes that the State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. Part —IVA of the Constitution prescribes the Fundamental Duties. Art.52A, clause (g), of the said part provides that it shall be the duty of every



citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures.

The High Court of AP in a judgment reported in AIR 1987 AP 171, held that "the protection of the environment is not only the duty of the citizen but it is also the obligation of the state and all other state organs including Courts." In AIR 1990 SC 273 (Bhopal gas leak case) the SC held that under the dimensions of human rights, right to liberty, pollution free air and water is guaranteed under Articles 21, 48-A and 51 (g). The Supreme Court further held that "as mentioned in the Universal Declaration of Human Rights that people are born free and the dignity of the persons must be recognized, and it is the duty of the state to take effective steps to protect the guaranteed Constitutional rights. These rights must be integrated and illumined by the evolving international dimensions and standards, having regard to our sovereignty. They need to be respected, maintaining dignity and sovereignty of our people, the state must take effective steps to safeguard the constitutional rights of citizens by enacting laws. The state has to ensure the constitutional rights of citizens relating to life, liberty, as well as safety to environment and ecology to enable the people to lead a healthy and clean life. The corporation should be made liable for the damage caused to the human beings or ecology".

In AIR 1980 SC 322, the Supreme Court held that right to live in a healthy environment is a fundamental right and therefore required to be protected. In (2001) 2 SCC 62, It was held that, the right to clean drinking water is fundamental to life. The duty lies on the

State to provide clean drinking water to its citizens. The court relied on (2000) 10 SCC 664 — Narmada Bachao Andolan case and on (1999) 2 SCC 718.

In (2001) 6 SCC 496 it was held that clean environment enables the people to enjoy a quality of life which is the essence of right guaranteed under Article 21.

In AIR 2003 SC 724 it was held that Right to live is a right to environment, adequate for health and well being.

In AIR 1985 SC 652, a petition filed under article 32 of the Constitution of India on environmental issues was entertained. That dispute relates to whether the issue relating to environment is an enforceable fundamental right or not. This case deals with operating of lime stone quarries. This is the first case of its kind in the country involving issues relating environment and ecological balance. The Supreme Court directed all the lime stone quarries to be closed. Though it was contested that it involved huge sums of investment and the closure of the quarries permanently would incur in huge losses, the court held that "this would undoubtedly cause hard ship to them, but it is a price that has to be paid for protecting and safeguarding the right of the people to live in a healthy environment with minimal disturbance of ecological balance and without avoidable hazard to them and to their cattle, homes and agricultural land and undue affectation of air, water and environment."

In (1990) 1 SCC 449, the SC held that "every citizen has a fundamental right to have enjoyment of quality of life and living as contemplated in Article 21...



Anything which endangers or impairs....that quality of life Is entitled to take to recourse of Article 32". In (2002) 4 SCC 356 the Supreme Court directed phasing out of diesel buses from the polluted cities like Delhi and substitute the same with buses run on CNG . In (2002) 9 SCC 483 the court directed for the closure and or shifting of polluting industries from residential areas. In (2000) 6 SCC 213 on the Polluter pay principle the Supreme Court directed the polluter to pay damages not only for restoration of ecological balance, but also pay damages to the victims who have suffered due to the ecological disturbance.

Complaining about the pollution that is caused to the ground and underground water by bulk drug industries Patancheru, Hyderabad, a telegram was sent to the High Court of Andhra Pradesh. The said telegram was entertained as a Writ petition. Thereafter, few writ petitions were directly filed on the file of the Supreme Court and the writ petition that was filed before the High court was transferred to the Supreme Court. The Supreme Court time and again issued directions to the pollution control board and also the industries to ensure that the ground and underground water is not polluted. After monitoring, for several years and also after directing payment of compensation to farmers for loss of crop due to pollution on the principle polluter pays, the Supreme Court remitted back the matter to the high court to pass appropriate orders as to which industries should be allowed to run and which industries are to be closed down. The matter is now pending before the High Court.

Conclusion:

The right to environment is a part of Fundamental Right to life and liberty. By virtue of the pronouncements of the Supreme Court and High Courts, there is a very thin line between the Human Right to have a clean environment and Article 21 of the Constitution of India, as right to environment which includes clean air and water, has been read into Article 21 by the Supreme Court. Under Article 48-A, it is the duty of the State to protect and improve the environment and under Article 52-A Clause (g), it is the fundamental duty of every citizen to protect and improve the environment. It 'Lk both for the State and citizens to protect the environment, the State by enforcing the various enactments and by citizens by following them. Inventions and innovations are very essential for advancement, but then, citizens must realize that such inventions and innovations should not destroy the environment.

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Language - a utensil of socialization

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Abstract: Language results in socialisation. Effective communication leads to peace, tolerance, equality and freedom and truth. But there are cases where socialisation has taken toll of certain decencies of language. Socialisation is important. But language as a medium of the truth of one's personality is more important. It is the difference between a man of culture and a cultureless man. One who is not decent in one's language cannot be decent in ones behaviour. What one cannot think cannot be spoken, what that is not spoken cannot be practiced. One's bad mouth is hated by all. One's language is ones way to nobility. It is sure way to advancement in all respects. Socialisation does not mean shouting like a cave- man.

Key words: socialisation, bad mouth, language.

Narration

Language is a tool of communication, and could as well be a pathway to miscommunication. Languages are many. Their grammars, syntax, pronunciation all are different. They all have cultural connotations. The famous adage 'one man's food is another man's poison' holds true in the case of languages. This is the reason people are proud of their language. This is the reason there are fights on the lines of language. There is the famous example of C.P.Brown, who was famous for his love of Telugu and had made it a point to master it, and went on to compile the famous English-Telugu dictionary. He found Telugu more beautiful and musical than Tamil. He showed the difference between the languages by drawing attention to the sound of moving stones in a steel tin. That depends upon ones cultural backdrop. We know that western music sounds like a medley of hoarse sounds of musical instruments to those who are not used to those sounds. Sometimes we are left with the sense that a particular

language is like the shout of Kung Fu warrior. The style of pronunciation often comes under criticism. One is bom into a culture, thereby into a language not by his choice. Like one is into a race, caste, religion, state, nation etc. Like there are differences on the lines of all of them, differences exist in the matter of greatness of a language, sweetness of a language, purity of language, etc.

It is the result of one evaluating things by the standard of his own values. It is a result of one's fancy. Not a result of any valid reason. Language is invented to forge communication and bring people together. To bring people closer. But it appears to be the other way round. It is distancing people. That means defeating the very purpose of inventing language. It is like searching for more tools to fight with fellow human beings. It is adding one more reason to fight. It is not a fight for any noble cause. It is not a fight to remove any human misery. Fighting on the lines of language is going back to the days when man was in the jungle without speech. The jungle man was looking



forward while we are seeking to fall back into the dark days.

Language results in socialisation. Effective communication leads to peace, tolerance, equality and freedom and truth. But there are cases where socialisation has taken toll of certain decencies of language. Socialisation is important. But language as a medium of the truth of ones personality is more important. It is the difference between a man of culture and a cultureless man. One who is not decent in ones language cannot be decent in ones behaviour. What one cannot think cannot be spoken, what that is not spoken Cannot be practiced. Ones bad mouth is hated by all. Ones language is ones way to nobility. It is sure way to advancement in all respects. Socialisation does not mean shouting like a cave- man. It is the melody of ones heart. And language is the way to sing that melody.

Assemblies of Socrates were places of such melodies. Language was at the heart of those debates. Those debates lead to split of one science of thought into other forms of sciences. Philosophy became the origin of all sciences. They were different

Oh! pleasant exercise of hope and joy!
For mighty were the auxiliars which then stood
Upon our side, we who were strong in love!
Bliss was it in that dawn to be alive,
But to be young was very heaven!—Oh! times,
In which the meagre, stale, forbidding ways
Of custom, law, and statute, took at once
The attraction of a country in romance!

(1)

The poem is an attempt to bring a sense of hope and fancy by drawing a rosy picture of an otherwise dismal situation, like the idealism of ancient times that if one is killed in a war, he is immediately assured a place in the heaven.

ways to examine the truth. Language is the way to truth of human existence. All the subjects are a result of the urge to communicate different ideas through language.

These subjects are attempts to achieve socialisation. They spread ideas and attempt advertisement of social ideologies among people. Only as a result of the usage of language as a means to communicate different ideas the society now stands as a modern society. So we can mean that language is communication, discussion, science, technology, literature, and many more things. All these subjects have eradicated illiteracy and superstitions and the society today is what it is now only as a result of a language.

There is no gainsaying in the argument that language in the form of essay, novel, poetry, drama has achieved many things for the humanity. Poets like William Wordsworth sang of the ideals of the French revolution in their poetry and had exerted to take those ideals to the doorstep of the common man.

Wordsworth fills his description of the times bringing a sense of fancy, fill the poem with words of romance for people to take plunge into that movement. It was the time without exception everybody was filled with the ideals of French



revolution.

There is many instances in the world where, language as is exhibited in literature inspired people into greater

acts. Nowhere one finds a better example than the occasion lord Krishna was driven into recite the Bhagwad Githa where he seeks to inspire a sorrow-stricken, crestfallen Arjuna.

***aham sarvasya prabhavo
mattah sarvam pravartate
iti matva bhajante mam
budha bhava-samanvitah***

(chapter 10, text 8)(2)

There are occasions like the Indian Independence struggle which gained momentum when English educated people like Mahatma Gandhi woke people up through their speeches. Swarajya, the Harijan, Kesari, Vandemataram etc., papers and journals united people into fighting against the British. Their language truly proved to be more powerful than the sword. When the first independence war was waged, it saw the valory of number of princes. But It became a struggle of the people when the speeches and journals of our leaders of our Indian national struggle inspired people.

for causing a healthy effect on the society.

Reference :

<https://www.poetryfoundation.org/poems-and-poets/poems/detail/45518>
<http://asitis.com/10/8.html>

The language of Vandemataram of Bankimchandra, and Tagore's Janaganamana are great sources of patriotic fervour. They had built the public opinion against the British, into an otherwise innocent people who did not think it was a great disadvantage not to have ones own countryman as the ruler. The result is the massive outrage against the establishment.

Language as evidenced in the above instances, it is advantageous to the nation. On the other hand mindless use of language of like that used in a few movies has its own debilitating effect on the society. Hence it is very essential to use language with great care and caution