

Rights Approach to Development

The idea of Human Rights



Like the idea of democracy, the idea of 'human rights' has gained ground all over the world during the last 300 years. It is held that all human beings, irrespective of who they are – their caste, gender, religion, country etc. whether they are law abiding or criminals, have certain basic rights which cannot be denied to them. Two of these rights are very important in the context of poverty – the right to dignified life and the right to liberty and freedom. The right to life means that all human beings have a right to live and live in such a way that their human dignity is not compromised. The right to liberty and freedom means that they can do, believe and speak out what they want without fear (without causing loss of freedom for others) and live the life of their choice.



Fig 18.1: "The Monsoon Failed this Year"

Pavan is a boy of about 13 years, who lives with his mother. He lives in a temple town visited by a large number of pilgrims. Pavan stands outside the temple gate and begs the pilgrims for food by falling at their feet. Sometime some of them give him stale left over food from their tiffin boxes. Sometimes he carries heavy bags for them and is paid a small amount.

His mother works in a house as domestic help. She works almost for twelve hours everyday, through out the month. She is constantly ordered about by her employers including young children. She is given left over food after everyone else has eaten. She is not allowed to sit before the employers, and has to always talk to them meekly. She is often insulted for some minor errors or delays and has to fight back her tears and anger lest she be thrown out of job.

- In the example above do you think Pavan and his mother are able to live with dignity?
- What would give them a life with dignity?
- Are Pavan and his mother free to do what they want?
- Who is to blame for this kind of life of Pavan and his mother? Are they responsible for their own condition?
- Whose duty is it to ensure that Pavan and his mother are able to live a life of dignity and freedom?

In the last chapters we saw some aspects of poverty. It is not merely going hungry; it means lack of resources like land or education to make out a living; it means lack of gainful employment; it means lack of access to some basic needs of life like health services, education, food, etc; it means lack of voice to be heard and ability to influence the formulation of policies or implementation of programmes by the government.

How can people rise above the poverty? How can they get the resources and the facilities needed to rise above poverty?

This can happen only when the government acts on their behalf. Often people in the government feel that they are doing a charity by providing for the welfare of the poor people and feel that the resources used for this is a burden on the government. However, when we recognise that it is the fundamental right of all people, it becomes the primary duty of the government to ensure these rights. Further, the resources spent on this will be seen not as a waste or as charity, but as necessary investment for the future of the country. So it is important to pass laws which sanction the economic and welfare rights of all people.

When the United Nations was formed in 1945, all countries agreed that human rights relating to freedom and economic development are fundamental rights of all human beings. Many countries guarantee rights relating to freedom but not to economic wellbeing like employment, fair wages and right to access to education, health services, housing and food. In 1993

once again all countries agreed that both kinds of rights are essential.

What do we mean? When we say that people have a right to food, education, health, housing, employment; We mean that it is the duty of the government to provide these for all its people. The governments should be legally bound to ensure these to all its citizens and if they are not ensured then the people can go to court to enforce their rights. It also means that people like Pavan don't have to look at getting their food and other requirements as charity of the well to do people, but as their fundamental right. They can demand food, education, housing, medical treatment, etc. as their rights.

This will only be possible if the government makes laws in accordance with these ideas. In the last few years the government of India too has made many such laws. These laws relate to right to information, employment and school education. A law to ensure food security all is under preparation. Let us read about some of these laws in greater detail.

Need for Information to fight corruption

The government system is a very large and complex system. It is difficult to ensure that the policies and programmes are implemented properly. Programmes which are undertaken to benefit the poor and remove poverty often do not reach the needy and the funds get diverted. A major reason for this is corruption. One major reason why corruption thrives is that the common people do not have proper

information about the programmes and how they are being implemented.

The people themselves had no way to verify how the money was spent by government or local body institutions. It was not possible to know how a building contract was allotted to a contractor by a municipality or panchayat, or what quality of bricks and cement were used, or how many days of labour was spent in the work. This information was not shared with the people. Yet in a democracy, it is the people's money that is used for their welfare and therefore people have every right to know how this is being used. Earlier it was assumed that the elected representatives alone can ask this information in the legislative houses and check the corruption.

- Discuss how the information regarding a road construction or building of houses is maintained by contractors.
- Why do you think checking this information can help in improving accountability?

How the movement began

A group of people in Rajasthan, organised themselves under the banner of



Mazdoor Kisan Shakti Sangathan (MKSS) and demanded information. There was no legal provision to take details of information as mentioned in the above

paragraph from government to the people. Initially these documents were collected with the help of officials. People evaluated these documents through public meetings.

Soon officials began to resist the idea of disclosing the information. This led to a people's movement, with rallies and marches for the next three years. People demanded that the information was crucial to their own welfare. **They argued that:**

- Information is crucial to the human development, and democratic rights. People can participate in government and ensure just development only if they have sufficient information in the form of official documents.
- Information will make governments more accountable in their functioning. It is possible to monitor the functioning and check possibility of corrupt practices. Information is crucial to the survival of the poor.
- In a situation where information has to be made public, arbitrary decisions by the elected representatives or the officials can be controlled.

After many years of struggle a law making it compulsory to give official information was made in the state of Rajasthan in 1995. During the next years many other states also adopted similar laws. And at the national level, The Right to Information Act (RTI) was passed by the Parliament in 2005. Today the Right to Information is recognised within the Constitution under two Fundamental Rights as Freedom of expression and Right to Life.

PROVISIONS UNDER RTI

Let us read certain provisions given under RTI and see how it empowers the people. Law prescribes that any individual

JAN SUNVAYI : MKSS used to conduct meetings, called '*jan sunvayi*' (or people's hearings). It is true that many people cannot read the government documents themselves. But every person in a village would like to know what the documents say. Thus, these were read out and explained. A muster roll would give names of people for whom wages were paid for making a hand-pump. The villagers can identify if the people mentioned in the muster roll were present during those days or were migrants, or if they were paid the amount stated in the document. This would bring out the corrupt in practices. Through these events people brought in necessary action. Officials were also given opportunity to defend and talk about the details given in the documents. The district administration and panchayat officials also participated in these meetings. When corruption was identified, criminal cases were registered against the concerned persons.



Fig 18.2: Women participants at MKSS meeting

can get documents like government orders, reports, advices, log books, rules and regulation, attendance list, letters, etc. The person who wishes to get this information may have to pay a small amount that will meet the expenses like making a copy of the document. But if the person who is asking for the information is below poverty

line then he or she need not pay this amount.

Law also prescribes that in every government office there will be an officer incharge to respond to these questions. He or she is known as Information Officer. Above the Information Officer, there is another individual appellate authority who

is expected to make sure action is taken. Further, at the State and Central government level there should be independent Information Commissions.

Law also prescribes how much time each department may take to provide the information requested. This makes sure that departments don't withhold the information for a very long period. In case the information is not provided in the prescribed time, the person can complain to the concerned higher officer and then register cases at the State or Central Information Commissions.

- With the help of the teacher make a table of the orders, reports, advices, log books etc. that he or she received from the education department during the last one year. What documents does the school maintain to report to the education department? How is the record for mid-day meal kept?
- Why do you think the word 'independent' is important in the context of State Information Commission?
- Can you think of the questions you will want to ask information officer in the Health department? (If necessary read Chapter IX and formulate your questions.)

Under the RTI it is also compulsory for every government office to declare certain information in public even without being



Fig 18.3: Information as per the Right To Information Act, 2005

asked by the people. You can identify them on the walls of these office buildings. Or if you have access to internet you will find that most government department websites also provide the information about basic aspects of their institutions under RTI column. Visit any of these government offices directly or their websites and note them down.

Rights Approach to improve the living conditions

In the previous chapter we studied about Right to food and Right to employment. There has been people struggles to achieve them. Those who argue for rights perspective point out that these rights help people to live with dignity. It is not question of governments being kind to the poor, by providing them with opportunities of labour and providing access to food at reasonable rates so that their living conditions can be improved. It enhances the health and welfare of the entire society. Yet it is true as in the case of social audit of MNREGA

you read about in previous chapter, citizens need to be active in monitoring performance of the government system regularly, just as elected representatives.

Right of Children to Free and Compulsory Education (RTE) Act, 2009

You have read about the freedom movement and about the moderates like Gopala Krishna Gokhale. Gokhale in 1911 demanded from the British colonial government that they make a law for free and compulsory education for all children of the country. Of course, the British government did not agree. Unfortunately, such a law was not passed even after the attainment of freedom. Finally in 2002 the Parliament recognised education as a fundamental right. The 86th Amendment of the Constitution that made education a fundamental right was passed in the year 2002. The 86th Amendment says that “the state shall provide free and compulsory education to all children between the ages 6 and 14 through a law that it may determine.” This law was finally passed in 2009 and is called the ‘Right of Children to Free and Compulsory Education Act, 2009.’

Right of Children to Free and Compulsory Education (RTE) Act, 2009

The RTE Act is meant for providing free and Compulsory Education to all Children in the age group of 6 – 14 years and came into force from 1st April 2010.

Important provisions of RTE Act

- Ensure availability of schools within the reach of the children.
- Improve School infrastructure facilities.
- Enroll children in the class appropriate to his / her age.
- Children have a right to receive special training in order to be at par with other children.
- Providing appropriate facilities for the education of children with special needs on par with other children.
- No child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education. No test for admitting the children in schools.
- No removal of name and repetition of the child in the same class.
- No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.
- No child shall be subjected to physical punishment or mental harassment.
- Admission shall not be denied or delayed on the ground that the transfer and other certificates have not been provided on time.
- Eligible candidates alone shall be appointed as teachers.
- The teaching learning process and evaluation procedures shall promote achievement of appropriate competencies.
- No board examinations shall be conducted to the children till the completion of elementary education.
- Children can continue in the schools even after 14 years for the completion of elementary education.
- No discrimination and related practices towards children belonging to backward and marginalized communities.
- The curriculum and evaluation procedures must be in conformity with the values enshrined in the constitution and make the child free of fear and anxiety and help the child to express views freely.

RTE law declares that all children of the age of 6 to 14 years have the right to free education and the state has to ensure building of sufficient schools in the neighbourhood of all children, appoint properly qualified teachers and make all necessary provisions. It also declares that the education should ensure all round development of the children, learning through activities, discovery and



exploration and child friendly manner. It also states that children should be taught in their mother tongue and they should be free of fear, trauma and anxiety and be able to express their views freely.

In case free neighbourhood schools are not available, in case sufficient number of teachers are not available in the schools, or sufficient teaching learning materials are not available, or if a child is beaten or terrorised, or forced to study in unfriendly manner, such children can complain to the courts against the authorities.

- Do you think your school confirms to these norms?
- Find out to whom you can complain about the functioning of your school when necessary.



Key words

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| 1. Human Rights | 2. RTI | 3. RTE |
| 4. Liberty | | |

Improve your learning

1. Correct the false statement: AS₁
 - a) Welfare functions of the government need to be monitored.
 - b) People need to allow the elected representatives alone to monitor the implementation of programmes.
 - c) Information officers can withhold the information for indefinite period.
 - d) By looking at various documents one can identify if the programmes are implemented without malpractices.
2. Read the paragraph under the heading 'Need for Information to Fight Corruption' and answer the following: AS₂

Observe any of the government programme and make a report of its implementation in your area.
3. Collect a few success stories with regarding to Right To Information Act (RTI) from newspapers and tell them in your class. AS₃
4. RTE is a boon to the children. Explain. AS₁
5. Do you need any more rights? Why? AS₄
6. What information do you ask your Headmaster according to Right to Information Act? AS₄
7. How can you say that the Right to Information Act helps to face the corruption? AS₆