

Political Rights Education for deepening Democracy in India

Asst. Prof. Srividhya Jayakumar

In charge Principal, VPM's TMC Law College, Thane

United Nations Millennium Declaration 2000 believes that democratic and participatory governance based on the will of the people best assures the rights of men and women to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice. The Declaration resolves to spare no effort to promote democracy and strengthen the rule of law and the respect for human rights.¹

Human Rights Education (HRE) is a lifelong process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies.² HRE is a human right, a pre-condition for sustainable development, the civil society and democracy.³

Political rights form a very important class of human rights recognized in the International Bill of Human Rights⁴ although the instruments do not identify them specifically. These ensure the democratic ideal of 'one person, one vote, one value' and establish the rule of popular government. Generally right to vote, right to contest elections and the right to hold public office are considered as political rights. These are the three rights which are dealt with in the UN Convention on Political Rights of Women 1952. Undoubtedly the rights to liberty, organization and formation of associations, freedom of assembly, education, information and free speech are also crucial for a democracy.

This paper is aimed at studying our commitment to HRE under the law and at examining the importance and the strategies of political rights education for deepening democracy in India.

HRE and Indian Law

Fundamental rights and the Directive Principles of State Policy, enshrined in our Constitution, stand as testimony to our commitment to human rights. Article 51A (I) of Constitution of India, 1950 imposes a duty on all citizens to develop scientific temper, humanism and the spirit of inquiry and reform. The effective discharge of this duty will require HRE to give people enhanced awareness and greater openness. UN International

Convention on Economic, Social and Cultural Rights mandates that education shall be directed to the strengthening of respect for human rights and fundamental freedoms.⁵ Right to education has also been incorporated in our constitution.⁶

Supreme Court of India has recognized state's duty to undertake environmental education in the light of people's right to a wholesome environment, citizens' duty and states' duty to protect and improve the environment.⁷ States' duty towards HRE is clearly made out considering fundamental duties of citizens, fundamental rights and directive principles. Enlightening the citizens and ensuring their responsible conduct is undoubtedly duty of the state.

Indian state has an obligation under the Constitution to foster respect for international law and treaty obligations.⁸ India is a member of UNO and a signatory to UDHR. It has ratified several human rights treaties⁹ and therefore HRE is an inescapable constitutional obligation if not a moral obligation.

Promotion and protection of human rights cannot happen without mass awareness and sensitivity to human rights issues. The grand agenda of global peace and prosperity would be only a distant dream until people imbibe human rights values. HRE can foster a spirit of respect for others and a tradition of tolerance. It can inculcate high citizenship qualities. HRE is very significant in prevention of violation of human rights and in the assertion of human rights.

Conscious of the significance of HRE, Section 12 (f) of Protection of Human Rights Act, 1993(PHRA) lists HRE as one of the functions of National Human Rights Commission (NHRC) and State Human Rights Commission (SHRC) as follows: "Spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means"

But PHRA defines human rights in a very narrow manner- human rights means the 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 (S.2{d}) Many of the social and economic rights embodied in the directive principles which are not

enforceable are left out although international covenants include both International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights(S. 2{f})

Under SCs and STs Prevention of Atrocities Rules, 1995 state government shall set up awareness centers and workshops to educate SCs and STs about their rights.¹⁰

Unfortunately such a function to promote literacy and awareness is not entrusted under the National Commission for Women Act 1990, the Commissions for Protection of Child Rights Act 2005, National Commissions for Safai Karamcharis Act 1993, National Commission for Minorities Act 1992, National Commission for Backward Classes Act 1993 and Persons with Disabilities Act 1995.

NCERT, UGC and Bar Council of India have accepted HRE and included human rights in the curriculum at different levels. NGOs have also taken up HRE in various ways- seminars, workshops, competitions, street plays etc.

Political rights and democracy in India – the status

The people of India have proclaimed India as a 'democratic state'.¹¹ Supreme Court of India has recognized democratic form of government, rule of law, and free and fair elections, inter alia, as basic features of Indian Constitution.¹² We have an independent Election Commission.¹³

Political rights of citizens to vote and contest at elections are not incorporated in the fundamental rights part of the Constitution. Article 325 recognizes right to vote which is hailed as the fountain spring of India's democracy.^{13a} There shall be only one general electoral roll for every territorial constituency. No person shall be ineligible for inclusion in the electoral roll on grounds of religion, race, caste or sex. Every citizen who is not less than 18 years of age shall be entitled to be registered as a voter unless disqualified under law made on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice. Right to contest elections is indirectly guaranteed by securing protection of citizens against discrimination.¹⁴ Equality in contesting has been strengthened by ensuring

reservation for SC and ST in the seats in Parliament, State Legislatures and in Panchayats/Municipalities. There is reservation also for women in panchayats/municipalities.

Citizens' equal access to public service is enshrined in Article 16 of the Constitution with special protection to backward classes.

Political Rights Education in India- the need

India can be very proud about being the largest democracy and withstanding many pressures and difficulties. But there is a huge disappointment in respect of achievement of socio economic goals. There is a growing fear among the people about criminalization of politics. Entry into politics is difficult without a 'strong' background in spite of the constitutional guarantee of equal rights to contest elections. Updating the electoral roll has also remained a crying problem. Legislations for regulating the political parties and electoral funding and other long standing electoral reforms are eluding us. Law Commission 170th Report on electoral reforms and the suggestions of the National Commission to review the Constitution 2002 have not been acted upon. The government is currently also holding nationwide consultations. People of India are disillusioned with the political set up and disgusted with our political leaders. Voter turn-out is a matter of shame.

John Stuart Mill said that universal education must precede universal enfranchisement. Political Rights Education (PRE) is defined by this writer as a continuous process by which all citizens at all levels learn their political rights and the means and methods of ensuring democratic polity in which alone justice- economic, social and political- can inform all institutions of the national life. Sustainable development and democracy can fruition only with PRE. PRE will boost the morale and the courage of the people to take up the struggle for deepening democracy.

Subhash C. Kashyap believes that political education for citizens is a high priority necessity. He calls for Citizenship Awareness Movement and wants Citizens' charters to be prominently displayed and widely published.¹⁵

Democracy requires tolerance. As Gandhiji said 'we shut the doors of reason when we refuse to listen to our opponents or having listened, make fun of them.' People need the

maturity to draw the government's attention to its mistakes and the moral courage to seek accountability. People should if necessary remove the government. PRE is a must for achieving this discipline and maturity. In democracy the ruling power is vested in the members of the community as a whole and therefore only PRE of the community can deepen democratic culture.

Political Rights Education- the content

Political Rights Education shall include mass awareness about the right to vote- universal adult franchise, secret ballot, purity and periodicity of elections. PRE shall address the problems of people in getting voters identity cards, orientation as to- electronic voting machines and the voting procedure.

PRE shall enlighten the people about the duty of the state to guarantee the physically disabled special facilities and assistance in the elections¹⁶

People shall receive education about Election code and election offences. Awareness about Section 3(1)(vii) of SCs and STs Prevention of Atrocities Act,1989 which punishes forcing or intimidating a SC or ST not to vote or to vote to a particular candidate or to vote in any manner otherwise than provided by law shall be created.

People should be made aware of their right to information about the contestants at elections. They ought to also know the various grounds on which law disqualifies a person to contest elections.

People shall receive education about their equal rights to contest at elections. Popular control and political equality form the guiding thread of a democratic system of government.¹⁷ Reservation of seats for SCs, STs and women should be highlighted.¹⁸ There should be adequate training as to the procedure and formalities of contesting at elections.

PRE should include the political education as to forming organizations, pressure groups and mass mobilization. Awareness as to rights to assemble and peaceably protest, information and speak shall be created so that the representatives are made accountable. People should be keeping a vigil over the elected representatives, ministers and administrators.

Importantly people should be educated about their right to call for reforms by way of laws, rules, policies and schemes through lobbying. The various sections of people can bring to bear on the government their wants and thus will be achieved a balance of power and accommodation of conflicting interests.

Strategy for PRE

NHRC should initiate PRE as the political rights are the enforceable rights relating to equality and dignity guaranteed by the Constitution. Its obligation is indisputable. NHRC should hold seminars, workshops etc., make publications and make use of media. It should frame a syllabus for PRE and seek the assistance of UGC and other educational bodies. It should recommend necessary inputs in the school and college curriculum. NHRC should encourage the efforts of NGOs and other institutions working in the field of human rights (S. 12{i})

NGOs and citizen initiatives should give a boost to PRE through seminars, workshops, mass movements, competitions and media.

Media can play a key role in dissemination of information and in the analysis of government policies and proposals. Surveys, reports, exposes and polls can create a sound platform for political education.

Government and Parliament should also take initiatives.

PRE will boost voter turnout and entry of talent and honest in the election fray. Pressure groups will be strengthened and electoral reforms will see the light of the day.

As Churchill said, democracy may not be the best form of government but alternatives are worse. Democracy is about achieving the collective aspirations of a nation and not that of a few vested interests. Democracies form the best platform for addressing the basic needs of every citizen- education, healthcare, shelter and nutrition. Democracies equal opportunities for everyone to better his or her life.¹⁹ We cannot rest after establishing a democracy. We need to get it perfect and best. We, the citizens, have a duty to strive for excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.²⁰

Democracy is a great institution and therefore it is liable to be greatly abused. The remedy, therefore, is not avoidance of democracy but reduction of possibility of abuse to a minimum – Mahatma Gandhi (Young India, 7-5-'31)

Notes and References

1. G A Resolution 55/2 of 8 September 2000, I 6 and V 24
2. UN GA Resolution 49/184 of 23 December 1994 proclaiming UN Decade for HRE (1995-2005)
3. International Congress on Education for Human rights and Democracy, Montreal, 1993(UNESCO)
4. UDHR 1948, ICCPR and ICESCR 1966
5. Article 13
6. Article 21A, 41 and 45
7. MC Mehta v UOI, SC 1992
8. Article 51, COI 1950
9. ICCPR, ICESCR, CEDAW, Convention on Rights of a Child etc.
10. Rule 3(viii)
11. Preamble of COI, 1950
12. Keshavanandha Bharathi v State of Kerala, AIR 1973 SC 1461, Indira Gandhi v Raj Narain, AIR 1975 SC 2299, UOI v Assn. for Democratic Reforms (2002) 5SCC 320.
13. Article 324 13a. M V Pylee, India's Constitution, Asia Publishing House, 1979 p 389
14. Article 15, COI 1950
15. Blueprint of Political Reforms, Shipra Publications, 2003 p 284
16. Article 29
17. Anand Ballabh Kafaltiya, Democracy and Election Laws, Deep and Deep, 2007 p 15
18. Articles 330, 331, 243T, 243D and 334.
19. Narayanamurthy, Making Globalisation Work for India, 4th Nani Palkhiwala Memorial Lecture, 2007 p2
20. Article 51A, COI 1950

**Presented in the National Seminar on 'Human Rights Education' organized by Lala Lajpat
Rai College, Mahalakshmi on 24 . 12. 2011**