Human Rights in a Comparative Perspective PYQ 2022

Q1 Discuss Universal Declaration of Human Rights.

Ans. The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. It was adopted by the United Nations General Assembly on December 10, 1948, as a response to the atrocities committed during World War II. The UDHR is not a legally binding document but it sets out a common standard of rights and freedoms that are to be universally protected.

The UDHR consists of 30 articles that articulate various civil, political, economic, social, and cultural rights that are inherent to all human beings. Some of the important articles of the UDHR are:

Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 3: Everyone has the right to life, liberty and security of person.

Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 18: Everyone has the right to freedom of thought, conscience and religion.

Article 19: Everyone has the right to freedom of opinion and expression.

Article 23: Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

Article 26: Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.

The UDHR has been instrumental in the development of international human rights law and has inspired many national and regional human rights treaties and laws. It has also served as a moral and ethical compass for governments, civil society organizations, and individuals around the world.

However, the UDHR has also faced criticism for its lack of enforceability and its failure to address certain issues such as economic inequality and the rights of indigenous peoples. Nonetheless, it remains a significant document in the history of human rights and continues to inspire human rights activism around the world.

Q2. Comparatively discuss human rights in the context of the constitutions of India and the of South Africa.

Ans. Both India and South Africa have constitutional provisions for human rights, with some similarities and differences.

India's Constitution has several fundamental rights enshrined in Part III, including the right to equality, right to freedom, right to life and liberty, right to freedom of religion, and right to constitutional remedies. These rights are protected by the Supreme Court of India, which has the power of judicial review to ensure their enforcement. In addition to the fundamental rights, the Constitution also provides for the Directive Principles of State Policy in Part IV, which are guidelines for the government to promote the welfare of the people and establish a just society.

South Africa's Constitution also has a Bill of Rights, which includes several rights similar to India's, such as the right to equality, right to life, right to human dignity, and freedom of religion. The Constitution also includes socio-economic rights, such as the right to housing, health care, education, and social security. The Bill of Rights is enforced by the Constitutional Court of South Africa, which is empowered to strike down laws and government actions that violate the Constitution.

One major difference between the two constitutions is that South Africa's Constitution explicitly prohibits discrimination on the basis of race, gender, and other grounds, whereas India's Constitution only prohibits discrimination on certain grounds, such as religion, caste, and sex. Additionally, South Africa's Constitution recognizes the rights of indigenous communities and minorities, including the right to self-determination, while India's Constitution has been criticized for not adequately protecting the rights of indigenous communities.

Overall, both India and South Africa have constitutional provisions for human rights, but South Africa's Constitution has been praised for its progressive and inclusive approach to human rights, while India's Constitution has faced criticism for not fully protecting the rights of marginalized communities.

Q3. What is the meaning of censorship? Discuss the status and nature of censorship in China.

Ans. Censorship refers to the suppression or prohibition of any parts of books, films, news, etc. that are considered obscene, politically unacceptable, or a threat to security. In China, censorship has been a longstanding practice, particularly in the realm of media and the internet.

The Chinese government has a vast apparatus dedicated to censoring all forms of media and communication, including social media platforms like WeChat and Weibo, search engines like Baidu, and video-sharing websites like Youku and Tudou. The primary objective of this censorship is to maintain social stability, preserve the authority of the Communist Party of China (CPC), and prevent the spread of information that might challenge the government's legitimacy or undermine its rule.

The censorship system in China is characterized by several features. Firstly, it is highly centralized and controlled by the State Administration of Press, Publication, Radio, Film and Television (SAPPRFT). Secondly, the censorship guidelines are vaguely defined and subject to interpretation, leading to inconsistencies in their application. Thirdly, the system is constantly evolving, with new regulations and policies being introduced in response to changing circumstances.

In recent years, the Chinese government has expanded its censorship efforts to include not only domestic media but also foreign media and social media platforms. The Great Firewall of China, a system of internet filters and controls, blocks access to a wide range of websites, including news

outlets, social media platforms, and search engines. This has been criticized as a violation of freedom of expression and access to information.

Overall, censorship in China is a complex and multi-faceted phenomenon that reflects the government's desire to maintain tight control over society and limit the flow of information that might challenge its authority.

Q4. Analyse the challenges of terrorism in contemporary times.

Ans. Terrorism is the use of violence and intimidation in the pursuit of political aims. It is a complex and challenging issue that affects countries all around the world. In contemporary times, terrorism has become a major threat to global peace and security, with numerous incidents of terror attacks being reported from different parts of the world. The challenges of terrorism are multi-faceted and require a comprehensive approach to effectively address them.

One of the major challenges of terrorism is the difficulty in identifying and tracking down terrorists. Terrorist groups often operate in secrecy and use sophisticated techniques to avoid detection by law enforcement agencies. The use of the internet and social media has made it easier for terrorist groups to spread their propaganda and recruit new members without being detected.

Another challenge of terrorism is the increasing complexity of the nature of the terrorist threat. Terrorist groups are no longer confined to a particular region or country and operate on a global scale. This makes it difficult for individual countries to address the problem in isolation. International cooperation and coordination are essential in the fight against terrorism.

The issue of terrorism also raises questions about the balance between security and civil liberties. In the aftermath of a terror attack, there is often a demand for stronger security measures and increased surveillance. However, this can lead to a violation of individual rights and freedoms, which can be a cause for concern.

Terrorism also poses a challenge to the economic stability of countries. The impact of a terror attack on businesses and the tourism industry can be significant and long-lasting. It can also have a ripple effect on the global economy.

In conclusion, the challenges of terrorism are complex and require a multifaceted approach to address them. It is essential to address the root causes of terrorism, including poverty, inequality, and political instability. A collaborative effort by the international community is crucial to effectively tackle the problem of terrorism. It is also important to strike a balance between security and civil liberties, as well as to ensure that the economic impact of terrorism is effectively mitigated.

Q5. Do you agree that caste and race create social, political and economic inequalitics?

Ans. Yes, I agree that caste and race create social, political and economic inequalities. Both caste and race are forms of social stratification that result in unequal access to resources, opportunities, and power.

Caste is a form of social stratification that is unique to India, where people are born into specific castes that determine their social status, occupation, and even who they can marry. This system creates social and economic inequalities by limiting access to education, employment, and political power. People from lower castes are often discriminated against and excluded from mainstream society, resulting in limited opportunities for upward social mobility.

Similarly, race is a form of social stratification that has been used to justify discrimination and exploitation of certain groups of people. The legacy of slavery and colonialism has resulted in persistent racial inequalities, where people of colour often face discrimination in employment, housing, education, and healthcare. Racial profiling by law enforcement and the justice system also contributes to the marginalization and stigmatization of certain groups, further perpetuating social and economic inequalities.

In conclusion, caste and race create deep-rooted social, political and economic inequalities that can only be addressed through sustained efforts to dismantle these systems of oppression. It is essential to create a more inclusive and equitable society where everyone has equal access to opportunities and resources, regardless of their caste or race.

Q6. What is Gender? Analyse different aspects of Gender inequalities in India.

Ans. **Gender** refers to the social and cultural expectations and roles associated with being male or female. It is distinct from biological sex, which refers to the physical and genetic characteristics that define male and female.

Gender inequality refers to the unequal treatment and opportunities that exist for individuals based on their gender identity. In India, there are many different aspects of gender inequality that persist.

One significant aspect of gender inequality in India is the low status of women in society. Women are often subjected to violence and discrimination, and they have limited access to education, employment opportunities, and political representation. The prevalence of dowry, female infanticide, and child marriage are also issues that reflect the unequal treatment of women.

Another aspect of gender inequality in India is the gender pay gap. Women are often paid less than men for doing the same job, and they are disproportionately represented in low-wage and informal sectors. This pay gap is a reflection of the undervaluation of women's labor and the lack of economic opportunities available to them.

Gender inequality is also evident in the political sphere. Women are underrepresented in political office, and their voices are often marginalized in decision-making processes. This lack of representation perpetuates the marginalization of women and reinforces gender inequality.

In addition to these aspects of gender inequality, there are also many other forms of discrimination and oppression that impact individuals based on their gender identity, such as the discrimination faced by members of the LGBTQ+ community.

Overall, gender inequality in India is a complex issue with many different aspects that need to be addressed in order to create a more just and equitable society. It requires a comprehensive approach that addresses social, cultural, economic, and political factors that perpetuate gender inequality.

Q7. Define aboriginals / adivasis and discuss their land rights in India and Australia.

Ans. Aboriginals or Adivasis refer to the indigenous or native people of a particular geographical region. In India, Adivasis are the original inhabitants of the forest regions and hills of the country, and they make up about 8% of the country's population. In Australia, Aboriginals are the indigenous people who lived on the continent for tens of thousands of years before the arrival of European colonizers.

The issue of land rights for Adivasis in India and Aboriginals in Australia is a complex and contentious one. In India, the Adivasis have been living in forests for generations and have a strong connection to their land, which is integral to their social, cultural, and economic identity. However, with the increasing pace of development, there have been several instances of Adivasi displacement due to the acquisition of their land for mining, industrialization, and other projects.

In response, the Indian government has implemented several policies to protect the land rights of Adivasis, such as the Panchayats (Extension to Scheduled Areas) Act, 1996, which aims to empower the local self-governments in Adivasi areas. The Forest Rights Act, 2006, is another significant law that grants legal recognition to the traditional rights of forest-dwelling communities, including Adivasis, over the forest land they have been occupying for generations. Despite these policies, Adivasis continue to face challenges in securing their land rights, particularly in areas where there is a conflict of interest between Adivasis and the state or private companies.

In Australia, Aboriginal land rights have been a contentious issue since the arrival of Europeans in the 18th century. The dispossession of Aboriginal land and displacement of the people from their traditional territories has been a significant source of conflict between the Aboriginal community and the Australian government. The Australian government's response to the issue of Aboriginal land rights has evolved over time, with significant developments occurring in the latter half of the 20th century.

The Native Title Act of 1993 is a significant legislation that recognizes the ongoing rights of Aboriginal people to their land and provides a process for making land claims. The Act acknowledges that Aboriginal people have a spiritual, social, and cultural connection to their land and recognizes the existence of native title in Australia. However, there have been criticisms that the process for making land claims is lengthy and expensive, and that the Act does not go far enough in addressing the issue of Aboriginal land rights.

In both India and Australia, the issue of land rights for Adivasis/Aboriginals remains a contentious issue, with ongoing debates about the nature and extent of the rights that should be granted to these communities.

Q8 Write short notes on any two of the following:

a Fundamental Rights in India

Ans. In India, fundamental rights are a set of rights guaranteed by the Constitution of India to all citizens of the country. These rights are essential for the development and well-being of individuals, and they provide them with the necessary protection against any form of discrimination or injustice.

The fundamental rights in India are enshrined in Part III of the Constitution and include the following:

1. Right to Equality: This includes the right to equality before the law, prohibition of discrimination on the basis of religion, race, caste, sex, or place of birth, and the right to equal opportunity in public employment.

2. Right to Freedom: This includes the right to freedom of speech and expression, freedom of assembly, freedom of association, freedom of movement, and the right to practice any profession, occupation, trade, or business.

3. Right against Exploitation: This includes the prohibition of all forms of forced labor, child labor, and human trafficking.

4. Right to Freedom of Religion: This includes the right to freedom of conscience and the right to freely practice, profess, and propagate any religion.

5. Cultural and Educational Rights: This includes the right to preserve and promote one's culture, language, and script, and the right to education.

6. Right to Constitutional Remedies: This includes the right to approach the court for the enforcement of fundamental rights.

These fundamental rights are not absolute and are subject to certain limitations in the interest of public order, morality, and the sovereignty and integrity of India. The Constitution also provides for the suspension of fundamental rights during an emergency.

Although the Constitution guarantees fundamental rights to all citizens of India, there are still many instances where these rights are violated. Discrimination on the basis of caste, religion, and gender is still prevalent in many parts of the country, and there are many cases of human rights violations, particularly against marginalized communities such as Dalits, Adivasis, and religious minorities.

Overall, the fundamental rights in India provide a framework for protecting the rights and dignity of every individual, but there is still a long way to go in ensuring that these rights are upheld in practice.

Q8 b Surveillance in China

Ans. In China, surveillance is a pervasive phenomenon that is present in almost all aspects of life. The government has invested heavily in building a sophisticated system of surveillance, monitoring, and control. The system is designed to keep tabs on citizens and to ensure that they are conforming to the norms and values prescribed by the state.

One of the most well-known aspects of China's surveillance system is the use of facial recognition technology. The technology is used extensively in public spaces, such as train stations, airports, and shopping malls, to identify and track individuals. The government has also implemented a social credit system that monitors citizens' behavior and assigns them a score based on their conformity to the state's expectations.

In addition to these high-tech surveillance methods, the Chinese government also employs a vast network of informants to monitor citizens' behavior. These informants are often recruited from

within the community and are tasked with reporting any suspicious or deviant behavior to the authorities.

The Chinese government justifies its surveillance system as necessary for maintaining social stability and preventing terrorism and other threats to national security. However, human rights activists and other critics argue that the system is a gross violation of citizens' privacy and civil liberties. The lack of transparency and accountability in the system also raises concerns about abuse of power and potential discrimination against marginalized groups.

Q8 c Protection and Promotion of Human Rights by institutionalisation

Ans. Institutionalization of human rights protection and promotion refers to the establishment of governmental and non-governmental organizations, laws, policies, and practices that ensure the protection and promotion of human rights. It involves creating systems and structures that uphold human rights standards and ensure that violations are prevented or addressed.

In India, the Constitution provides for the institutionalization of human rights protection through the establishment of institutions such as the National Human Rights Commission (NHRC) and State Human Rights Commissions (SHRCs). The NHRC is an independent statutory body that is empowered to investigate complaints of human rights violations and recommend remedial measures. The SHRCs perform similar functions at the state level.

In addition to these bodies, India has also enacted laws such as the Protection of Human Rights Act, 1993, which provides for the protection of human rights and the establishment of human rights courts. The Right to Information Act, 2005, also plays a significant role in ensuring transparency and accountability, which are essential components of human rights protection.

Similarly, in Australia, the institutionalization of human rights protection involves the establishment of the Australian Human Rights Commission (AHRC), which is an independent statutory body responsible for promoting and protecting human rights. The AHRC investigates complaints of discrimination and human rights violations, and also conducts research and advocacy on human rights issues.

Australia has also ratified several international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Racial Discrimination (CERD). These treaties are incorporated into domestic law and provide additional protection for human rights.

However, despite these institutional frameworks, both India and Australia still face challenges in protecting and promoting human rights. There are instances of human rights violations, such as police brutality, discrimination against marginalized groups, and violations of the rights of indigenous peoples. Furthermore, there are also concerns about the effectiveness and independence of some of these institutions.

In conclusion, institutionalization of human rights protection and promotion is an essential aspect of ensuring that human rights are respected, protected, and fulfilled. However, it is important to continuously evaluate and strengthen these institutions to ensure their effectiveness and independence in upholding human rights.

Q8 d Three generations of Human Rights

Ans. The concept of "Three Generations of Human Rights" refers to the classification of human rights into three categories or generations. These three generations are as follows:

1. First-generation human rights: These are often referred to as civil and political rights. They include the right to life, liberty, freedom of speech, freedom of religion, and freedom of assembly. These rights are traditionally viewed as negative rights, meaning that they require governments and other actors to refrain from certain actions that could infringe upon them.

2. Second-generation human rights: These are often referred to as economic, social, and cultural rights. They include the right to education, healthcare, social security, and adequate housing. These rights are viewed as positive rights, meaning that they require governments and other actors to take affirmative action to ensure that they are fulfilled.

3. Third-generation human rights: These are often referred to as collective or solidarity rights. They include the right to a clean environment, the right to self-determination, the right to development, and the right to peace. These rights are viewed as both positive and negative, as they require both refraining from certain actions that could infringe upon them and taking affirmative action to ensure that they are fulfilled.

The concept of the three generations of human rights is often used to emphasize the interdependence and indivisibility of different types of human rights. While some critics argue that the classification is overly simplistic and does not account for the complexity and intersectionality of different human rights issues, it remains a useful framework for discussing and analyzing human rights from a global perspective.