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RESEARCH ARTICLE

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IPR, HUMAN RIGHTS AND EDUCATION

S. Sita Rama Murty

Department of Economics, Visakhapatnam District, Andhra Pradesh.

Manuscript Info

Abstract

Intellectual property rights are the rights relating to the creation of human intellect. Human rights are the rights relating to all human beings. The main purpose of intellectual property rights is to give incentive, protection and encourage research innovations. Human rights are the essential conditions of life necessary for men and women to develop themselves and to lead a dignified life. Education plays an important role in understanding, acquiring and enjoying the IPR and HR in a proper way. IPR plays a crucial role in technological development. Technology must increase economic growth, reduce poverty, improve human welfare and ensure prosperity everywhere in the world.

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Introduction:-

Ordinary person defines property as a “thing” but attorney defines it as a right. It has three understandings: 1) Legal understanding –Property is the inclusion of rights of exclusive use and alienability. 2) Economic understanding – Property includes all rights of individuals to valuable resources. 3) Scientific understanding-Properties are attributes, characteristics or qualities that can be applied generally to a group of objects.

There are two type of property –(1) Tangible property includes physical objects such as lands, houses, house hold articles and etc...2) Intangible property includes a list of products of human intellect such as patents, copyrights, trademarks and industrial designs.

Intellectual property: Origin and Growth

Intellectual property refers to the work or inventions that are created as a result of human intellect. The person responsible for the creation is given right to the creation in the form of patents, copy rights, trademarks and etc. The main purpose of intellectual property rights is to give incentive, protection and encourages research innovations. Like other forms of property, intellectual property is also an asset which can be owned, sold and exchange. The intellectual property rights are essentially recognised and accepted all over the world due to some important reasons. Some of the reasons for accepting such rights are-

1. To provide incentives to the individual for new creation.

2. To provide due recognition to the creators or inventors.
3. To ensure material reward for intellectual property.
4. To ensure the availability of the genuine and original products.

Intellectual property is divided into two categories. 1) Industrial property which includes patents, trademarks, industrial designs and geographical indicators of source and 2) copy rights which include literary and artistic works such as novels, poems, plays, films, crafts, music and dance works.

The importance of intellectual property was first recognized in the Paris convention in 1883 for the protection of industrial property and in the Berne convention in 1886 for the protection of literary and artistic works. Both the treaties are administered by the world Intellectual Property Organization (WIPO), an office of the United Nations. The intellectual property rights have assumed significant importance since the signing of the agreement on Trade Related Intellectual Property Rights (TRIPS) under World Trade Organization (WTO). India joined WTO and became a signatory of the TRIPS agreement in the year 1995.

Human Rights: Origin and Growth.

The human rights are born out of the struggle between individual and individual, individual and society and between individual and state. The political philosophers of the 18th Century, John Locke, Rousseau and Thomas Paine stressed the human rights through their writings. To quote Rousseau: "Man is born free and everywhere he is in chains" Further, the movements of Renaissance and Reformation strengthened the movements of human rights. Further, the Glorious Revolution of 1688 in England, the American war of Independence in 1776 and the declaration of human rights by the French National Assembly in 1789 played their part championing the cause of human rights. Moreover, the Marxism developed in the 19th and 20th Centuries and the anti colonial struggles in Asia, Africa and Latin American countries also motivated the movement of human rights. In fact, the two world wars were fought to save democracy in the world.

The UNO which came into existence in 1945 adopted human rights as its agenda. Accordingly, the UNO announced the historical declaration of human rights on 10th December 1948, consisting a large number of rights. These rights will be a concern of all the nations in the world and they are applicable to all the people of the world irrespective of caste, creed, sex, race and nationality and etc... These human rights finally came into force on 10th December 1966 when the UN General Assembly unanimously adopted them. Human Rights included in the UN charter are –

- 1) Right to life.
- 2) Right to fair trial
- 3) Right to family
- 4) Right to nationality.
- 5) Right to Privacy
- 6) Right to property
- 7) Right to Social Security
- 8) Right to work
- 9) Right to election
- 10) Right to freedom of thought
- 11) Right to freedom of religion
- 12) Right to share in Scientific Progress and its benefits.
- 13) Right to education.

Violation and Protection of Human Rights.

The violation of human rights is regular feature in all most all the countries of the world, either democratic or dictatorship, either developed or developing.

Billion of the world populations are living in poverty:

The struggle for existence alienated the poor from enjoyment of the social, economic, political and cultural rights. Human rights are of no use for them.

Some people are forced to leave either their native place and took shelter in another place or country as refugees. They have neither rehabilitation nor rights.

There are many separatist movements in the world. These separatist movements pose a challenge to the very existence and interests of the state. They are nothing but the infringement of other's human rights.

Safe guarding human rights are the responsibility of the state. Some international voluntary organizations are playing a key role in protecting the violation of human rights. The chief among them are -1) Amnesty International
2) Asia watch.

Human Rights in India:

The constitution of India not only granted fundamental rights but also took safe guards to protect them. As per the UN Declaration of Human Rights, the Government of India took measures for its implementation. India appointed the National Human Rights Commission in 1993 and also passed the Human Rights Act in 1998, the State Human Rights Commissions are also set up.

In addition, some voluntary organizations are also working to safeguard human rights. The chief among them are: The Andhra Pradesh Civil Liberties Committee in A.P., Committee for Protection of Democratic Rights in Bombay, Citens for Democracy in Delhi.

Violation of Human Rights in India:

- 1) As per the article 100(3) of the constitution, the children should be protected from the social and economic exploitation. Child Labour Act passed in 1983 prohibits children below 14 years of age for employment. But this act is not properly implemented. Even today there are 4.5 crs of child labour in India. 50,000 child labour are working at Sivakasi in Cracker and Match Box industries.
- 2) Atrocities on women and weaker sections, domestic violence and etc., became common.
- 3) As a consequence of Article 22, Maintenance of International Security Act (MISA) in 1971, National Security Act (NSA) in 1980, Terrorist and Disruptive Activities Act (TADA) in 1985 were passed. A lot of violation of human rights took place in the enforcement of these Acts. The lock up deaths and false encounters are nothing but violation of human rights.
- 4) Poverty and unemployment are creating frustration among the youth. They are joining the revolutionary organizations for their livelihood.

Role of Education:

Education is the birth right of every human being. It is a biological and social need. It is an instrument to ennoble one's character. It broadens social outlook, improves the standard of living and ultimately transforms a person into a complete man.

Education is an human endeavour. It is essentially confined to the modification of human behaviour. It enables the individuals to adjust to him, to the world of nature, to the world of men and to the world of values. Education plays an important role in understanding acquiring and enjoying the IPR and HR in a proper way.

Article 26 (Section1) of the UDHR says: Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary Education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Section 52 of the Indian copyright Act 1957 says: Certain acts not to be infringement of copy right that constitutes fair dealing for purposes of private study, research, criticism, review or news paper summary.

Conclusion:-

Today, the production of goods and services increased with science and technology. Corruption, crime, violence, exploitations, atrocities on women and weaker sections also increased.

IPR plays a crucial role in technological development which takes place in five stages of scientific discovery, invention, innovation, improvement and spread. Technology must increase economic growth, decrease poverty, improve human welfare and ensure prosperity everywhere in the world.

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