

In order to resolve many cases simultaneously, the ECtHR is organized into five sections, or administrative entities, which each have a judicial chamber. Each section has a President, Vice President, and a number of judges. The Court's 47 judges are selected by the Parliamentary Assembly of the Council of Europe from a list of applicants proposed by the Member States. To read more about the judges and their election process, see our ECtHR Composition & Election guide.

Within the Court, the judges work in four different kinds of groups, or “judicial formations.” Applications received by the Court will be allocated to one of these formations:

1. **Single Judge**: only rules on the admissibility of applications that are clearly inadmissible based on the material submitted by the applicant.
2. **Committee**: composed of 3 judges, committees rule on the admissibility of cases as well as the merits when the case concerns an issue covered by well-developed case law (the decision must be unanimous).
3. **Chamber**: composed of 7 judges, chambers primarily rule on admissibility and merits for cases that raise issues that have not been ruled on repeatedly (a decision may be made by a majority). Each chamber includes the Section President and the “national judge” (the judge with the nationality of the State against which the application is lodged).
4. **Grand Chamber**: composed of 17 judges, the Grand Chamber hears a small, select number of cases that have been either referred to it (on appeal from a Chamber decision) or relinquished by a Chamber, usually when the case involves an important or novel question. Applications never go directly to the Grand Chamber. The Grand Chamber always includes the President and Vice-President of the Court, the five Section presidents, and the national judge.

### **Submitting an Application**

Applications to the European Court of Human Rights must comply with the requirements described in Article 47 of the Rules of Court. Applicants should be aware that the Court periodically modifies its rules and procedures; in 2014, it began applying stricter requirements for individual applications.

To submit an application, applicants should use the application form, which is available online and must be filled out in its entirety. Copies of all relevant documents must be included along with the application, which must be submitted by postal mail.

### **Case Law**

#### **Iverson vs. Norway.**

Iverson was a Norwegian dentist and he was ordered by the ministry of social affairs to practice in a remote village. Iverson joined the service, but immediately left. The court fined him for the disobedience of order of rural service against the order, Iverson filed the application with the commission which dismissed the application and held that the order of the ministry to perform rural service did not constitute forced or compulsory labour as under the European convention of human rights.

#### **4. Discuss the constitution powers and functions of national human rights commission.**

##### **Introduction:**

The National Human Rights Commission or NHRC is a standalone entity of the Government of India with the mission of promoting and protecting human rights. It is a **statutory** body mentioned in the Constitution of India that was established in 1993 under the 'Protection of Human Rights Act.' This act was further amended in 2006

##### **NHRC Composition – Members of NHRC**

- The National Human Rights Commission (NHRC) is composed of a Chairperson and eight other members.
- Those eight members are:
  - Four full-time members.
  - Four deemed members.

**Composition of NHRC**

<b>Chairman of NHRC</b>	Retired <u>Chief Justice of India</u>
<b>Member 1</b>	One who is/has been a Judge of <u>Supreme Court of India</u>
<b>Member 2</b>	One who is/has been a Chief Justice of a <u>High Court</u>
<b>Two Members</b>	Candidates with the knowledge or practical experience in the matters of Human Rights
<b>Deemed Members (Ex-officio Members)</b>	Deemed members are chairpersons of the below national commissions:  <ol style="list-style-type: none"> <li>1. National Commission for Minorities</li> <li>2. National Commission for Scheduled Castes</li> <li>3. National Commission for Scheduled Tribes</li> <li>4. National Commission for Women</li> </ol>

### **Appointment of NHRC Members**

- A Selection Committee will recommend the candidates to the President.
- The Selection Committee includes:
  - Prime Minister (Chairman)
  - Speaker of Lok Sabha
  - Union Home Minister
  - Deputy Chairman of Rajya Sabha
  - Leaders of the Opposition in both Houses of the Parliament

### **Functions & Powers of NHRC**

The functions of the National Human Rights Commission (NHRC) as stated in Section 12 of the Protection of Human Rights Act, 1993 includes enquiry into complaints of violation of human rights or negligence in the prevention of such violation by a public servant. The Commission also studies treaties and international instruments on human rights and makes recommendations for their effective implementation to the Government.

- NHRC can investigate any complaints related to violations of Human Rights in India either suo-moto or after receiving a petition.

- NHRC can interfere in any judicial process that involves any allegation of violation of Human Rights.
- It can visit any prison/institute under the control of the state governments to observe the living conditions of inmates. It can further make recommendations based on its observations to the authorities.
- NHRC can review the provisions of the Constitution that safeguard Human Rights and can suggest necessary restorative measures.
- Research in the field of Human Rights is also promoted by the NHRC.
- Human Rights awareness and literacy through different media are promoted by NHRC in various sectors of society.
- NHRC has the power to recommend suitable steps that can prevent violation of Human Rights in India to both Central as well as State Governments.
- The President of India gets an annual report from NHRC which is laid before both the Houses of the Parliament.

**5.Explain the various rights of women and state the implementation procedures made under the CEDAW (Convention on elimination of all forms of discrimination against women).**

**Introduction:**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, hereinafter) is an international convention that was adopted by the United Nations General Assembly on December 18, 1979. It is referred to as an “international bill of rights for women.” The convention is divided into six sections, with a total of 30 Articles. It was established on September 3, 1981, and has been ratified by 189 states. Over 50 nations have ratified the treaty subject to various declarations, reservations, and objections, including 38 countries that have rejected the application of Article 29, which addresses mechanisms of resolving disputes concerning the interpretation or implementation of the convention.

**By signing the Convention, nations agree to adopt a number of steps to eliminate all forms of discrimination against women, including:**

1. to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;

2. to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
3. to ensure the elimination of all acts of discrimination against women by persons, organizations, or enterprises.

### **A brief history about the Convention**

The United Nations Commission on the Status of Women (CSW) had previously worked on women's political rights and the minimum marriage age. Despite the fact that the 1945 United Nations Charter promotes human rights for all people, some claim that earlier U.N. agreements on sex and gender equality were a fragmented strategy that failed to remove general discrimination against women.

### **Optional protocol**

Human rights treaties are frequently followed by "Optional Protocols" that either provide for treaty procedures or address a substantive issue connected to the treaty. These protocols are also regarded as crucial. Optional Protocols to human rights treaties are treaties in their own right that can be signed, acceded to, or ratified by nations who are parties to the treaty. The optional protocol to the "Convention on the Elimination of All Forms of Discrimination against Women" includes:

### **Communications procedure**

Individuals and groups of women have the right to protest about violations of the Convention to the Committee on the Elimination of Discrimination against Women. This is known as the "communications procedure." The United Nations communications processes grant the ability to petition or a complaint about infringement of human rights. The complaint must be in writing under all procedures.

### **Inquiry procedure**

It permits the committee to conduct investigations of grave or systemic Optional Protocol parties. This capability, known as an inquiry mechanism, is provided in Article 8 of the Optional Protocol.

An inquiry method and a complaints mechanism are included in the optional protocol. An inquiry procedure enables the committee to conduct investigations into significant and systematic violations of women's human rights in countries that become the Optional Protocol States. It is based on Article 20 of the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The inquiry procedure:

1. Allows an international committee of experts to investigate serious violations of women's human rights; Is beneficial when individual communications fail to convey the systemic character of widespread violations of women's rights;
2. Allows for the investigation of widespread infractions in situations when individuals or groups may be unable to communicate (for practical reasons or because of fear of reprisals)
3. Allows the committee to make recommendations on the structural reasons of violations;
4. And enables the committee to address a wide range of concerns in a specific country.

## **6.Explain the important provisions of protection of human rights act 1993.**

### **Introduction:**

he first documented use of the term "human rights" can be found in the United Nations Charter, which was established after World War II in San Francisco on June 25, 1945. This charter was not legally binding. It actually defined the ideal, which would later be developed by many agencies and entities. In December 1948, the United Nations General Assembly took a significant step to ensure the protection of human rights and adopted the Universal Declaration of Human Rights.

### **Important provisions of the Protection of Human Rights Act, 1993**

The important provisions of the Act could be divided into four parts as follows:

1. **Definition of "Human Rights"**
2. **NHRC: Constitution, Functions, Power, and Procedure**
3. **SHRC: Constitution, Functions, Power and Procedure**

## 4. Human Rights Courts.

### **Part I of the Act: Definition of Human Rights**

Section 2(d) of the Act defines human rights as individual rights to life, liberty, equality, and dignity guaranteed by the Constitution or recognized in international covenants and enforceable by Indian courts. The abovementioned definition, however, limits the scope of the functions of the National Human Rights Commission. As a result, India ratified only the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. However, the covenants are not directly enforceable as law in Indian courts. Therefore, under the Protection of Human Rights Act 1993, the definition of human rights is firmly limited to the fundamental rights included in Part III of the Constitution, which are enforceable by Indian courts.

### **Part II of the Act: National Human Rights Commission (NHRC)**

Chapters II, III, and IV of the Act deal with the constitution, composition, and functioning of the NHRC.

#### **Constitution of the NHRC**

The constitution of the National Human Rights Commission (NHRC) is dealt with in Chapter II of the Act. Section 3 (1) of the Act provides that the Central Government shall establish the National Human Rights Commission.

#### **Composition of the Commission**

Section 3(2), (3) & (4) of the Act provides for the composition of the Commission. Details are as follows.

<b>Chairman of NHRC</b>	Retired Chief Justice of India
<b>Member 1</b>	One who is/has been a Judge of the Supreme Court of India
<b>Member 2</b>	One who is/has been a Chief Justice of a High Court

<b>Three Members (out of which at least one shall be a woman)</b>	They are to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
<b>Deemed Members (Ex-officio Members)</b>	Deemed members are chairpersons of the following national commissions: National Commission for Backward Classes National Commission for Minorities National Commission for Protection of Child Rights National Commission for the Scheduled Castes National Commission for the Scheduled Tribes National Commission for Women Chief Commissioner for Persons with Disabilities

### Headquarters of NHRC [Section 3 (5)]

Section 3(5) of the Act provides that Delhi shall be the headquarters of the Commission. However, the Commission may, with the prior approval of the Central Government, establish offices in other places in India.

### Appointment of NHRC Members [Section 4]

Section 4 deals with the appointment of the Chairperson and other members. As per this section, a selection committee will recommend the candidates to the President.

### The Selection Committee includes:

- Prime Minister (Chairman)
- Speaker of the Lok Sabha
- Union Home Minister
- Deputy Chairman of the Rajya Sabha
- Leaders of the Opposition in both Houses of Parliament

This section further provides that a sitting Supreme Court Judge or Chief Justice can not be appointed without consultation with the Chief Justice of India.

### Tenure of office of the members [Section 6]

Section 6 of the Act provides that the Chairperson or any other member shall hold office for a term of 3 years or until they attain the age of 70 years, whichever is earlier and shall be eligible for re-appointment.

### Removal of the Chairperson or any other member [Section 5]

Section 5 of the Protection of Human Rights Act, 1993, lays down the procedures and grounds for the removal of any member of the Commission.

As per this section, the Chairperson or any other member of the Commission may be removed from office only by the President on proven misbehavior or incapacity. In this case, however, the President is required to refer the matter to the Supreme Court for investigation. And, if the Supreme Court upholds the cause of removal and advises the President, the Chairperson or a member of the NHRC can be removed.

Further, the President, under the provisions of this section as mentioned above, has the authority to remove the Chairperson or any other member if he:

- is adjudged insolvent; or
- engages in any other paid employment outside the duties of his office during his term of office; or
- is unfit to continue in office due to infirmity of mind or body; or
- is of unsound mind and is so declared by a competent court; or
- is convicted and sentenced to imprisonment for an offense that, in the President's opinion, involves moral corruption.

### Functions and powers of the Commission

As per Section 12 of the Act, the functions and powers of the National Human Rights Commission are as follows:

- NHRC can investigate any complaints related to violations of Human Rights or negligence in the prevention of such violations by a public servant; either suo-moto or after receiving a petition.
- NHRC can interfere in any judicial process involving any allegation of human rights violation.
- It has the authority to visit any prison or institute under the control of the state governments to observe the living conditions of inmates. It can also make recommendations to the authorities based on its observations.
- NHRC can examine the articles of the Constitution that protect human rights and make recommendations for punitive measures.
- Examine the causes that obstruct the enjoyment of human rights, including acts of terrorism, and make recommendations for proper remedies.
- Study human rights treaties and other international instruments and make suggestions for their effective implementation.
- The Committee undertakes and promotes research in the field of human rights.
- Human Rights Literacy and awareness of the safeguards available for the protection of these rights are promoted by NHRC in various sectors of society through different media, seminars, publications, etc.
- Encourage non-governmental organizations and institutions that work in the field of human rights;
- The National Commission for Human Rights may perform any other function that it considers necessary for the promotion of human rights.

Section 13 of the Act provides that the NHRC while investigating complaints under this Act, has all of the powers of a civil court trying a case under the Code of Civil Procedure.

According to Section 14, the Commission is authorized to employ any officer or intelligence agency of the Central Government or any State Government to conduct an investigation related to the inquiry.