

Section 20 provides that the Commission is obliged to submit an annual report as well as special reports to the Central Government and state governments.

Human rights Violations: landmark judgments by NHRC

The following are some of the important cases in which the NHRC intervened and formed a positive approach to prevent human rights violations.

Case One: Gujarat Riots

In this *case*, the National Human Rights Commission took suo-moto cognizance in response to media reports about the finding of a mass grave in Lunawada village, Panchmahal District, Gujarat. The Commission asked for a report on the matter from the State Government and the CBI.

In Gujarat, communal violence on a large scale was recorded in February and March 2002. Approximately three thousand members of the minority Muslim community were massacred, and the property was destroyed.

The Gujarat state government and police failed to take the necessary measures to avoid violence and failed to provide protection, security, and justice to Muslim minority community victims. The NHRC initiated a suo-moto inquiry into these incidents and instructed the state administration to report on the steps taken to restore calm in Gujarat. The Commission also petitioned the Supreme Court of India on behalf of the Gujarat riot victims.

Case two: Punjab mass cremations

The Supreme Court referred this *case* of gross violation of human rights to the NHRC. The Commission found that the bodies of these people were burned by state authorities in contempt of cremation procedures for unidentified bodies. The Commission held that the act violated the dignity of the dead and harmed the emotions and sentiments of their kin, who would have wanted to perform their last rites. Therefore, the Commission held the State of Punjab accountable and responsible for the infringement of the right to life. Accordingly, the Punjab government was directed by the NHRC to deposit Rs. 18,39,25,000/- within three months for distribution to the next of kin.

Besides this, the National Human Rights Commission also awarded compensation of Rs 1.75 lakh to the next of kin of the 1051 victims of this case of mass cremation in the state of Punjab.

Part III of the Act: State Human Rights Commissions (SHRC)

Chapter V, Sections 21–29, contains the provisions regarding the constitution, composition, and functioning of the SHRC.

State Human Rights Commissions are statutory, non-constitutional bodies (at the state level) involved in protecting human rights and examining violations that occur within their respective states, just like what the National Human Rights Commission does at the national level.

West Bengal was the first state in India to constitute a State Human Rights Commission, It was established on 31st January 1995. Now, As per the official information, 26 states have constituted the State Human Rights Commission.

Click [here](#) for current updates and details regarding the chairpersons, members, and other officials of SHRCs in various states.

Constitution of SHRC

According to Section 21 of the Act, the State Government may establish a body known as the Human Rights Commission of that state.

Case Law related to the constitution of SHRC

In *D.K. Basu v. State of W.B.* (2015), the Supreme Court held that constituting a state Human Rights Commission is mandatory and does not depend upon the discretion of the state government.

Composition of SHRC

Section 21 of the Act provides that the State Human Rights Commission shall consist of the following:

Chairperson	Former Chief Justice or a Judge of a High Court
Two members	A Judge of a High Court or District Judge in the State with at least seven years of experience as a District Judge. A person who has knowledge as well as practical experience in human rights issues.

This section further provides that the Secretary shall be the Chief Executive Officer of the State Commission.

Appointment of members of SHRC

Section 22 provides that the Governor shall appoint the Chairperson and other members of the State Commission on the recommendation of a committee consisting of the Chief Minister, the Speaker, the Minister in charge, etc. A sitting High Court judge or a district judge could be appointed only after consulting with the Chief Justice concerned.

Tenure of the office of members

Provisions regarding the term of office of the chairperson and other members of the state commission are contained in Section 24, and it is the same as it was in the national commission. (3 years or 70 years of age, whichever is earlier, and they are also eligible for reappointment).

Scope and jurisdiction of SHRC

Subject to the principle of res judicata, the State Commission is authorized to investigate violations of human rights relating to any of the entries in Lists II and III of the Seventh Schedule of the Constitution of India.

Two or more state governments may, with the consent of a chairperson or member of a state commission, appoint such a chairperson or member of another state commission simultaneously if he consents to such appointment.

Functions and Powers of SHRC

In *Bihar State Electricity Board v. Bihar State Human Rights Commission* (2012), the Patna HC observed that the State Human Rights Commission has the same functions and powers within the jurisdiction of the State as the National Commission has under Section 12 of the Act.

Part IV of the Act: Human Rights Courts

Chapter VI of the Act, comprising Sections 30 and 31, makes the provisions relating to the creation of Human Rights Courts in each district.

Section 30 of the Act authorizes the State Governments, with the consent of the Chief Justice of the High Court, to establish Human Rights Courts by Notification, specifying for each District a Court of Sessions to be a Human Rights Court. In line with Section 31 of the Act, the State Government shall appoint a public prosecutor or an advocate who has been in practice as an advocate for at least seven years for the purpose of conducting matters in the Human Rights Courts. Such a person would be known as a “Special Public Prosecutor.” It is, however, to be noted that it is not mandatory for the States to create Human Rights Courts in each and every district, as Section 30 of the Act expressly uses the expression “the State Government may set up the Courts.” However, in order to provide a speedy trial of offenses arising out of violations of human rights, it is desirable that states, particularly those where human rights violations take place in large numbers, should establish such courts.

7.State the important provisions of Indian constitution regarding implementation of human rights of children.

Introduction:

Constitutional provisions which protect the rights of children in India

The constitution ensures the rights and protection of children through its various provisions. Children on the account of their sensitive age and immature age need special care and protection. They have specific rights and legal entitlements that are being recognized nationally and internationally. The constitution has recognized the rights of children to a great extent and included many articles dealing with the compulsory and free education, liberty

and development in childhood, non-discrimination in educational spheres and prohibition of their employment in factories, mines and hazardous conditions.

The legal provisions are:-

ARTICLE 14 – RIGHT TO EQUALITY

According to this article, the State shall not deny to any person the equality before the law or the equal protection of laws within the territory of India.

Citizen of India including children must be treated equally before the law and must be given equal protection by law without any discrimination or arbitrariness. This right which is provided in the Indian Constitution protects the rights of children so that their dignity and integrity as a child is not exploited. Children being vulnerable have more chance to be treated unequally in the Indian society. Article 15 of the Indian Constitution prohibits discrimination. In Article 15(3), nothing in this Article shall prevent the State from making any special provision for women and children. It is very clear from Article 15(3) that “special provision” does not mean unequal treatment but it is established for the well being and development of the children in India.

ARTICLE 21A –RIGHT TO EDUCATION

According to this article, The State shall provide free and compulsory education to all the children of the age of six to fourteen years in such manner as the State may by law, determine

The Constitution (Eighty-sixth Amendment) Act,2002 inserted Article 21A in the Constitution to provide free and compulsory education of all the children in the age group six to fourteen years as a Fundamental Right. There have been many backlashes in providing education to all the children in the state. There are many reasons for the same. The right to education is reflected in international law in Article 26 of the Universal Declaration of Human Rights and Article 13 and 14 International Covenant on Economic, Social and Cultural Rights.

ARTICLE 24 –PROHIBITION OF EMPLOYMENT OF CHILDREN IN FACTORIES

According to this Article, No child below the age of fourteen shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Hazardous conditions may include construction work or railway. This article does not prohibit and harmless work. This Article provides the regulation and prohibition of child labour in India. Child Labour is defined as the work which deprives children of their childhood, potential and their dignity; it is something which causes a threat to their physical and mental development. UNICEF estimates India with such a high population has a high rate of child labourers. India, after its independence from the colonial rule, has passed many constitutional protections and laws on child labour.

DIRECTIVE PRINCIPLES OF STATE POLICES

There have been many provisions in the Directive Principles of state policies which specify how the state is responsible for the protection of rights of children.

ARTICLE-39 – Certain principles of the policy to be followed by the state.

Article 39(e) states that the health and strength of workers, men and women, and the tender age of children are not forced by economic necessity to enter avocation unsuited to their age or strength.

Child Labour is one of the social evil that is forced by economic necessity; it is the responsibility of the state to ensure that no child is subjected to any physical or mental abuse.

Article 39 [1](f) states that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

This provision also protects childhood and provides opportunities and facilities to grow with the safe explosion.

ARTICLE 45 This provision is for early childhood care and education children below the age of six years.

According to this provision, the State shall Endeavour to provide early childhood care and education for all the children until they complete the age of six years. According to this Act of the Indian Constitution, the state shall protect the child and is responsible for the development within them. The state shall ensure the safe growing environment, where their childhood can be experienced by themselves without any external threat. After that, it is the responsibility of the state to provide them with free and compulsory education

No matter how the condition of the child is, even if they are not protected by their own parents or they are denied with their rights by their own parents. The State has to take strict measures for the well being of the child.

Case Laws:

M.C Mehta v. State of Tamil Nadu

The judgment passed states the direction to prohibit child labour in hazardous conditions; the petitioner was concerned about the high rate of child labour in hazardous conditions in the Match factories of Savakis in Kamraj district of Tamil Nadu. The judgment gave out the visions of the constitution and also linked between child labours with poverty, the judgment also stated that there has been no proper eradication of child labour by the state,

Sanjay Suri v. Delhi administration

The court laid down orders to transfer some guilty officers and laid down the rules to protect children in jails. Juvenile undertrials were the subject of Sanjay Suri's petition. Many children were sent to jail despite the prohibition in the children's Act. The Juvenile were kept together with habitual and other adults where they were brutalized and made to do undesirable tasks.

8.Role of public interest litigation in securing human rights.

Introduction:

Prior to the 1980s, only the aggrieved party could approach the courts for justice. However, post 1980s and after the emergency era, the apex court decided to reach out to the people and hence it devised an innovative way wherein a person or a civil society group could approach the Supreme Court

seeking legal remedies in cases where public interest is at stake. And thus Public Interest Litigation was formed.

Through the mechanism of PIL, the courts seek to protect human rights in the following ways:

1) By creating a new regime of human rights by expanding the meaning of fundamental right to equality, life and personal liberty. In this process, the right to speedy trial, free legal aid, dignity, means and livelihood, education, housing, medical care, clean environment, right against torture, sexual harassment, solitary confinement, bondage and servitude, exploitation and so on emerge as human rights. These new reconceptualized rights provide legal resources to activate the courts for their enforcement through PIL.

2) By democratization of access of justice. This is done by relaxing the traditional rule of locus standi. Any public spirited citizen or social action group can approach the court on behalf of the oppressed classes. Courts attention can be drawn even by writing a letter or sending a telegram. This has been called epistolary jurisdiction.

3) By fashioning new kinds of reliefs under the court's writ jurisdiction. For example, the court can award interim compensation to the victims of governmental lawlessness. This stands in sharp contrast to the Anglo-Saxon model of adjudication where interim relief is limited to preserving the status quo pending final decision. The grant of compensation in PIL matters does not preclude the aggrieved person from bringing a civil suit for damages. In PIL cases the court can fashion any relief to the victims.

4) By judicial monitoring of state institutions such as jails, women's protective homes, juvenile homes, mental asylums, and the like. Through judicial invigilation, the court seeks gradual improvement in their management and administration. This has been characterized as creeping jurisdiction in which the court takes over the administration of these institutions for protecting human rights.

5) By devising new techniques of fact-finding. In most of the cases the court has appointed its own socio-legal commissions of inquiry or has deputed its own official for investigation. Sometimes it has taken the help of National Human Rights Commission or Central Bureau of Investigation (CBI) or experts to inquire into human rights violations. This may be called investigative litigation.

In ***Bandhu Mukti Morcha v. Union of India***, SC ordered for the release of bonded laborers. In ***Murli S. Dogra v. Union of India***, court banned smoking in public places. In a landmark judgement of ***Delhi Domestic Working Women's Forum v. Union of India*** ((1995) 1 SCC 14), Supreme Court issued guidelines for

rehabilitation and compensation for the rape on working women. In ***Vishaka v. State of Rajasthan*** Supreme court has laid down exhaustive guidelines for preventing sexual harassment of working women in place of their work.

9. Convention relating to the stateless persons.

Introduction:

What is Statelessness?

Under International Law, a stateless person means an individual who is not recognized as a national of any country. Article 1 of the 1954 Convention relating to the Status of Stateless Persons defines a stateless person as “a person who is not considered as a national by any State under the operation of its law.”. Hence if there is no link or bond between an individual and a country then such an individual will be termed as stateless.

A notable incident of statelessness is where Merhan Karimi Naserri, an Iranian refugee who was denied citizenship in his country, spent 18 years of his life at the Charles de Gaulle Airport in France. In 2004, his autobiography was published in the book “*The Terminal*”.

1954 Convention relating to Status of Stateless Persons

This convention deals with the international protection of stateless persons. It defines who is a stateless person, provides basic rights to them and strives to solve the everyday practical problems faced by them. The stateless person is obliged to abide by the laws, regulations and maintain public order of the country in which he currently is. Certain provisions of this convention are:

1. Article 5 – the right to freedom of religion.
2. Article 22 – The right to education.
3. Article 27 – A stateless person not having a travel document to be issued with identity papers by the contracting state.

1961 Convention on the Reduction of Statelessness

This Convention was brought with the aim to eradicate statelessness dealing with the conferral of citizenship giving effect to Article 15 of the Universal

Declaration of Human Rights – the right to nationality for all. Some important provision of the Convention:

1. Article 1 – Subject to certain conditions, granting nationality to all stateless children born in their state, automatically or upon application.
2. Article 2 – granting nationality to those children that are found abandoned in their state.

Statelessness affects the basic, social, economic, civil and political rights of forcefully displaced people. As a citizen of a country, a person enjoys various benefits but a stateless person is deprived of many rights and benefits, such as:

- Right to vote;
- Right to employment;
- Right to home;
- Right to register for marriage;
- Right to education/cannot enrol children in school;
- Right to medical care.

Conclusion

Statelessness is a serious matter and stateless persons are found in every country and often lead an invisible life as they and their rights are not recognized. The international community, especially the UN, is actively working to prevent and protect the rights of stateless persons. But despite this, new instances of statelessness keep on emerging and hence statelessness still possesses to be a major issue. More effective approaches need to be created and implemented to tackle this problem and protect the rights of these people.

10. Write a note on rights of minorities.

Introduction:

Minority rights in India protect people from being discriminated against on grounds of their ethnic cultural, linguistic or religious identity. Individuals belonging to minorities must be able to learn and use their language, use their own names, preserve and freely express their identity. Minority rights,