

therefore, guarantee equality before the law, protection of basic freedom, non-discrimination and protection against violence on the grounds of identity, participation in political and public life, possibilities for cooperation with other communities and organisations within states and across borders. Rights of Minorities are the inherent part of human rights. They promote tolerance and respect for diversity. Their aim is to ensure that minorities and majorities live peacefully together and support each other in building a better future.

### **Constitutional Provisions for Minorities in India**

The Constitution of India lists down a few important mandates with regard to Minorities in India. Discussed below are the same in brief:

- **Article 15 (1) & (2)** – Prohibition of discrimination against citizens on grounds of religion, race, caste, sex or place of birth
- **Article 16(1)&(2)** – Citizens’ right to equality of opportunity in matters relating to employment or appointment to any office under the State
- **Article 25(1)** – People’s freedom of conscience and right to freely profess, practise and propagate religion – subject to public order, morality and other Fundamental Rights
- **Article 28** – People’s freedom as to attendance at religious instruction or religious worship in educational institutions wholly maintained
- **Article 30(1)** – Right of all religious and linguistic minorities to establish and administer educational institutions of their choice
- **Article 30(2)** – Freedom of minority-managed educational institutions from discrimination in the matter of receiving aid from the State

### **Case Laws:**

1. In *Ravneet Kaur v. Christian Medical College*, the court held that a private institution which is not receiving aid from the State cannot discriminate against a person for admission on grounds of religion.
2. In *the State of Madras v. Champakam*, the question of Article 29(2) was challenged for the first time. The SC held that the classification to the Govt. the order was based on race, religion and caste which were inconsistent to Article 29(2).

### **11.State the human rights provisions provided under the U. N charter.**

## Introduction:

### THE UNITED NATIONS CHARTER

When states become members of the UN they accept the obligations of the UN Charter that sets out the four main purposes of the UN: to maintain international peace and security; to develop friendly relations among nations; to co-operate in solving international problems and in promoting respect for human rights; and to be a centre for harmonising the actions of nations.

### The UN Charter refers to human rights in the Preamble and Articles 1, 8, 13, 55, 56, 62, 68 and 76:

**Article 1** defines one of the objectives of the UN : promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion’.

**Article 8** states that ‘the United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

**Article 13** says that the responsibilities, functions and powers of the General Assembly shall include ‘assisting in the realisation of human rights and fundamental freedoms for all.

**Article 55** describes the purposes of the UN in international co-operation, which include under (c): ‘universal respect for, and observance of human rights and fundamental freedoms for all without discrimination as to race, sex, language, or religion’. Article 56 contains a pledge by all members ‘to take joint and separate action in co-operation with the Organisation for the achievement of the purposes set forth in Article 55’.

**Article 62** contains similar provisions in describing the responsibilities, functions and powers of the Economic and Social Council (ECOSOC).

**Article 68** authorises the ECOSOC to set up commissions ‘in economic and social fields and for the promotion of human rights’.

**Article 76** contains human rights provisions in the description of the international trusteeship system.

### 12.Explain the rights of the child guaranteed under the convention on the rights of the child.

#### Introduction:

The United Nations Convention on the 'Rights of the Child' is an international statement of the civil, political, economic, social and cultural rights of children.

The UN General Assembly adopted the Convention and opened it for signature on 20 November 1989

1. Guiding principles: General requirements for all rights
2. Survival and development rights: The basic rights to life and achieving one's full potential
3. Protection rights: Keeping safe from harm
4. Participation rights: Having an active voice

#### Guiding principles: General requirements for all rights

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##### **Article 1 (definition of the child)**

Everyone under 18 years of age has all the rights in this convention.

##### **Article 2 (without discrimination)**

The convention applies to everyone whatever their race, religion, abilities, whatever they think or say, and whatever type of family they come from.

##### **Article 3 (best interests of the child)**

All organisations concerned with children should work towards what is best for every child.

##### **Article 4 (protection of rights)**

Governments must do all they can to fulfil the rights of every child.

##### **Article 6 (survival and development)**

Every child has the right to life. Governments must take necessary steps to ensure that children survive and grow up well.

##### **Article 12 (respect for the views of the child)**

Children have the right to say what they think in all matters that may affect them and to have their opinion taken into account.

#### Survival and development rights: The basic rights to life and achieving one's full potential

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##### **Article 7 (registration, name, nationality, care)**

Children have the right to a legally registered name and nationality. They also have the right to know and, as far as possible, to be cared for, by their parents.

##### **Article 9 (separation from parents)**

Children should not be separated from their respective parents unless it is for their own good, for example, if a parent is abusing or neglecting a child). In the event of their parents getting separated, they have the right to stay in contact with both parents, unless this might harm them.

##### **Article 20 (children deprived of a family)**

If the children cannot be looked after by their own family, governments should ensure that they are looked after properly by people who respect their religion, culture and language.

**Article 22 (refugee children)**

If children have come into the country as refugees, then it is important that they have the same rights as children born here. Also adequate steps are to be taken to make sure that these children are reunited with their families, wherever possible.

**Article 23 (with disability)**

Every child with a disability has the right to live a decent life with dignity, independence and an active role in the community. They are entitled to special care and support to lead such a life..

**Article 24 (health and health services)**

Children have the right to good quality health care, clean water, nutritious food and a clean environment, so that you they stay healthy.

**Article 25 (review of treatment in care)**

Those children who are under the care of any local authority (hospital, custody etc), rather than by their parents, have the right of review of their treatment and situation regularly.

**Article 26 (social security)**

Children have the right for help from the Government if they are poor or in need.

**Article 27 (adequate standard of living)**

Every child has the right to a standard of living that is good enough to meet their physical and mental needs. The Government should help their families, if they cannot afford to provide this.

**Article 28 (right to education)**

Every child has the right to an education. Primary education must be free. Secondary education must be available to every child.

**Article 29 (goals of education)**

Education should develop your personality and talents to the maximum extent. It should encourage the child's respect for human rights as well as respect for their parents, their own and other cultures and the environment.

**Article 30 (children of minorities)**

Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of people in the country.

**Article 31 (leisure, play and culture)**

Children have the right to relax, play and join in a wide range of cultural and extra-curricular activities.

**Article 42 (awareness of rights)**

The Government should make the convention known to all parents and children.

Protection rights: Keeping safe from harm

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**Article 19 (protection from violence)**

Governments should ensure that the children are properly cared for and protected from violence, abuse and neglect by their parents, or anyone else who looks after them.

**Article 32 (child labour)**

The Government should protect children from work that is dangerous, or that might harm your health or education.

**Article 36 (other forms of exploitation)**

Children should be protected from any activities that could harm their development.

**Article 35 (abduction)**

The Government should make sure that children are not abducted or sold.

**Article 11 (kidnapping or trafficking)**

The Government should take steps to protect children from being taken out of their country illegally.

**Article 34 (exploitation)**

The Government should protect children from sexual abuse.

**Article 37 (detention)**

No child shall be tortured or suffer cruel treatment or punishment, while being detained for an offence. They can be arrested only as the last resort and that too for the shortest possible time and they are entitled to be in contact with their families during the detention period.

**Article 40 (juvenile justice)**

Children who are accused of breaking the law, are entitled to receive legal help and a fair trial which takes into consideration their age and situation.

Participation rights: Having an active voice

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**Article 15 (freedom of association)**

Every child has the right to receive and to share information, to meet together and to join groups and organisations as long as it does not restrict the rights of others.

**Article 13 (freedom of expression)**

Every child has freedom to say what they think and to seek and receive information of any kind as long as it is within the law.

**Article 16 (right to privacy)**

Children have a right to privacy. The law should protect children from attacks against their way of life, their families and homes.

**Article 17 (access to information from mass media)**

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that they can understand, and should not promote materials that could harm them.

**13. Discuss the civil and political rights under international covenant on civil and political rights.**

**Introduction:**

This Covenant was adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 23 March 1976. By May of 2012, the Covenant had been ratified by 167 states.

The Covenant elaborates further the civil and political rights and freedoms listed in the Universal Declaration of Human Rights.

Under Article 1 of the Covenant, the states commit themselves to promote the right **to self-determination** and to respect that right. It also recognises the **rights of peoples to freely own, trade and dispose of their natural wealth and resources.**

**Among the rights of individuals guaranteed by the Covenant are:**

**Article 2**

The right to legal recourse when their rights have been violated, even if the violator was acting in an official capacity.

**Article 3**

The right to equality between men and women in the enjoyment of their civil and political rights.

**Article 6**

The right to life and survival.

**Article 7**

The freedom from inhuman or degrading treatment or punishment.

**Article 8**

The freedom from slavery and servitude.

**Article 9**

The right to liberty and security of the person and freedom from arbitrary arrest or detention.

**Article 11**

The freedom from prison due to debt.

**Article 12**

The right to liberty of movement and freedom to choose residence

**Article 14**

The right to equality before the law; the right to be presumed innocent until proven guilty and to have a fair and public hearing by an impartial tribunal.

**Article 16**

The right to be recognised as a person before the law.

**Article 17**

The right to privacy and its protection by the law.

**Article 18**

The freedom of thought, conscience and religion.

**Article 19**

The freedom of opinion and expression.

**Article 20**

Prohibition of propaganda advocating war or national, racial or religious hatred.

**Article 21**

The right to peaceful assembly.

### **Article 22**

The right to freedom of association.

### **Article 23**

The right to marry and found a family

### **Article 24**

The rights for children (status as minors, nationality, registration and name).

### **Article 25**

The right to participate in the conduct of public affairs, to vote and to be elected and access to public service.

### **Article 26**

The right to equality before the law and equal protection

### **Article 27**

The right, for members of religious, ethnic or linguistic minorities, to enjoy their culture, practice their religion and use their language.

### **Conclusion:**

*The Covenant is legally binding; the Human Rights Committee, established under Article 28, monitors its implementation. The First Optional Protocol establishes an individual complaint mechanisms for the ICCP. By May 2012, the protocol had been ratified by 114 states. The Second Optional Protocol entered into force in 1991 and aims at the abolition of the death penalty. By May 2012 it had been ratified by 74 states.*

### **14.Discuss the human rights guaranteed and protected under the constitution of India?**

#### **Introduction:**

The Rights and Fundamental Rights are sections of the Constitution of India that provides people with their rights. These Fundamental Rights are considered as basic human rights of all citizens, irrespective of their gender, caste, religion or creed. etc. These sections are the vital elements of the constitution, which was developed between 1947 and 1949 by the Constitution of India.

There are six fundamental rights in India. They are Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, and Right to Constitutional Remedies.

Brief Description of Provision	COI
Right to life and liberty	Article 21
Prohibition of trafficking and forced labour	Article 23
Protection against detention in certain cases	Article 22
Freedom of movement	Article 19(1)(d)
Right to equality	Article 14
Right not to be compelled to be a witness against own self	Article 20(3)
Protection against double jeopardy	Article 20(2)
Protection against ex-post facto law	Article 20(1)
Right to freedom of conscience and to practice, profess and propagate any religion	Article 25(1) & 25(2)(a)
Freedom of speech and expression	Article 19(1)(a)
Right to assembly peacefully	Article 19(1)(b)
Right to form union/ association	Article 19(1)(c)
Equality in opportunity of public service	Article 16(1)

Equality and equal protection before law and no discrimination on the basis of any ground such as race, colour, sex, language, religion etc.	Article 14 & 15(1)
Protection of interests of minorities	Article 29(1) & 30

## **15. Discuss the constitution, powers and functions of state human rights commission.**

### **Introduction:**

The **Protection of Human Rights Act, 1993**, provided for the establishment of the **State Human Rights Commission** by an Act of Parliament for the protection and promotion of human rights in India. The **State Government may create a body called the Human Rights Commission of that state** in order to exercise the powers or perform the responsibilities that are given to the State Commission. This article lets us see the composition, functions, and powers of the State Human Rights Commission.

### **Composition of the States Human Rights Commission**

The State Human Rights Commission is made up of three members: a chairperson and two members.

### **Chairperson**

The chairperson shall be a retired Chief Justice of a High Court **or a High Court Judge**

### **Members**

Members should be a **serving or retired High Court judge or a District Judge** with a minimum of seven years experience as a District Judge, as well as someone with knowledge or practical experience in human rights.

### **Appointment**