

Examrace

Competitive Exams: Human Rights

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What Are Human Rights?

- Human Rights are the moral claims which are inalienable and inherent to all individuals by virtue of their being humans alone.
- Throughout the history, there has been a conflict between the ruling elite and the ruled. For example, Magna Carta-England 1215.
- French Declaration of the Rights of Man and of the Citizen-1789.
- American Bill of Rights.
- Since the First World War, League of Nations took some initiative.
- ILO was created in 1919.
- International Slavery Convention was signed in 1926 ^
- But during 1920s and 30s massive abuse of human life and dignity based on race, religion and nationality were there.
- UNO was established after the World War II.
- Art I of the UN Charter: 'To achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedom for all without distinction as to race, sex, language or religion.'

Universal Declaration of Human Rights

The General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights on December 10, 1948.

- Art 1: All human beings are born free and equal in dignity and rights.
- Art 2: Everyone is entitled to all the rights and freedoms set forth in this declaration without distinction of any kind such as race, colour, sex, language, religion, nation, property, birth or other status.
- Art 3: Everyone has the right to life, liberty and security of person.
- Art 4: Slavery and slave trade is prohibited.
- Art 5: No one shall be subject to torture.
- Art 7: All are equal before law and are entitled to equal protection of law.

- Art 9: No one shall be subject to arbitrary arrest, detention or exile.
- Art 15: Everyone has the right to a nationality.
- Art 18: Freedom of thought, conscience & religion.
- Art 23: Right to work.
- Art 26: Right to education.

Indian Constitution and Human Rights

- Art 13: Boldly declares that all laws in so far they are inconsistent with the Fundamental Rights, be void, to the extent of inconsistency, and further the State shall not make any law which takes away or abridges these rights and any law made in contravention, shall be void.
- Art 14: Secures equality before the law to all persons.
- Art 15: Prohibits discrimination among the citizens on the ground of religion, race, caste, sex or place of birth.
- Art 16: Ensures equal opportunity to them in the matters of public employment.
- Art 19: Assures freedom of speech and expression, right to assemble peacefully and without arms; to form association and unions; to move freely throughout the territory of India; to reside and settle in any part of the country, trade and business etc.
- Art 21: Guarantees equal protection of the law and prohibits deprivation of life and personal liberty.
- Art 23: Prohibits traffic in human beings and forced labour.
- Art 24: Prohibits child labour.
- Art 25 – 30: Assures freedom of conscience and right to manage religious institutions; as well as makes provisions for the protection of the minorities and their places of worship and educational institutions.
- Directive Principles of State Policy (DPSP) provides for a lot of social and economic benefits for the citizens to be attained in future.
- In addition to these, there are several laws of a reformative character like the Employees State Insurance Acts, the Dowry (Prohibition) Act, the Bonded Labour (Abolition) Act, the Minimum Wages Act, Workmen Compensation Act, the Protection of Civil Rights Act, the Environmental Protection Act, etc. Which try to ensure safety and security against various evils.

National Human Rights Commission

- In keeping with the spirit of human rights movement all over the world, the National Human Rights Commission (NHRC) came into existence in India through an Ordinance

promulgated on 28th September 1993 by the President of India.

- However, soon the Ordinance was replaced by a statute called the Protection of Human Rights Act, 1993 which came into force in 1994. This Act provides for setting up the NHRC at the Centre as well as one Commission each at the State level.
- The National Human Rights Commission is designed to protect human rights, defined as rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International covenant and which are enforceable by the Courts in India (Protection of Human Rights Act, 1993) .

Composition

- The NHRC consists of a Chairperson and four members, all of them being full-time members.
- Apart from these full-time members, the Commission also has its deemed members as the Chairpersons of the National Commission for Minorities, the National Commission for the SCs & STs and the National Commission for Women.
- The multi-membership is intended to reinforce the independence and impartiality of the Commission. Of the five members including the Chairperson, three are to possess high level judicial background and the remaining must have knowledge of or practical experience in matters relating to Human Rights.
- The Chairperson must be no less than a former Chief Justice of India.

Functions

- It can intervene in any legal proceedings involving an allegation of violation of Human Rights.
- It can also, visit, with the prior approval of the State Government, any jail to study the living conditions of the inmates and make recommendations.
- It can review the safeguards provided by or under the Constitution or any law for the protection of Human Rights and recommend measures for their effective implementation.
- The Commission also reviews the factors, including acts of terrorism, that inhibit the enjoyment of Human Rights and recommends remedial measures.
- It also undertakes and promotes research in the field of Human Rights.
- Finally, it encourages the NGOs working in the field of Human Rights.

Autonomy of the Commission

- The autonomy of the Commission is derived from the method of appointment of its members, their fixity of tenure, and statutory guarantees.

- The Chairperson and the members of the Commission are appointed by the President on the basis of recommendations of a committee comprising the Prime Minister as the chairperson, the Speaker of the Lok Sabha, the Home Minister, the leaders of the Opposition in the LS and the ₹ and the Dy. Chairperson of the ₹ as members.

Working of the Commission

- The Commission has all the powers of a Civil Court.
- It has its own investigating staff for investigation into complaints of Human Rights violations.
- It is open to the Commission to utilise the services of any officer or investigation agency of the Central Government or any State Government.
- The Commission while inquiring into the complaints of violations of human rights may call for the information or report from the Central Government or any State-Government, or any other authority or organisation subordinate thereto within such time as may be specified by it.

Enquiry on Commission

The Commission may take any of the following steps upon the completion of an enquiry:

1. Where the enquiry discloses the Commission of violation of Human Rights or negligence in the prevention of violation of Human Rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other function.
2. Approach the SC or the HC concerned for such directions, orders, or writs as that court may deem necessary.
3. Recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family.

Programs by Commission

Central Government to whom the Commission recommends for action has to indicate its comments/action taken on the report/recommendations of the Commission within a period of one month in respect of general complaints and within a period of three months in respect of complaints relating to the Armed Forces. The authority or the State Government or the Some of the Programmes and Human Rights issues taken up by the Commission include:

- Review of the Child Marriage Restraint Act, 1929
- Protocols to the Convention on the Rights of the Child
- Preventing Employment of Children by Government Servants: Amendment of Service Rules

- Abolition of Child Labour
- Guidebook for the Media on Sexual Violence against Children
- Trafficking in Women and Children: Manual for the Judiciary for Gender Sensitization
- Sensitization Program on Prevention of Sex Tourism and Trafficking
- Maternal Anaemia and Human Rights
- Rehabilitation of Destitute Women in Vrindavan
- Combating Sexual Harassment of Women at the Work Place
- Harassment of Women Passengers in Trains
- Abolition of Manual Scavenging
- Dalits issues including atrocities perpetrated on them
- Problems faced by Denotified and Nomadic Tribes
- Rights of the Disabled
- Right to Health. HIV/AIDS

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