

Unit-4: Human Rights in India

In-class Activity

At the very beginning of this Unit, students must share their views on the different ways they see or understand human rights. They need not limit their thoughts to the issues below which may also be used to guide discussions.

- What do you mean by 'human rights'?
- Do criminals have human rights?
- Are human rights anti-majoritarian (protection of minorities from the domination of the majority)?
- Are human rights a moral demand to resolve the various kinds of injustices?
- Are human rights a tool for sloganeering and disruptions?

A. Introduction

The focus of this Unit is on the human rights laws in India and it consists of two main chapters, one on the Indian Constitution and statute laws, and the other on the complaint mechanisms and human rights commissions. The chapters and topics covered in this Unit are not arranged based on themes like children, women, dalits and advasis, religious minorities, environment, or citizens generally, but are arranged on the basis of legal framework and provisions. And, these and many other themes are embedded in the discussions on the relevant topics of legal framework and provisions of human rights laws in India. For example, the sub-theme of child marriage and dalits find reference also under the topic of 'right to equality' provision of the Constitution.

This Unit will provide students with – 1) the understanding of the words 'human rights'; 2) some historical and international developments about human rights; 3) the discussion about various kinds of human rights that are safeguarded by several laws in India; 4) examples of various themes with the corresponding laws; and 5) role of various human rights commissions in India and related complaint mechanisms. Human rights field is expansive and this Unit merely provides some basic examples of those laws, themes and complaint mechanisms to give students a general knowledge sense of human rights commonly and in India. This introduction covers briefly few developments in the international historical context and the international practice of human rights; the introduction is followed by the two main chapters on Indian laws and practice, which is the main focus of this Unit.

1. Historical Context

Historically, varied religious and social traditions as well as philosophical writings have recognized in different ways and with diverse perspectives the inherent rules of being humans, particularly the principles that ensure respect for human dignity. Such principles have commonly been understood as basic and unalienable. For example, traditions like Christianity, Islam, Hinduism, Buddhism, and Confucian have made reference to 'respect' and 'well-being' for others, which mean that human beings must conduct themselves in particular ways. The modern society, also, has recognized certain rules of respecting human dignity and their well-being and formulated them in the form of human rights. Generally, the word 'rights' denote that these rules are entitlements or claims of all to be recognized and protected through duties and obligations, and the State ensures that human rights of all are guaranteed.

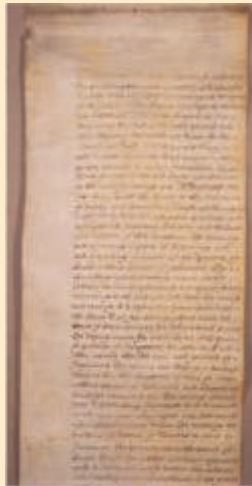
The modern concept of human rights emerged from the Western politics and philosophy. The English legal documents of *Magna Carta* of 1215 and *The English Bill of Rights* of 1689 are some of the earliest examples of the human rights laws. The *Magna Carta* of 1215 was an agreement between the English King John and the barons who were unhappy about the taxation policies of the Monarch. The *Magna Carta* included clauses in the form of rights language; it granted the barons the right to legal trial and prevented their arrest or imprisonment or outlawing or abuse or denial of ownership of property without legal trial.

Magna Carta Clause 29. Digital image.
Source: Kentfreedommovement.com.

The Magna Carta
Clause 29 (clause 39 in the 1215 charter), a right to due process
29. NO Freeman shall be taken or imprisoned, or be disseised of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any other wise destroyed; nor will We not pass upon him, nor condemn him, but by lawful judgment of his Peers, or by the Law of the land. We will sell to no man, we will not deny or defer to any man either Justice or Right

The English Bill of Rights of 1689 was an agreement between the Parliament and the King that prevented the latter from abusing the Protestants. It included clauses

that prohibited levying of money by the Crown, and provided right to petition the King, right to fair trial, right against cruel and unusual punishments or excessive fines, and right to parliamentary privileges (speech, vote, etc.) to the members of Parliament. Besides these laws, the late 17th and 18th century writings of many



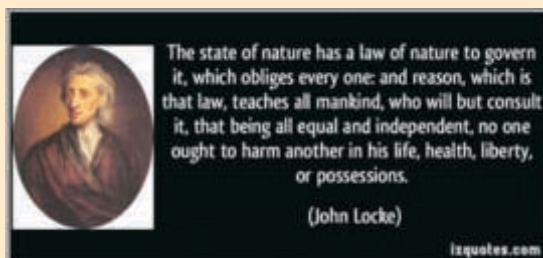
The Bill of Rights 1689: An Act Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown

Rights include

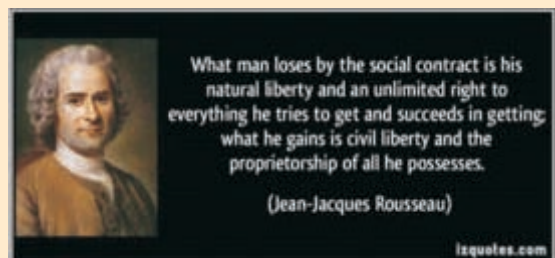
- Parliamentary privileges – free elections and freedom of speech in the Parliament
- Right not to be taxed without the approval of the Parliament
- Freedom from intrusion of the Government
- Right to petition in courts
- Right to fair treatment in courts

The Bill of Rights 1689: An Act Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown. Digital image. Source: Parliament.uk.

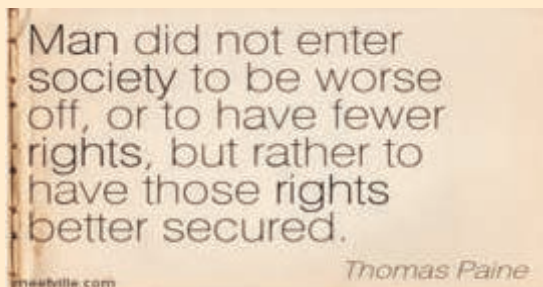
Western thinkers influenced the definition of human rights like, John Locke, Jean-Jacques Rousseau, and Thomas Paine. Any discussion on their high theories and philosophical debates is beyond the scope of this Unit; by way examples, given below are the image sand quotes of these scholars.



John Locke Quote. Digital image. Source: Izquotes.com.




Jean-Jacques Rousseau Quote. Digital image. Source: Izquotes.com.



Thomas Paine Quotes and Sayings. Digital image. Source: Meetville.com.



Thomas Paine. Digital image. Source: En.wikipedia.org.



Modern Constitutions of most democratic countries have recognized and adopted similar ideals of human rights as guiding principles. The two earliest and influential examples are that of the United States of America and France. In 1776, when United States of America was formed as a new nation, it adopted the 1776 *American Declaration of Independence* which included in its preamble the human rights values and stated:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

Again in 1789, at the beginning of the French Revolution, the National Constituent Assembly of France adopted the *French Declaration of the Rights of Man and of the Citizen*, which, drawing upon the United States ideals of human rights, laid the foundation of human rights principles still valid in the present French Constitution. The French Declaration stated in its first two clauses:

“Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.”

These declarations recognize the inherent dignity and the equal and inalienable rights of human beings, and they form the basis of achieving freedom, justice and peace in a modern democratic State.

2. International Human Rights

In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) as “a common standard of achievement for all peoples and nations.” The Universal Declaration of Human Rights provides and defines the various kinds of human rights that are applicable to all human beings. They include the fundamental civil, political, economic, social and cultural rights, for example – freedom of speech, assembly, conscience and religion; right to education; right to livelihood and decent standard of living; right to life, liberty and security of person; right to equality; freedom from all forms of discriminations including based on gender and race; and so on. The Declaration has been embraced by almost all member States of the United Nations to respect and protect the basic human rights values provided therein.

From the Preamble of Universal Declaration of Human Rights

.....THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Pursuant to this Declaration, the United Nations adopted a series of international human rights laws on a wide range of themes as well as those with regional specifics that bind signatory countries with obligations and duties provided in these laws to protect and respect human rights. In order to operationalize these rights, many countries have incorporated them in their Constitutions and other domestic legislations.

"The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights."

"International Human Rights Law." www.ohchr.org. Office of the High Commissioner for Human Rights, Web.

The international human rights practice also provides for complaint mechanisms and procedures for receiving complaints or communications ensuring that these rights are respected, protected, implemented, and enforced within each party State.

Few examples of international human rights treaties are -

International Covenant on Civil and Political Rights, 1976	Based on the ideals of free human beings enjoying civil and political freedom and freedom from fear and want. E.g., freedom of speech, assembly, conscience and religion;
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	right to life, liberty and security of person; right to equality; freedom from all forms of discriminations including based on gender and race; and so on.
International Covenant on Economic, Social and Cultural Rights, 1976	Examples – right to education; right to livelihood and decent standard of living; right to health, right to shelter, and so on.
Convention on the Rights of the Child, 1990	The child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection.
Convention on the Elimination of All Forms of Discrimination Against Women, 1979	Discrimination against women is defined as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."
Convention Relating to the Status of Refugees, 1954	It provides legal safeguards to a refugee/a person who is granted asylum/shelter in another country – "A refugee is a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his

	<p>nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.."</p>
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B. Constitutional Framework and Related Laws in India

Like in many other countries (e.g., US, South Africa, and so on), in India too human rights are rooted in the Constitution. The Indian constitutional human rights framework involve the following parts – 1) the Preamble, 2) Part III of the Constitution containing the Fundamental Rights provisions, 3) Part IV offering the Directive Principles and 4) Part IV(A) consisting of the Fundamental Duties.

1. The Preamble

The Constitution of India begins with the Preamble affirming its aims, objectives, and the guiding principles. The principles laid out in the Preamble are used for interpreting provisions of the Constitution that are vague and ambiguous; and as discussed in an earlier Unit, Preamble is the 'basic structure' of the Constitution. In that, the doctrine of 'basic structure' takes away the amendment power of the Parliament with regards to certain features of the Constitution such as democracy, rule of law, secularism, separation of powers and judicial review. Some of these features appear in the Preamble. The Preamble states as follows:


“WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity and to promote among them all;

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;



IN OUR CONSTITUENT ASSEMBLY this twenty sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION."

The Preamble proclaims the rights and freedoms, provisions of which are contained in the Constitution in various parts and clauses aimed "to secure to all its citizens" those rights and freedoms.

2. Part III – Fundamental Rights

Articles 12-35 in Part III of the Constitution contain the provisions on fundamental rights. Before we discuss what rights constitute fundamental rights, it is important to note some of the salient features of fundamental rights that are spelt out here:

- They are enforceable by the higher courts in India.
- Article 32 provides the right to the aggrieved ones, whose fundamental rights have been violated or denied, to petition the Supreme Court for the enforcement of fundamental rights.
- Article 13 elevates the authority of fundamental rights. It ensures that the State or other competent authority do not make laws including ordinances, orders, bye laws, rules, regulations, notifications, customs or usages that contradicts or takes away or breaches the fundamental rights.
- Fundamental rights are mostly enforceable against the State and in some cases against private persons. An example of the former is the right to freedom of speech and expression; for the latter is the prohibition of employment of children below the age of fourteen years in factories, mines, and in places of hazardous activities.
- The term 'State' includes the Government, Parliament, State Legislatures, District Boards, Panchayats, Municipalities, and other authorities or organizations that are an instrument or agency of the state like, the Indian Oil Limited, Karnataka State Road Transportation Authority, Delhi Jal Board, and so on.

Fundamental rights are largely civil and political rights and consist of the right to equality (Articles 14-18), right to freedom (Arts. 19-22), right against exploitation (Arts. 24 and 25), right to freedom of religion (Arts. 25-28), Cultural and Educational rights (Arts. 29-30), and right to constitutional remedies (Arts. 32-35).

(i) Right to Equality

Equality Principle – Article 14 provides to all the right to equality before law and equal protection of the law. It prohibits discrimination on grounds of religion, race, caste, sex or place of birth. It means that law treats everyone equally without consideration of their rank or status or other backgrounds. The principle of equality means that one uniform law cannot be applied to all equally as some may not be similarly placed as others. So 'equality' treats equals similarly and unequals differently. For example, the Prohibition of Child Marriage Act 2006



prescribes the marriage age of girl as 18 years and that of boy as 21 years; this restricts a minor from getting married. This example draws a distinction based on age in relation to the question of the prohibition of child marriage. However, if the marriage between two parties were to be disallowed based on the classification of religion, race, caste, sex or place of birth, it would amount to discrimination and breach of the right to equality.

Discrimination & access to public places – Article 15 is based on the equality principle. It prohibits State from discriminating anyone based on grounds of religion, race, caste, sex or place of birth. Also, it prohibits anyone and the State from using these grounds to restrict any citizen from entering shops, public restaurants, hotels and places of public entertainment; or the use of wells, tanks, bathing ghats, roads and places of public resort.

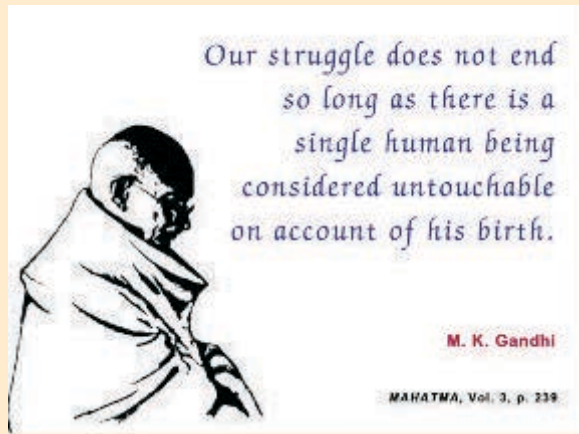
Reservation and affirmative action – Article 16 is also based on the equality principle of Article 14. It provides for equality of opportunity in matters of public or State employment and bars any discrimination to any citizen on grounds of religion, race, caste, sex, descent, place of birth, or residence. However, this article allows State to provide reservation or affirmative action programs for government jobs to backward classes like Schedule Castes and Scheduled Tribes who because of historical and continued

disadvantages based on caste status and otherwise have not been adequately represented in the services under the State.

Abolition of untouchability - Under Article 17 "Untouchability" is abolished and its practice in any form is forbidden. This article can be enforced against both the State as well as private individuals and the offence is punishable in accordance with special laws like the Protection of Civil Rights Act, 1955 and the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The abolition of untouchability in article 17 is made operationalized by these two special laws that attempt to remove any form of harassments and abuses to 'Dalits' and 'Adivasis' by the State or private individuals.



Chhuwachhut Pratha (Untouchability). Digital image. Source: [Http://socialwrite.blogspot.com](http://socialwrite.blogspot.com)



Thought For The Day (UNTOUCHABILITY). Digital image. Source: [Http://mkgandhi-sarvodaya.blogspot.com](http://mkgandhi-sarvodaya.blogspot.com)


(ii) Right to Freedom

Freedoms - Article 19 prescribes and protects the following kinds of freedoms to all citizens:

- a) Freedom of speech and expression.
- b) Freedom to assemble peaceably and without arms.
- c) Freedom to form associations or unions.
- d) Freedom to move freely throughout the territory of India.
- e) Freedom to reside and settle in any part of the territory of India; and
- f) Freedom to practice any profession, or to carry on any occupation, trade or business.

Reasonable Restrictions – However, Article 19 also provides 'reasonable restrictions' on these freedoms, which means that these rights are conditional. The State can 'reasonably' limit or take away the right to 'freedom of speech and expression' when there is a threat to the sovereignty and integrity of India, or the security of the State, or friendly relations with foreign States, or public order, or decency or morality, or in relation to contempt of court, or defamation, or incitement to an offence. For example, the State can prohibit someone from making inciting speeches that may provoke others to commit violence. The chart below presents the various conditions under which State can limit or take away the freedoms.

Freedom	Restrictions (grounds)
Freedom of speech and expression	Sovereignty and integrity of India, or the security of the State, or friendly relations with foreign States, or public order, or decency or morality, or contempt of court, or defamation, or incitement to an offence
Freedom to assemble peaceably and without arms	Sovereignty and integrity of India, or public order
Freedom to form associations or unions	Sovereignty and integrity of India, or public order or morality
Freedom to move freely throughout the territory of India	Interests of the general public, or for the protection of the interests of any Scheduled Tribe
Freedom to reside and settle in any part of the territory of India	
Freedom to practice any profession, or to carry on any occupation, trade or business	Interests of the general public; or the State prescribed professional or technical qualifications; or State-run trade, business, industry or service, that excludes participation of citizens or others either completely or partially.



However, at times Supreme Court can invalidate State's restrictions if it finds them to be unreasonable. As an instance, State cannot put restriction as an excuse because it is unable to maintain public order, e.g., application of aforementioned restrictions on the sale of a book because of a few unruly protesters; such restrictions are unreasonable and breach the right to freedom of speech and expression of the author.

Rights of persons accused of crimes – Article 20 provides for safeguards to persons who are accused of having committed crimes. This article provides the human rights framework to the criminal justice system, which was discussed in an earlier Unit in grade IX. The rights of persons accused of crimes are – firstly, article 20 provides that no person can be convicted for the commission or omission of an act that does not amount to an offense by any law in force at the time of such act. For example, sodomy law in section 377 of the Indian Penal Code (IPC) treats consensual homosexual conduct between same-sex adults as a criminal offense. In 2009, Section 377 was declared invalid and unconstitutional by the Delhi High Court to protect rights to privacy, non-discrimination, and liberty of lesbian, gay, bisexual and trans gender people. But in 2013, the Supreme Court reversed the High Court's decision. In this example, sodomy law will not apply to any consensual homosexual conduct committed in 2011, but will apply to commissions that take place post-Supreme Court judgment of 2013. Article 20 prohibits application of laws retrospectively and prospectively.

Secondly, article 20 provides that any person who is convicted of a crime should not receive a penalty greater than what is provided in the law in force at the time of the act of offence.

Thirdly, it provides for another important right – “no person shall be prosecuted and punished for the same offence more than once.” This means that if someone commits an offence, that person should not be harassed and punished repetitively (more than once) for the same offence.

Fourthly, it states that – “no person accused of any offence shall be compelled to be a witness against himself.” This provision safeguards the accused's right against self-incrimination. An accused may give information based on own knowledge if he or she chooses to, but cannot be forced to be self-witness against himself or herself. Every accused has a right to fair trial.

Right to life and personal liberty – Article 21 states as follows – “No person shall be deprived of his life or personal liberty except according to procedure established by law.”

This article is most fundamental; it is expansive and covers many other rights and is applicable to both the citizens as well as non-citizens. The meaning of 'right to life' includes right to human dignity, right to basic requirements of life, right to participate in activities and expression, right to tradition, heritage, and culture, and so on. 'Personal liberty' means various rights that provide for personal liberty of a person, i.e., everyone has right to do his or her will freely. The meaning of 'right to life and personal liberty' is broad and embraces many aspects including..... see the table below.



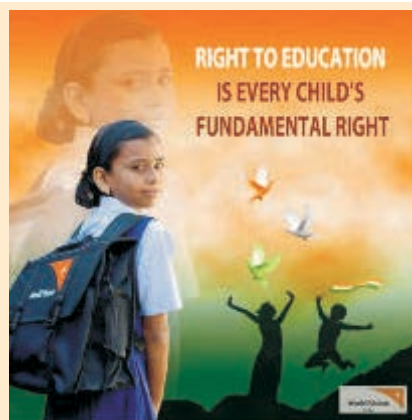
Opponents of the Right to Life Use Judge in Wisconsin to Stop Legal Protection of Children and Women - Texas Is Next. Digital image. Source: www.catholic.org

'Right to Life & Personal Liberty'

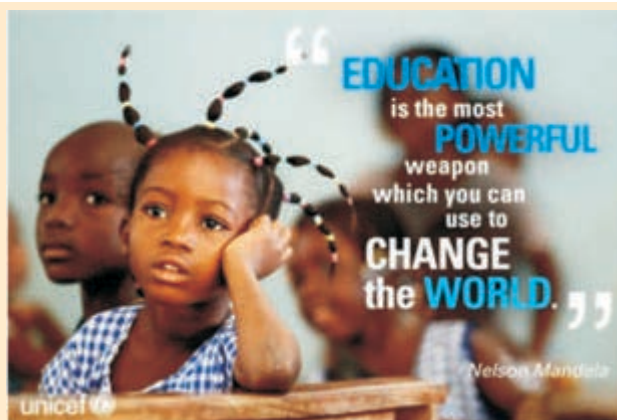
human dignity. basic necessities of life. engaging in activities and expression. tradition, heritage, and culture. privacy. pollution free environment. livelihood. against sexual harassment. against solitary confinement. legal aid. speedy trial. against delayed execution in capital punishment. against custodial violence. shelter. healthcare and medical provisions. against bonded labor. against cruel and unusual punishment

The second part of the article describes how one's right to life and personal liberty be taken away. A person can be deprived of his or her 'right to life or personal liberty' only by *procedure established by law*. This means that any law that limits or takes away one's right to life and personal liberty must contain a procedure that is fair and reasonable and not arbitrary. For example, the Indian Penal Code prescribes death penalty for certain crimes. This involves established procedures like, 1) death penalty is awarded only in 'rarest of rare' cases, and 2) there should not be delay in executing the prisoner waiting in death row. Also, Indian Penal Code allows for appeal where the wait period is longer than five years. Of course, it's a different debate whether 'death penalty' should be abolished.

Right to education – Article 21A states that – “The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.” This article provides for right to education to all between the age of six and fourteen and obligates State to implement this.



*Right to Education Is Every Child's Fundamental Right Source: Digital image.
Source: Peopleint.wordpress.com*



*A Child's Right To Education Source: Digital image.
Source: Selwood.com*

Prior to 2002, the Indian Constitution considered elementary education for children between age six and fourteen as a policy goal provision in the Directive Principles of State Policy; a more detailed discussion on the topic of Directive Principles of State Policy is covered in a subsequent part of this Unit. Briefly put, Directive Principles of State Policy are not enforceable in a court of law as they are as pirational goals to be achieved over a period of time. In 1992-93, however, the Supreme Court affirmed that depriving one from education amounts to depriving one's right to life. This meant that elementary education was raised to the status of fundamental right from that of a policy goal (directive principles) and hence enforceable. Accordingly, in 2002, Article 21A providing the right to elementary education was created as a fundamental right. However, implementing this right requires State's financial and budgetary expenditures of enormous amount to meet the demand of a high illiteracy rate, which so far has been inadequate.

Protection against arrest and detention – Article 22 provides safeguards against of arrest and detention in following ways:

- No one can be detained in custody without providing grounds for arrest.

- The arrested and detained person has a right to consult and to be defended by a legal practitioner of his or her choice.
- A person who is arrested and detained in custody should be produced before the nearest magistrate within a period of twenty-four hours. The travel time is not counted towards the twenty-four hours time frame.
- No such person can be detained in custody beyond twenty-four hours without the authority of a magistrate.

The above safeguards do not apply to a person from an enemy country. Also, they do not apply to persons arrested or detained under preventive detention laws. Generally, preventive detention laws allows for detaining persons on suspicion who have not been found guilty of any crime but their release may be detrimental to society like, they may commit more crimes if released or affect adversely investigations by State or they are mentally ill and so on. However, preventive detention laws can be misused resulting in violations of human rights of the person detained. For example, the Maintenance of Internal Security Act of 1971 was enacted during the Indira Gandhi administration, popularly known as “emergency”, and many political opponents were detained without safeguards against arrest and detention and other human rights.

(iii) Right against exploitation

Prohibition of traffic in human beings and forced labor – Article 23 prohibits human trafficking, beggar and forced labor.

Prohibition of employment of children in factories, etc. – Article 24 prohibits employment of children below the age of fourteen years in factories, mining, and other hazardous employment.

Human Trafficking involves the following			
ACT	Means	Purpose	= Trafficking
Recruitment	Threat or use of	Exploitation	
Transport	force	including	
Transfer	+	Prostitution of	
Harbouring	Coercion	others	
Receipt of	Abduction		
	Fraud	Sexual	

persons

Deception
Abuse of
power of
vulnerability

+ Giving
payments or
benefits

exploration
Forced labour
Slavery or
similar
practices
Removal of
organs
Other types of
exploitation

Human Trafficking. Digital image. www.unodc.org. Web.



*Top 10 Countries Infamous for Human Trafficking.
Digital image. Source: www.Listdase.com*

Other Examples of Human Trafficking

- forced labor
- forced sex workers
- forced organ transplantation
- forced surrogacy
- forced to work in factories of hazardous activities
- forced into begging

(iv) Right to Freedom of Religion

Freedom of conscience and free profession, practice and propagation of religion – Under article 25, all persons have the right to freedom of conscience, and freedom to profess, practice and propagate religion as long as their acts do not threaten public order, morality and health. For example, on the issue concerning use of loudspeakers for religious purposes, Supreme Court has stated that – “no religion prescribed that prayers should be performed by disturbing the peace of others nor does it preach that they should be through voice-amplifiers or beating of drums. In the name of religion nobody can be permitted to add to noise pollution or violate noise pollution norms. Even if there be religious practice to use voice amplifiers, it should not adversely affect rights of others including that of being nor



disturbed in their activities. Noise Pollution (Regulation and Control) Rules, 2000 should be followed.”

Also, State may regulate or restrict economic, financial, political or other secular activities that are associated with a religious practice. State can also provide social welfare and reforms in Hindu, Sikh, Jain, or Buddhist religious institutions as well as the State can throw open their religious institutions like temple to all classes and sections of that religious society. The wearing and carrying of kirpans is part of the profession of the Sikh religion and do not threaten public order, morality or health.


Freedom to manage religious affairs – Article 26 provides the right to every religious denomination, including their sub-sections or sects, to

- establish and maintain institutions for religious and charitable purposes;
- manage their own matters of religious affairs;
- own and acquire movable (e.g., vehicles, furniture) and immovable (e.g., house, trees) property; and
- administer such property in accordance with law.

These rights are conditional; they should not endanger public order, morality and health.

Freedom as to payment of taxes for promotion of any particular religion – Article 27 prohibits forcing anyone to pay any taxes on revenues that are used in payment of expenses for the promotion or maintenance of any religion or section. For example, donations in temples that are used for the upkeep of the temple cannot be taxed.

Freedom as to attendance at religious instruction or religious worship in certain educational institutions – Article 28 prohibits religious instructions in educational institution that are wholly maintained out of State funds. For example, government run schools like Sainik Schools and Kendriya Vidyalaya schools cannot impart religious instructions to students. However, some educational institutions are exempted from this rule, those which are administered by State but are established by endowments or trusts that require religious instruction in such educational institutions.



Furthermore, State recognized or State aided educational institutions cannot force any student to take part in any religious instruction or to attend any religious worship conducted in such institutions.

These provisions and others make India a secular state.

(v) **Cultural and Educational Rights**


Protection of interests of minorities – Article 29 provides minority sections of citizens who have distinct language, script or culture the right to conserve the same. It also prohibits educational institutions, maintained by the State or receiving aid out of State funds, from denying admissions to any citizen on grounds of religion, race, caste, or language.

Right of minorities to establish and administer educational institutions – Article 30 provides all minorities, whether based on religion or language, the right to establish and administer educational institutions of their choice. It also prohibits State from discriminating educational institutions, while granting them aid, on grounds of religion or language.

(vi) **Right to Constitutional Remedies**

Remedies for enforcement of fundamental rights – Article 32 guarantees the aggrieved ones, whose fundamental rights have been violated or denied, to petition directly to Supreme Court for the enforcement of fundamental rights. Unlike cases of other matters where one has to exhaust remedies of lower courts, in matters of fundamental rights violation one can approach the Supreme Court directly. Similarly, Article 226 authorizes High Courts to take up matters of fundamental rights violations directly for their enforcement.

Public Interest Litigation – Also known as Social Action Litigation. Article 32 allows for the practice of Public Interest Litigation, which is a process by which letters written to Supreme Court or High Courts by public-spirited persons or organizations alleging fundamental rights violations are converted into petitions. The author of the letter alleges violations of fundamental rights of the weaker sections of Indian society who are unable to approach the court; they include people in custody, victims of police violence, forced bonded laborers, migrant and contracted laborers, child workers, rickshaw pullers, hawkers, pensioners, pavement dwellers, and



slum dwellers. Courts can also act upon newspaper reports alleging fundamental rights violations of victims.

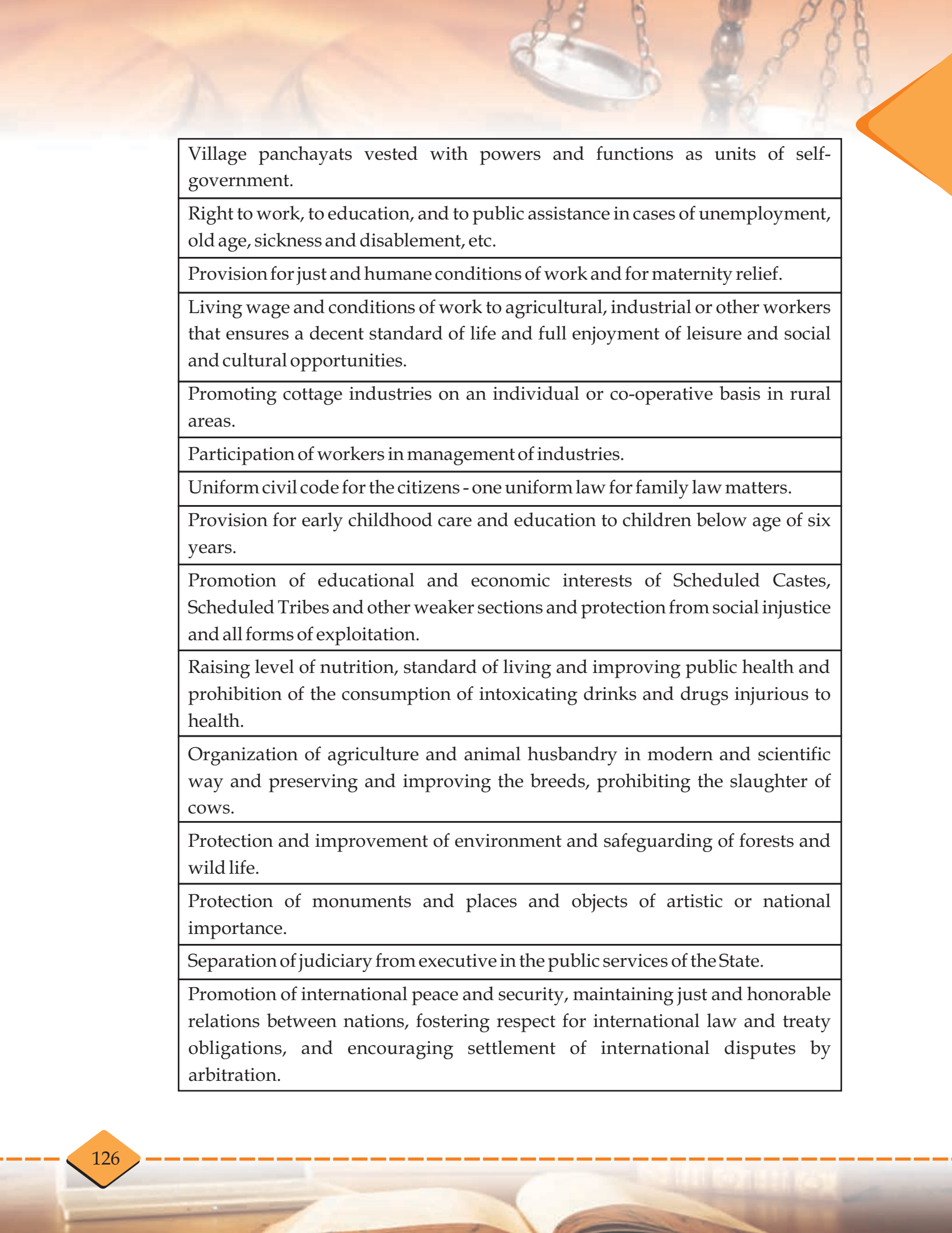
3. Directive Principles

Articles 36-51 in Part IV of the Constitution lay down the guiding principles of governance for the State are called the 'Directive Principles of State Policy'. Given below are few salient features of the directive principles.


- It is the duty of the State to apply these principles in making laws and policies on social and human development.
- These principles are largely of the nature of economic and social rights.
- The provisions of directive principles are not enforceable by any court of law, but they provide guidance in carrying out and drafting laws and policies regarding human and social development.
- Supreme Court has raised the status of many provisions of directive principles to that of fundamental right by suggesting they violate one's right to life (Art. 21).
- Directive principles aim at promoting the welfare of the people. They intend to secure and protect social, economic and political justice of its citizens.
- These principles endeavor to minimize income inequalities and to eliminate inequalities based on status, facilities, and opportunities amongst both individuals and groups of people.

Directive principles of policies guide State to achieve various goals as given in the table below.

'Directive Principles'
Right to adequate means of livelihood for both men and women.
Equal pay for equal work for both men and women.
Right to healthy working conditions for men, women and children.
Protection to children against exploitation and against moral and material abandonment.
Legal aid for securing justice - for those with economic or other disabilities.



Village panchayats vested with powers and functions as units of self-government.
Right to work, to education, and to public assistance in cases of unemployment, old age, sickness and disablement, etc.
Provision for just and humane conditions of work and for maternity relief.
Living wage and conditions of work to agricultural, industrial or other workers that ensures a decent standard of life and full enjoyment of leisure and social and cultural opportunities.
Promoting cottage industries on an individual or co-operative basis in rural areas.
Participation of workers in management of industries.
Uniform civil code for the citizens - one uniform law for family law matters.
Provision for early childhood care and education to children below age of six years.
Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections and protection from social injustice and all forms of exploitation.
Raising level of nutrition, standard of living and improving public health and prohibition of the consumption of intoxicating drinks and drugs injurious to health.
Organization of agriculture and animal husbandry in modern and scientific way and preserving and improving the breeds, prohibiting the slaughter of cows.
Protection and improvement of environment and safeguarding of forests and wild life.
Protection of monuments and places and objects of artistic or national importance.
Separation of judiciary from executive in the public services of the State.
Promotion of international peace and security, maintaining just and honorable relations between nations, fostering respect for international law and treaty obligations, and encouraging settlement of international disputes by arbitration.



Supreme Court has raised the status of many provisions of directive principles to that of fundamental rights by suggesting they also violate one's right to life (Art. 21). For example, and as discussed earlier, prior to 2002, elementary education for children between age six and fourteen was a policy goal provision in the Directive Principles of State Policy, which the Supreme Court raised to the status of fundamental right affirming that depriving one from education amounts to depriving one's right to life (Art. 21 Fundamental Right). Accordingly, right to education for ages six to fourteen is now part of the fundamental rights chapter, refer to the earlier discussion. Other prominent example is the right to livelihood, which is a directive principle often read with right to life as fundamental right. Supreme Court has often directed State to rehabilitate slum dwellers whenever they are evicted on grounds of encroachments. Eviction without rehabilitation closer to their work place amounts to violation of their right to livelihood and in turn the right to life.

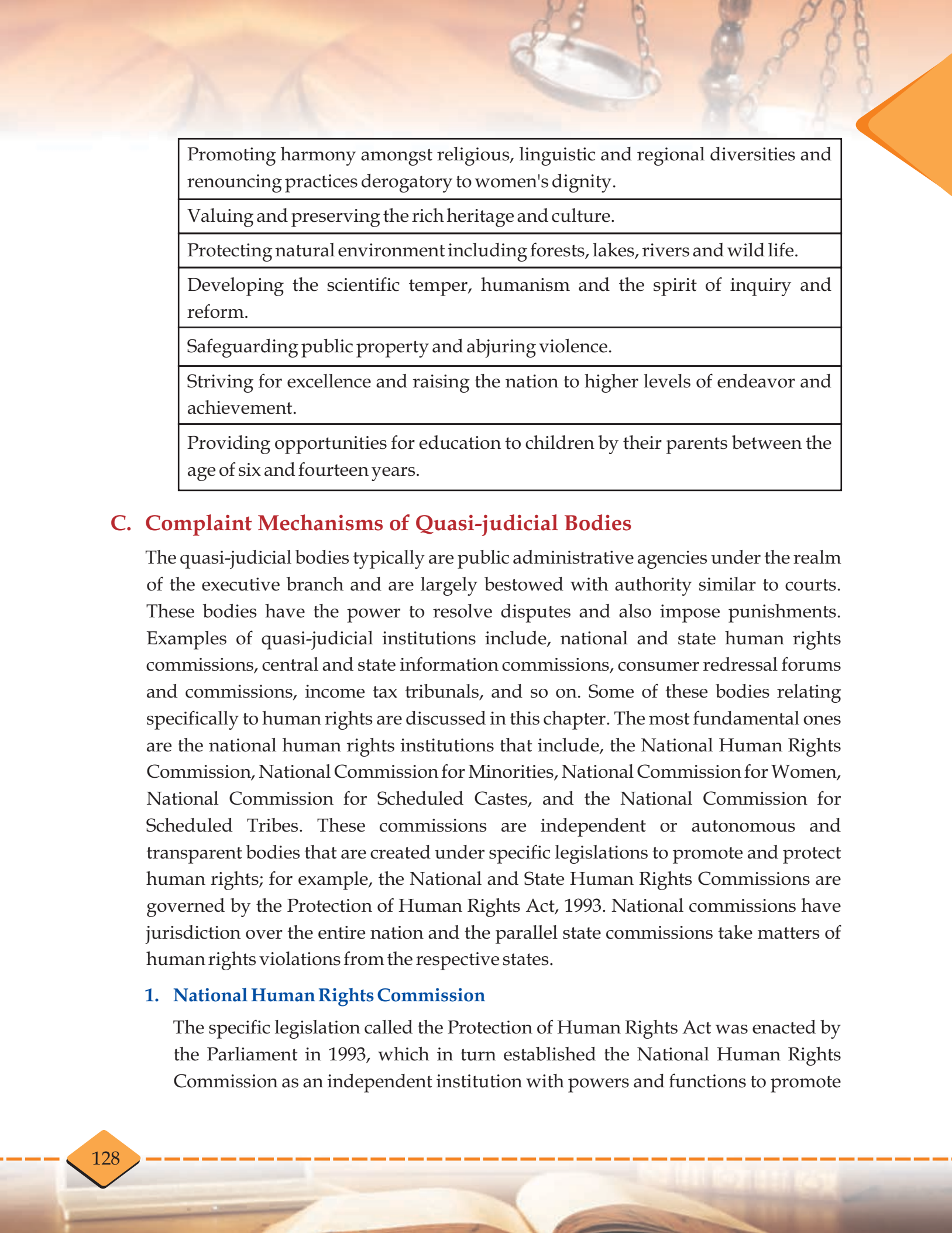
4. Fundamental Duties

Part IV(A) – Article 51A of the Constitution prescribes fundamental duties of every citizen. In that, certain conduct and behavior are expected of the citizens. The salient features of fundamental duties are given below.

- The fundamental duties cannot be enforced in a court of law for violation of the duties, and no one can be punished for the violation.
- Fundamental duties contain standards to be followed by the citizens.
- They remind citizens not to behave irresponsibly but help building a free, democratic and strong society.

It may be possible that, just like some provisions of the directive principles, courts may raise the status of these duties in future.

Fundamental Duties
Respecting the Constitution and institutions, the National Flag and the National Anthem.
Cherishing and following the noble ideals of the national struggle for freedom.
Upholding and protecting the sovereignty, unity, and integrity of India.
Defending the country and rendering national service when called upon to do so.



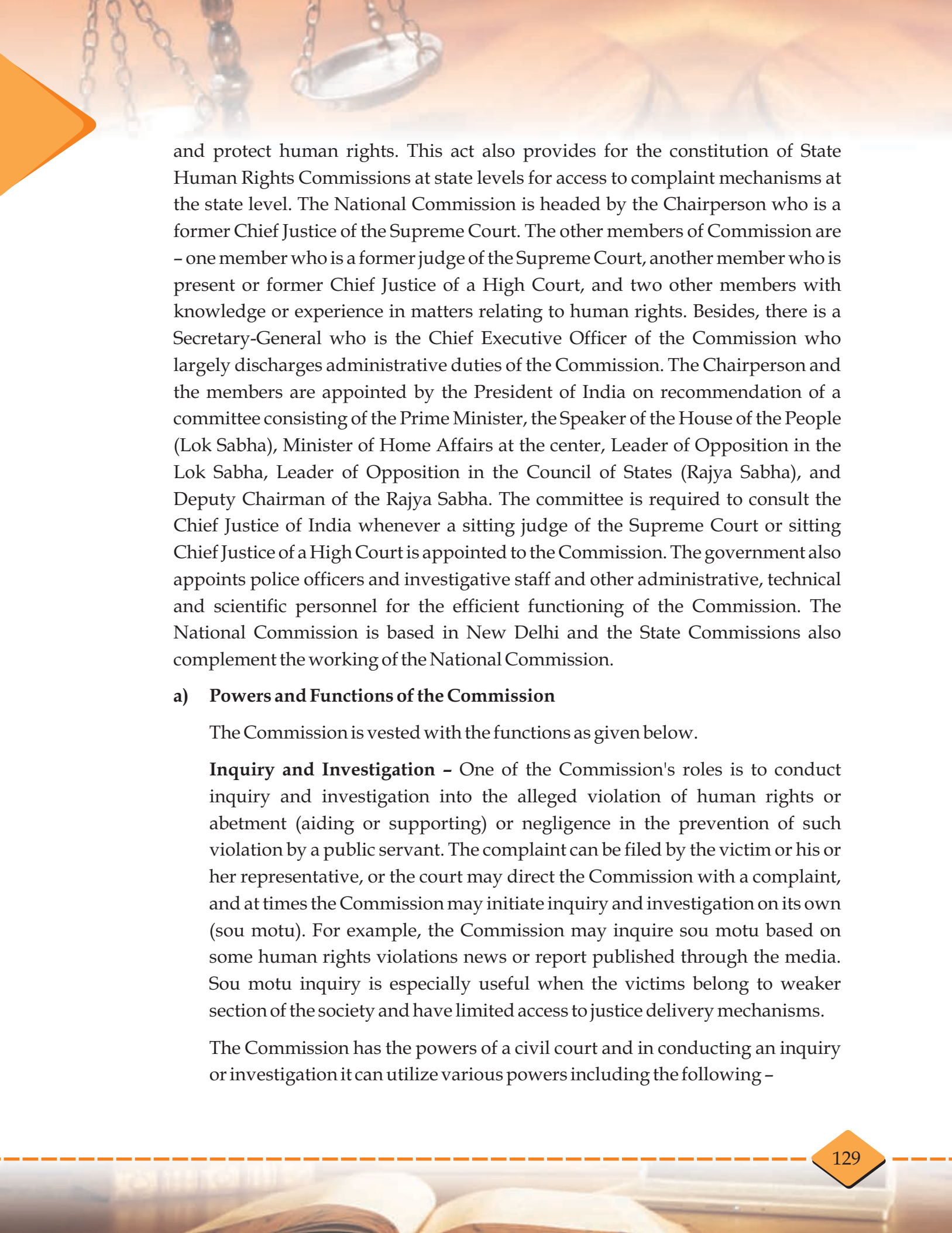
Promoting harmony amongst religious, linguistic and regional diversities and renouncing practices derogatory to women's dignity.
Valuing and preserving the rich heritage and culture.
Protecting natural environment including forests, lakes, rivers and wild life.
Developing the scientific temper, humanism and the spirit of inquiry and reform.
Safeguarding public property and abjuring violence.
Striving for excellence and raising the nation to higher levels of endeavor and achievement.
Providing opportunities for education to children by their parents between the age of six and fourteen years.

C. Complaint Mechanisms of Quasi-judicial Bodies

The quasi-judicial bodies typically are public administrative agencies under the realm of the executive branch and are largely bestowed with authority similar to courts. These bodies have the power to resolve disputes and also impose punishments. Examples of quasi-judicial institutions include, national and state human rights commissions, central and state information commissions, consumer redressal forums and commissions, income tax tribunals, and so on. Some of these bodies relating specifically to human rights are discussed in this chapter. The most fundamental ones are the national human rights institutions that include, the National Human Rights Commission, National Commission for Minorities, National Commission for Women, National Commission for Scheduled Castes, and the National Commission for Scheduled Tribes. These commissions are independent or autonomous and transparent bodies that are created under specific legislations to promote and protect human rights; for example, the National and State Human Rights Commissions are governed by the Protection of Human Rights Act, 1993. National commissions have jurisdiction over the entire nation and the parallel state commissions take matters of human rights violations from the respective states.

1. National Human Rights Commission

The specific legislation called the Protection of Human Rights Act was enacted by the Parliament in 1993, which in turn established the National Human Rights Commission as an independent institution with powers and functions to promote




and protect human rights. This act also provides for the constitution of State Human Rights Commissions at state levels for access to complaint mechanisms at the state level. The National Commission is headed by the Chairperson who is a former Chief Justice of the Supreme Court. The other members of Commission are – one member who is a former judge of the Supreme Court, another member who is present or former Chief Justice of a High Court, and two other members with knowledge or experience in matters relating to human rights. Besides, there is a Secretary-General who is the Chief Executive Officer of the Commission who largely discharges administrative duties of the Commission. The Chairperson and the members are appointed by the President of India on recommendation of a committee consisting of the Prime Minister, the Speaker of the House of the People (Lok Sabha), Minister of Home Affairs at the center, Leader of Opposition in the Lok Sabha, Leader of Opposition in the Council of States (Rajya Sabha), and Deputy Chairman of the Rajya Sabha. The committee is required to consult the Chief Justice of India whenever a sitting judge of the Supreme Court or sitting Chief Justice of a High Court is appointed to the Commission. The government also appoints police officers and investigative staff and other administrative, technical and scientific personnel for the efficient functioning of the Commission. The National Commission is based in New Delhi and the State Commissions also complement the working of the National Commission.

a) Powers and Functions of the Commission

The Commission is vested with the functions as given below.

Inquiry and Investigation – One of the Commission's roles is to conduct inquiry and investigation into the alleged violation of human rights or abetment (aiding or supporting) or negligence in the prevention of such violation by a public servant. The complaint can be filed by the victim or his or her representative, or the court may direct the Commission with a complaint, and at times the Commission may initiate inquiry and investigation on its own (sou motu). For example, the Commission may inquire sou motu based on some human rights violations news or report published through the media. Sou motu inquiry is especially useful when the victims belong to weaker section of the society and have limited access to justice delivery mechanisms.

The Commission has the powers of a civil court and in conducting an inquiry or investigation it can utilize various powers including the following –

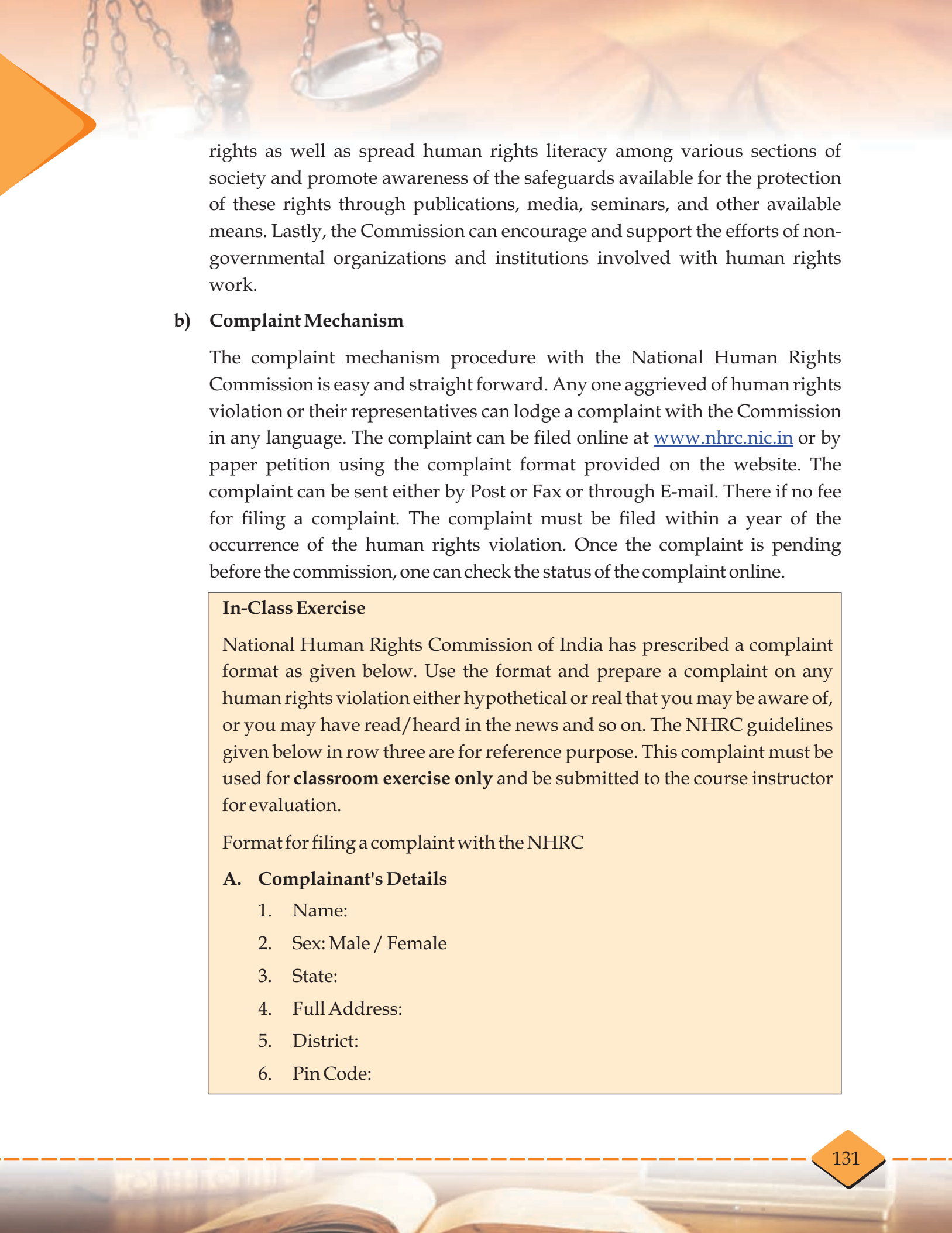
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- summon and enforce the attendance of witnesses and examine them on oath;
 - ask for production of any document before itself;
 - receive evidence on affidavits;
 - request public record from any court or office; and
 - examine witnesses or documents.

Once the inquiry is completed, the Commission can make recommendations to governmental authority in cases where any public servant is the perpetrator of human rights violation. The recommendation may include payment of compensation to the victims or suggest initiation of proceedings for prosecution of the public servant. The Commission can also approach the Supreme Court or the High Court for directions and orders. The Commission may also ask the State authority to provide immediate interim relief to the victim.

Intervening in court proceedings - The Commission may with the permission of the court intervene in court proceedings concerning human rights violations. For example, the Commission can request the Supreme Court to transfer pending riot cases out of a state in which the riots had happened to ensure the witnesses are not threatened in any manner and that evidences are not damaged.

Inspection of jails, etc.- The Commission may also visit any jail or other governmental institutions, where prisoners are lodged or detained, to study the living conditions of the inmates and make recommendations to the government.

Awareness and Sensitization - The Commission can review various human rights laws either in the Constitution or other statutes and recommend measures to the government for their effective implementation. The Commission can also evaluate various factors, including acts of terrorism, which prevent the enjoyment of human rights and recommend appropriate remedial measures to the government. The Commission's role includes studying various international human rights laws and make recommendations for their effective implementation at the domestic level (within the State). Furthermore, the Commission can undertake and promote research in the field of human



rights as well as spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, media, seminars, and other available means. Lastly, the Commission can encourage and support the efforts of non-governmental organizations and institutions involved with human rights work.

b) **Complaint Mechanism**

The complaint mechanism procedure with the National Human Rights Commission is easy and straight forward. Any one aggrieved of human rights violation or their representatives can lodge a complaint with the Commission in any language. The complaint can be filed online at www.nhrc.nic.in or by paper petition using the complaint format provided on the website. The complaint can be sent either by Post or Fax or through E-mail. There is no fee for filing a complaint. The complaint must be filed within a year of the occurrence of the human rights violation. Once the complaint is pending before the commission, one can check the status of the complaint online.

In-Class Exercise

National Human Rights Commission of India has prescribed a complaint format as given below. Use the format and prepare a complaint on any human rights violation either hypothetical or real that you may be aware of, or you may have read/heard in the news and so on. The NHRC guidelines given below in row three are for reference purpose. This complaint must be used for **classroom exercise only** and be submitted to the course instructor for evaluation.

Format for filing a complaint with the NHRC

A. Complainant's Details

1. Name:
2. Sex: Male / Female
3. State:
4. Full Address:
5. District:
6. Pin Code:



B. Incident Details

1. Incident Place(Village/Town/City):
2. State:
3. District:
4. Date of Incident:

C. Victim's Details

1. Name of the victim:
2. No. of victims:
3. State:
4. Full Address:
5. District:
6. Pin Code:
7. Religion:
8. Caste (SC/ST/OBC/General):
9. Sex:
10. Age:
11. Whether Disabled person:

D. Brief summary of facts/allegations of human rights involved:

E. Whether complaint is against Members of Armed Forces/ Para-Military:Yes/No

F. Whether similar complaint has been filed before any Court/State Human Rights Commission:


G. Name, designation & address of the public servant against whom Complaint is being made:

H. Name, designation & address of the authority/officials to whom the public servant is answerable:

I. Prayer/ Relief if any, sought:

Guidelines on how to file complaint with the NHRC

1. Complaint may be made to the Commission by the victim or any other person on his behalf.
2. Complaint should be in writing either in English or Hindi or in any other language included in the eighth schedule of the Constitution. Only one set of complaint needs to be submitted to the Commission.
3. Complaint may be sent either by Post or Fax or E-mail.
4. No fee is chargeable on such complaints.
5. The complaint shall disclose
 - (i) violation of human rights or abetment thereof; or
 - (ii) negligence in the prevention of such violations, by a public servant
6. The jurisdiction of the Commission is restricted to the violation of human rights alleged to have been committed within one year of the receipt of complaint by the Commission.
7. Documents, if any enclosed in support of the allegations in the complaint must be legible.
8. Name of the victim, his/ her age, sex, religion/ caste, State and District to which the incident relates, incident date etc. should invariably be mentioned in the complaint.
9. Please submit the complaint preferably in the enclosed format.
10. Following types of Complaint(s) are not ordinarily entertainable:
 - (i) Illegible
 - (ii) Vague, anonymous or pseudonymous.
 - (iii) Trivial or frivolous in nature.
 - (iv) The matters which are pending before a State Human Rights Commission or any other Commission.
 - (v) Any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed.
 - (vi) Allegation is not against any public servant.
 - (vii) The issue raised relates to civil dispute, such property rights, contractual obligations, etc.
 - (viii) The issue raised relates to service matters.

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- (ix) The issue raised relates to labour/industrial disputes.
 - (x) Allegations do not make out any specific violation of human rights.
 - (xi) The matter is sub-judice before a Court/ Tribunal.
 - (xii) The matter is covered by judicial verdict/decision of the Commission.

As far as possible complainants are encouraged to make use of the format given above to file their complaints. The guidelines indicate the kind of information, which would facilitate in processing a complaint.

2. National Commission for Minorities


a) Introduction

National Commission for Minorities Act, 1992 was enacted by the Parliament to create the National Commission for Minorities to safeguard the human rights of minorities including protection against inequality and discrimination. Minorities' human rights are enshrined in the Constitution as well as other laws enacted by Parliament and the State Legislatures. The minorities here are referred to religious minorities of Muslims, Christians, Sikhs, Buddhists, Jains, and Zoroastrians (Parsis). Many states also have instituted the State Minorities Commissions and are located in the respective state capitals. Persons who belong to the minority communities can approach the State as well as National Minorities Commission for remedying human rights violations. The National Minorities Commission consists of a Chairperson, a Vice-Chairperson and five other members who are nominated by the Central Government from amongst the minority communities who are persons of eminence, ability and integrity.

b) Functions of the Commission

The functions of the Commission include the following –

- evaluating the progress of the development of Minorities;
- monitoring the working of the safeguards provided in the Constitution and in other laws enacted by Parliament and the State Legislatures;
- making recommendations for the effective implementation of safeguards for the protection of the interests of Minorities by the Central Government or the State Governments;


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- looking into specific complaints regarding deprivation of rights and safeguards of the Minorities and taking up such matters with the appropriate authorities;
 - initiating studies on problems arising out of any discrimination against Minorities and recommending measures for their removal;
 - conducting studies, research, and analysis on the issues relating to socio-economic and educational development of Minorities;
 - suggesting appropriate measures in respect of any Minority to be undertaken by the Central Government or the State Governments; and
 - making periodical or special reports to the Central Government on any matter pertaining to Minorities and in particular the difficulties confronted by them

Like the National Human Rights Commission, the National Commission for Minorities is vested with powers of a civil court. When the Commission tries any suit or hears a complaint, it has the powers to 1) summon and enforce the attendance of any person and examine him or her on oath, 2) require the discovery and production of any document, 3) receive evidence of affidavits, 4) request any public record or copy from any court or office, and 5) issue commissions for the examination of witnesses and documents.

c) **Complaint Mechanism**

There are many grounds on which the Commission typically declines admitting the complaint. Firstly, it does not entertain or admit cases or complaints that do not relate to Minority status or rights. Secondly, the complaint should not be pending before another court or commission, i.e., matters that are sub judice. Thirdly, where the complainant has not availed of other ordinary judicial/quasi-judicial/administrative institutions that are available for redressal, the Commission does not admit such matters unless the complainant has reasonable justification. Fourthly, the complaint should not relate to events that are more than one-year old. Fifthly, complaint should not be vague, anonymous, pseudonymous or frivolous. Lastly, Commission does not entertain complaints that are not directly addressed to it.

Like, the NHRC, the National Commission for Minorities can also take action *sou motu* based on newspaper reports or other findings. Applications of



complaints are required to be sent to the Commission and addressed directly to the Secretary, National Commission for Minorities, New Delhi. It does not charge any fee for lodging a complaint. The updated contact details are available on the Commission's website at www.ncm.nic.in.

3. National Commission for Women


a) Introduction

In 1992, the National Commission for Women was established under the National Commission for Women Act, 1990. The Commission consists of a Chairperson and five Members who are nominated by the Central Government from amongst persons of ability, integrity, and standing who have had experience in any one of these areas- law or legislation, trade unionism, management of an industry potential of women, women's voluntary organizations (including women activist), administration, economic development, health, education, or social welfare. At least one member each belongs to the Scheduled Castes and Scheduled Tribes communities. The member-secretary takes care of the administrative matters.

b) Functions and powers

The commission has been charged with the following functions –

- to investigate and examine matters relating to the safeguards provided for women under the Constitution and other laws;
- to present annual and other reports to the Central Government about the working of the safeguards;
- to make recommendations to Central and states for the effective implementation of safeguards for improving the conditions of women;
- to review provisions of the Constitution and other laws affecting women and make recommendations about remedial legislative measures required to address inadequacies or shortcomings in the laws;
- to take up cases with the appropriate authorities about violation of women human rights as provided in the Constitution and other laws;
- to look into complaints and also take *suo moto* notice of matters on deprivation of women's rights; non-implementation of laws required to achieve equality and development; and non-compliance of policy decisions, guidelines or instructions pertaining to women welfare;


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- to initiate special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and to identify the constraints and to recommend strategies;
 - to undertake promotional and educational research and to suggest ways for ensuring due representation of women in all spheres and to identify factors responsible for impeding women's advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards, and for increasing their productivity;
 - to participate and advice on the planning process of socio-economic development of women;
 - to evaluate the progress of the development of women under the Union and any State;
 - to inspect a jail, remand home, women's institution, or other place of custody where women are kept as prisoners or otherwise and take up with the concerned authorities for remedial action, if found necessary;
 - to fund litigation involving issues affecting a large body of women; and
 - to make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women toil.

The Commission has investigating powers similar to that of a civil court; in that, the Commission can do the following –

- summon and enforce the attendance of any person and examining him or her on oath;
- require the discovery and production of any document;
- receive evidence on affidavits;
- request any public record or copy from any court or office; and
- issue commissions for the examination of witnesses and documents.

About working of the National Commission for Women

“In keeping with its mandate, the Commission initiated various steps to improve the status of women and worked for their economic empowerment during the year under report. The Commission completed its visits to all the States/UTs except Lakshadweep and prepared Gender Profiles to assess the



status of women and their empowerment. It received a large number of complaints and acted *suo-moto* in several cases to provide speedy justice. It took up the issue of child marriage, sponsored legal awareness programs, Parivarik Mahila Lok Adalats and reviewed laws such as Dowry Prohibition Act, 1961, PNDT Act 1994, Indian Penal Code 1860 and the National Commission for Women Act, 1990 to make them more stringent and effective. It organized workshops/consultations, constituted expert committees on economic empowerment of women, conducted workshops/seminars for gender awareness and took up publicity campaign against female foeticide, violence against women, etc. in order to generate awareness in the society against these social evils.”

India. National Commission for Women. www.ncw.nic.in. Web

4. National Commission for Scheduled Castes & Scheduled Tribes

a) Introduction

Article 338 of the Constitution of India provides for establishing a Special Officer for the Scheduled Castes and Scheduled Tribes to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes in the Constitution and report to the President. The two commissions, the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes were instituted in fulfillment of Art.338 of the Constitution to protect their human rights and prevent their exploitation, and to encourage and defend their social, educational, economic and cultural securities as provided in the Constitution and other legislations. For example, State provides reservation or affirmative action programs for government jobs to backward classes like Schedule Castes and Scheduled Tribes who because of historical and continued disadvantages based on caste status and otherwise have not been adequately represented in the services under the State. Examples of special laws include the Protection of Civil Rights Act, 1955 and the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

b) Powers and functions

Both Commissions have similar powers and functions as provided in Art. 338- to investigate and monitor all matters relating the safeguards provided for the



Scheduled Castes and Scheduled Tribes in the Constitution and other laws;

- to evaluate the working of the safeguards;
- to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;
- to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
- to present to the President, annually and periodically, reports on the working of the safeguards and recommendations for the effective implementation of the safeguards and protection, as well as welfare, and socio-economic development of the Scheduled Castes and Scheduled Tribes.

Just like the other human rights commissions, the two commissions for Scheduled Castes and Scheduled Tribes have the powers of a civil court in trying a suit and commissions can do the following –

- summon and enforcing the attendance of any person from any part of India and examining him on oath;
- require the discovery and production of any document;
- receive evidence on affidavits;
- request any public record or copy from any court or office; and
- issue commissions for the examination of witnesses and documents.

Art.338 also mandates the Union and every State Governments to consult the Commissions on all major policy matters affecting Scheduled Castes and Scheduled Tribes.

c) **Complaint Mechanism**

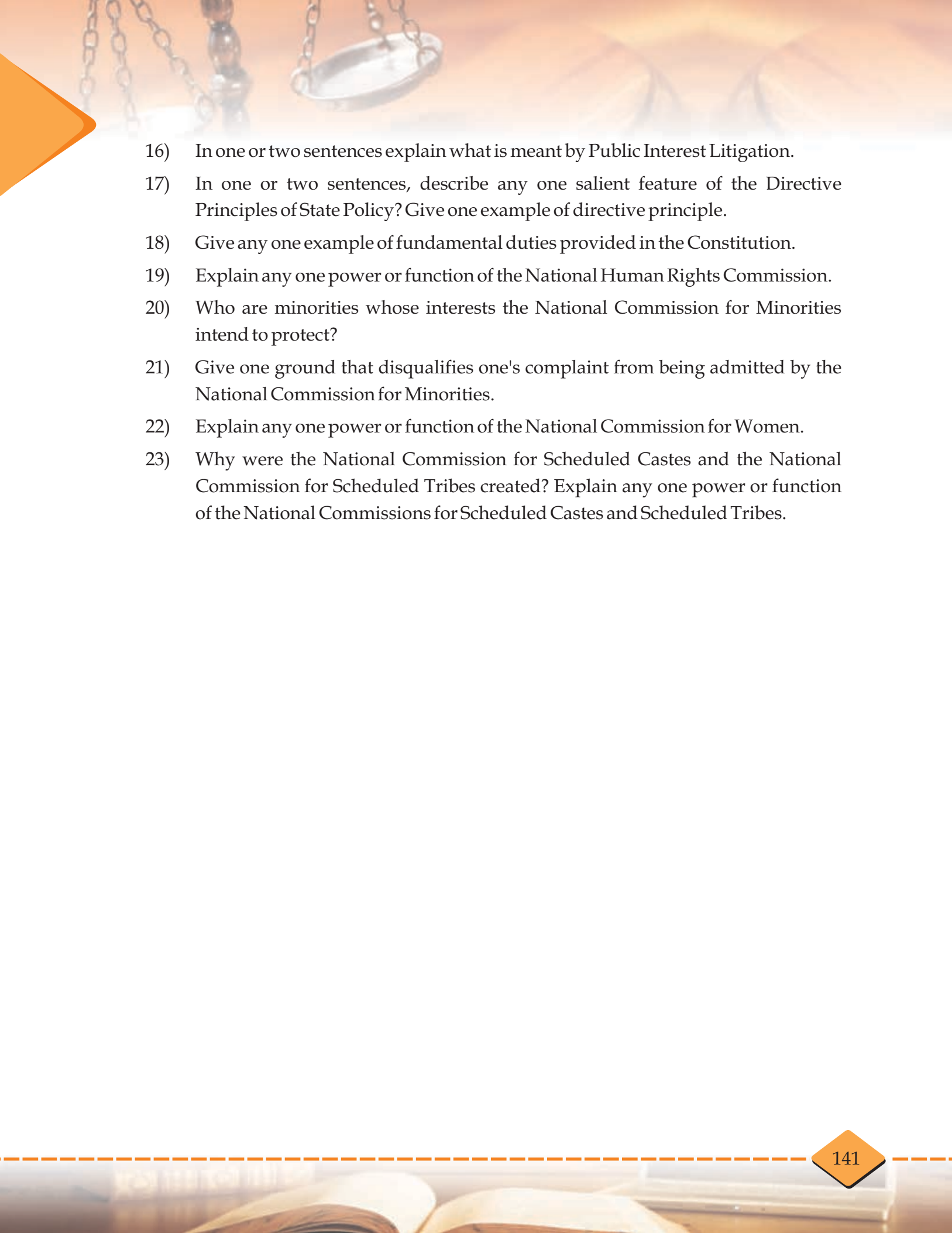
The Commissions receive complaints from an individual or group of persons alleging denial of the safeguards provided in the Constitution by an authority or an organization. The Commissions follow up with the authorities and organizations against whom the complaint is lodged. The websites of the Commissions are www.ncsc.nic.in for the Scheduled Castes and www.ncst.nic.in for the Scheduled Tribes.



D. Exercise

Questions

- 1) Describe any two examples of historical developments on human rights that occurred in the Western world.
- 2) In two to three sentences, describe any two international human rights laws or treaties or declarations.
- 3) Explain what you understand by states' obligations to respect, protect and fulfil human rights?
- 4) Identify any two features in the Preamble of the Indian Constitution that indicate its objective of protecting human rights.
- 5) Describe in two to three sentences any three salient features of fundamental rights in the Indian Constitution.
- 6) What is right to equality? How is a reservation or affirmative action for government jobs to Schedule Castes and Scheduled Tribes protected by the right to equality?
- 7) Why do you think the practice of untouchability was abolished, explain in one to two sentences?
- 8) Identify any two kinds of right to freedoms along with any two grounds of restrictions that take away these freedoms.
- 9) Explain any one fundamental right of a person who is either accused or convicted of a crime.
- 10) In one or two sentences, explain what is 'right to life and personal liberty' as given in the Indian Constitution.
- 11) Explain in two to three sentences what is meant by 'right to education' provided in the fundamental rights chapter of the Constitution.
- 12) Identify in any one safeguard provided to someone is arrested and detained.
- 13) What is meant by human trafficking, which is prohibited by the Indian Constitution?
- 14) Explain in two to three sentences what is 'right to freedom of religion' as provided in the Indian Constitution.
- 15) In one or two sentences explain what judicial remedies are available for the enforcement of fundamental rights?

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- 16) In one or two sentences explain what is meant by Public Interest Litigation.
- 17) In one or two sentences, describe any one salient feature of the Directive Principles of State Policy? Give one example of directive principle.
- 18) Give any one example of fundamental duties provided in the Constitution.
- 19) Explain any one power or function of the National Human Rights Commission.
- 20) Who are minorities whose interests the National Commission for Minorities intend to protect?
- 21) Give one ground that disqualifies one's complaint from being admitted by the National Commission for Minorities.
- 22) Explain any one power or function of the National Commission for Women.
- 23) Why were the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes created? Explain any one power or function of the National Commissions for Scheduled Castes and Scheduled Tribes.