



# **K.RAMAKRISHNAN**

## **COLLEGE OF ENGINEERING**

(Autonomous)

ISO 9001:2015 Certified Institution, Accredited by NBA and with 'A' grade by NAAC  
MHRD-NIRF RANKED INSTITUTION  
Samayapuram, Trichy, Tamilnadu

# **ONE DAY BASIC TRAINING PROGRAMME ON HUMAN RIGHTS (31.03.23)**

## **SPONSORED BY**



# **National Human Rights Commission**

## **Training Programme Report**

### **Submitted by**

### **Internal Quality Assurance Cell (IQAC)**

### **K.RAMAKRISHNAN COLLEGE OF ENGINEERING**

### **(AUTONOMOUS)**

### **SAMAYAPURAM, TIRUCHIRAPPALLI.**

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## About our Institution



### Vision & Mission

#### Vision

“To achieve a prominent position among the top technical institutions”

#### Mission

- To bestow standard technical education par excellence through state of the art infrastructure, competent faculty and high ethical standards.
- To nurture research and entrepreneurial skills among students in cutting edge technologies.
- To provide education for developing high-quality professionals to transform the society.

Established in the year 2008 K. Ramakrishnan college of Engineering is a leading Engineering college affiliated to Anna University, Chennai, providing valuable courses. K.RAMAKRISHNAN COLLEGE OF ENGINEERING, TIRUCHIRAPALLI, is located in the famous temple town of Shri Samayapuram Mariyamman temple, on the sprawling campus of 30 acres with a panoramic and pleasant view.

The college consistently is on the move and we encourage independent thinking which helps students in developing holistic perception, strong domain knowledge, contemporary skill sets and positive attitude. Our college was accredited with A grade by NAAC, ISO accreditation, ISO 9001:2015 and received ISO 14001:2019 Green Campus Certification. By ensuring the assurance of quality and relevance of education the college got NBA accreditation for three programmes such as EEE, ECE and Mechanical Engineering.

To add another gem in the crown, UGC has granted Autonomous Status. Besides other achievements, KRCE ranked with Band B Category by ARIIA and recognized with QS I-GAUGE E- LEAD certification. Stepping into the new milestone, KRCE has become a first NIRF ranking institution in our region. The management bestows its fullest support in terms of knowledge, infrastructure & environment to reach our institution level high.

The college has filed 137 Indian patents in which 107 patents have been published and 15 patents are granted. Besides that, 13 International patents also filed in which 12 patents have been granted. The college has a total of 714 articles and 30 h-index in SCOPUS and 17 h-index in Web of Science.

**Inauguration**  
**Thiru.K.Babu.,B.Sc.,M.L.,**  
**HON'BLE PRINCIPAL DISTRICT JUDGE**  
**TIRUCHIRAPALLI**

I drown myself in the ocean of joy to welcome the most rightful Principal District Judge, Trichy. His traits of being the righteous person bloomed from his father, Tr. Kamatchi who is a retired Additional District Judge cum Chief Judicial Magistrate, Salem. Our enigmatic judge, Mr. K. Babu is born on 4th May 1964. He started budding out as a renowned judge by getting enrooted from Sri Ramakrishna Vidhyalaya, Coimbatore with B.Sc., (Physics) and disseminated his boughs in Law College, Coimbatore with B.L., He quenched his thirst of being a legally literal-minded person by joining in the Office of Thiru V.K. Muthusamy as a Senior Advocate on 11th November 1988.

He shone as a star of excellence since he joined as a District Munsif cum Judicial Magistrate on 2nd March 1998. Exhibiting his splendid skills he got promoted as a Sub Judge during the year 2007. It is evident that he is eminent when he got promoted as a District Judge during the year 2015. He proceeds proving his perseverance and perfection currently by being a righteous and honest Principal District Judge, Tiruchirappalli.

### **Session 1**

**Title** : Introduction To Human Rights

**Resource Person** : Mrs.AMS.Muthumaladevi , MSW.LLB.,  
Advocate, Member vigilance committee,  
Ex-member- child welfare committee,  
Tamilnadu Home guards,  
Trichy.

### **Session 2**

**Title** : Human Rights Institutions In India

**Resource Person:** Thiru.M.Nedunchezian M.A.,LLB.,  
Advocate,Tanjore.

### **Session 3**

**Title:** Rights of Women and Children

**Resource Person:** Thiru.P.Mohan , M.C.A.,M.S.W.,M.Sc.,(Psy).,

### **Session 4**

**Title** : Rights of other vulnerable Groups

**Resource Person** : Mrs.K.Lakshmi  
Asst.Inspector of Labour,Trichy



## **Mrs. AMS MUTHUMALADEVI, MSW.LLB.**

The session was started with introduction to Human rights by insisting my rights should not affect others. Human rights is – right to life and liberty, freedom from slavery and fortune, right to work and education without discrimination etc. Human right declaration made in 1948 and protection of human rights act declared in 1993 and universal declaration of Human rights in 1998. Convention on Economic, social and cultural right was declared in 1966.

She also explained, Human rights means it is common for all like children, women, unorganized workers, dalits, tribals, differently abled persons, poor minority, refugees and the under trials. Our constitution guarantees equality before law and equal protection, remuneration, fundamental rights. Then different articles were discussed by her with its importance.

## What is Human Rights ?

- The right to life and liberty,
- Freedom from slavery and torture,
- Freedom of opinion and expression,
- The right to work and education,  
Many more.
- Everyone is entitled to these rights,  
without discrimination

- **Human rights are inalienable. (absolute, unchallengeable)**
- **Human rights are universal.**
- **Human rights are indivisible, interdependent and interrelated.**



- **One of the great achievements of the United Nations is the creation of a comprehensive body of human rights law—a universal and internationally protected code to which all nations can subscribe and all people aspire.**
- **The United Nations has defined a broad range of internationally accepted rights, including civil, cultural, economic, political and social rights. It has also established mechanisms to promote and protect these rights and to assist states in carrying out their responsibilities.**
- **The foundations of this body of law are the Charter of the United Nations and the Universal Declaration of Human Rights, adopted by the General Assembly in 1945 and 1948, respectively.**

- **World leaders decided to complement the UN Charter with a road map to guarantee the rights of every individual**
- **Later become the Universal Declaration of Human Rights, was taken up at the first session of the General Assembly in 1946**
- **" The Commission, at its first session early in 1947, authorized its members to formulate what it termed "a preliminary draft International Bill of Human Rights"**
- **History of the Declaration of Human Rights**
- **The final draft by Cassin was handed to the Commission on Human Rights, which was being held in Geneva. The draft declaration sent out to all UN member States for comments became known as the Geneva draft.**
- **The Declaration was proposed in September 1948 with over 50 Member States participating in the final drafting. By its resolution 217 A (III) of 10 December 1948, the General Assembly, meeting in Paris,**

## DEFINITION OF HUMAN RIGHTS

- Human rights are rights of individual in society. Every human being has legitimate, valid, justified claims upon his or her society...to various '**goods**' and '**benefits**'..they are defined, particular claims listed in international instruments. Deemed essential for individual well-being, dignity and fulfillment, and that reflect a common sense of justice, fairness and decency."

- **Section 2 (1) (d) of the Protection of Human Rights Act, 1993 defines "human rights", "Human rights means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by Courts in India."**
- **The definition given in Section 2(1) (s) is not exhaustive. It should be read with the rights enunciated in various international covenants, such as the Universal Declaration of Human Rights 1948, the Geneva 'Red Cross' Conventions 1949 , Helsinki Declaration 1975, the International Covenant on Civil and Political Rights 1966, etc.,**



## INTERNATIONAL LAW

- **UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948**
- **CONVENTION ON CIVIL AND POLITICAL RIGHTS 1966**
- **CONVENTION ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS 1966**

**IT IS FOR THE PEOPLE AND  
CREATED BY THE PEOPLE**

**TO SECURE SOCIALIST, SECULAR,  
DEMOCRATIC REPUBLIC.**

**OUR CONSTITUTION IS  
COMMITTED TO THE CAUSE OF  
THE POOR, THE MARGINALIZED  
AND THE DEPRIVED PEOPLE.**



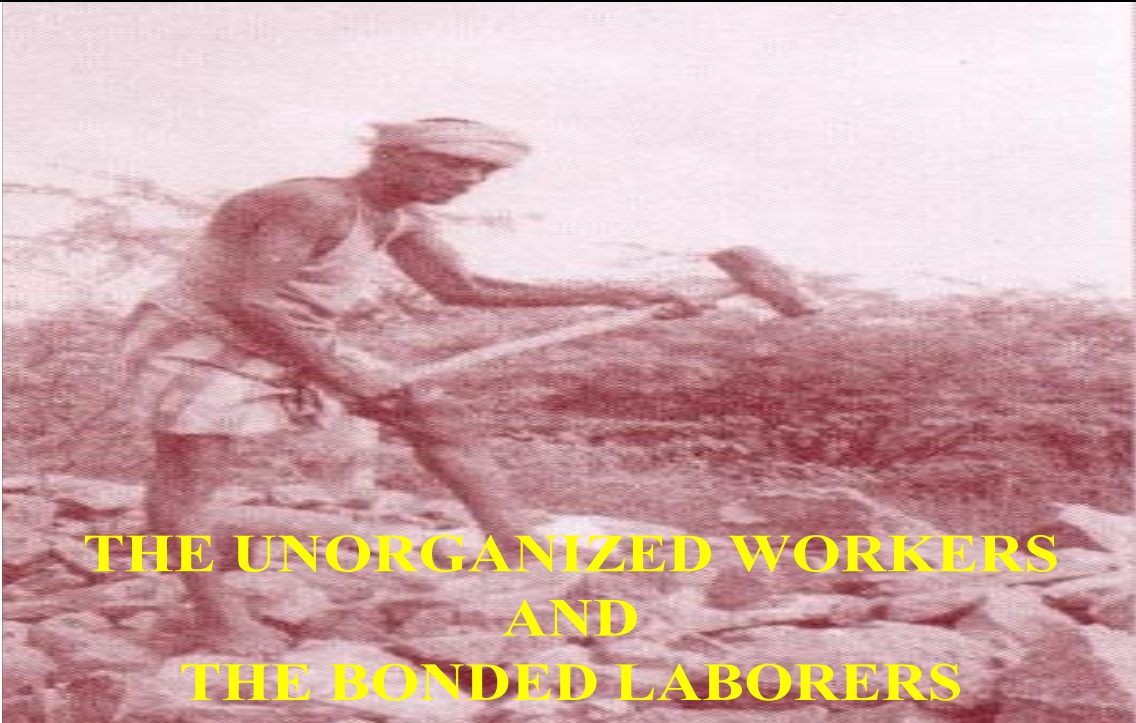


# THE CHILDREN

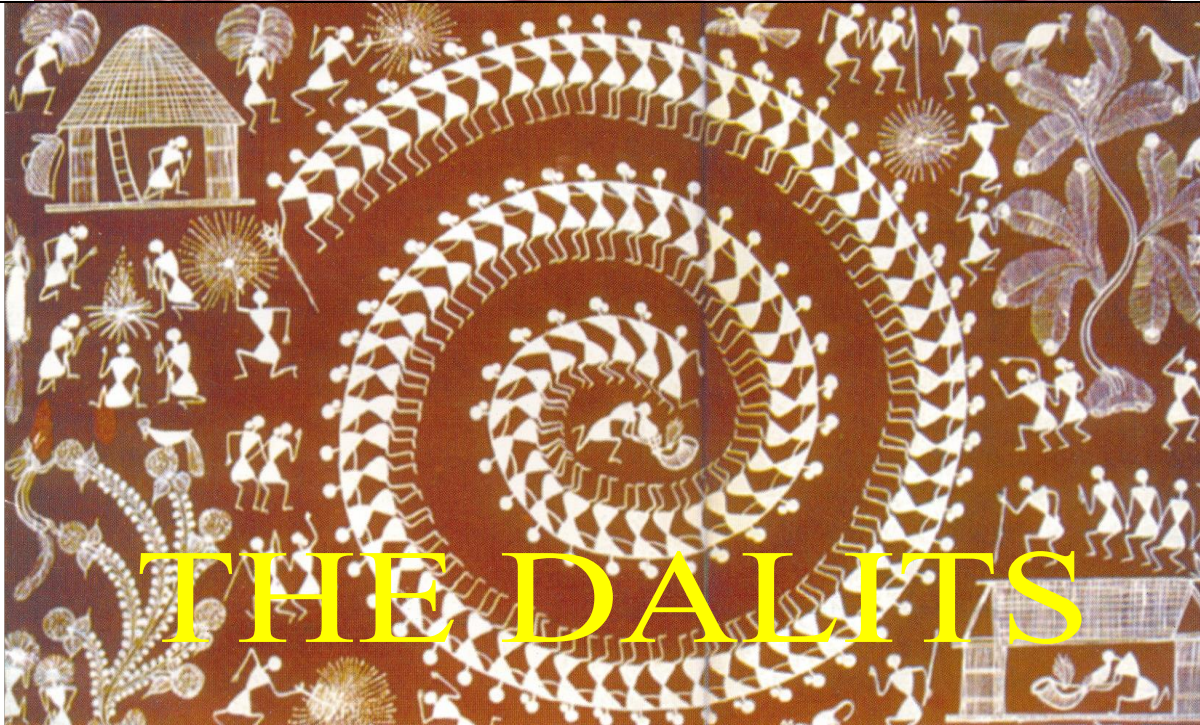


# THE WOMEN



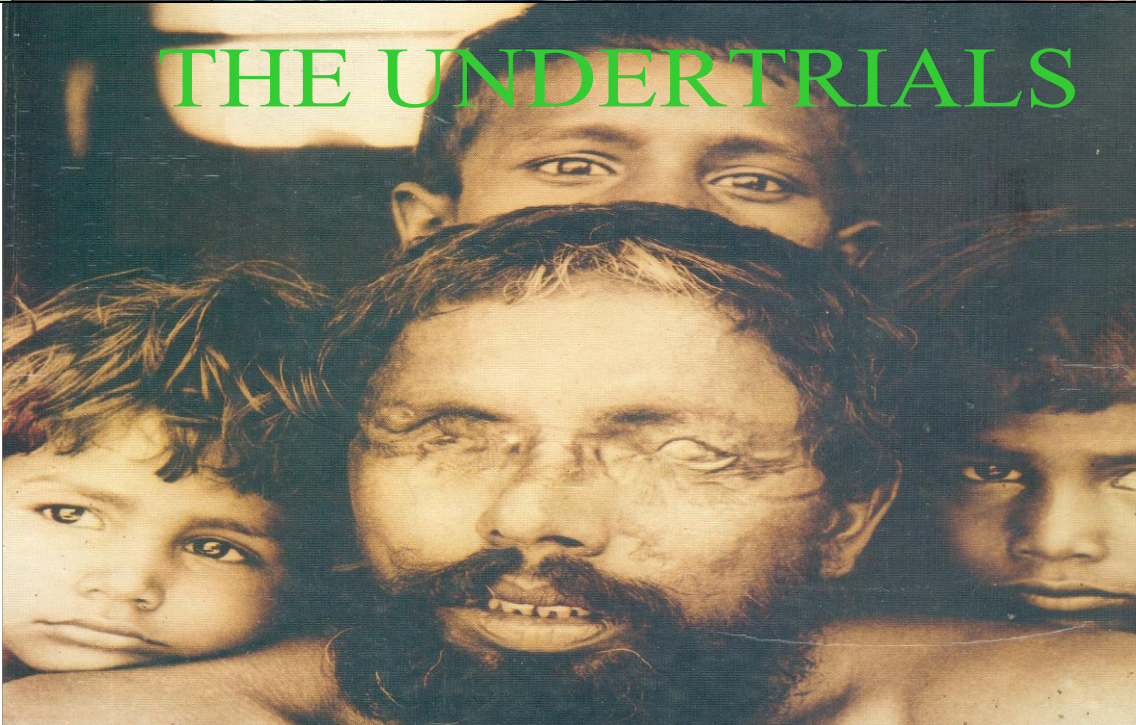
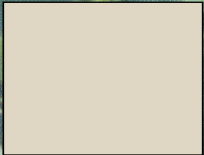


**THE UNORGANIZED WORKERS  
AND  
THE BONDED LABORERS**



**THE DALITS**









## **DIFFERENTIALLY ABLED PERSONS**

- **THE POOR**
- **THE MINORITIES**
- **THE REFUGEES etc.**



**OUR CONSTITUTION  
GUARANTEES EQUALITY  
BEFORE LAW AND EQUAL  
PROTECTION TO EVERY  
CITIZEN OF THIS COUNTRY**

**THE HUMAN RIGHTS ARE  
GUARANTEED IN PART III OF  
OUR CONSTITUTION UNDER  
THE HEADING FUNDAMENTAL  
RIGHTS.**

**IT GIVES A MANDATE TO THE STATE TO EVOLVE POLICY, PROGRAMMES AND PLANS FOR THE DEVELOPMENT OF THE MARGINALIZED AND DEPRIVED IN PART IV OF OUR CONSTITUTION.**

## **FUNDAMENTAL RIGHTS**

### **ART. 12 TO 35**

- **RIGHT TO LIFE**
- **EQUALITY BEFORE LAW**
- **FREEDOM OF EXPRESSION**
- **RIGHT TO INFORMATION**
- **RIGHT TO EDUCATION**

- RIGHT TO ASSEMBLE
- RIGHT TO FORM ASSOCIATIONS
- RIGHT TO WORK
- RIGHT TO MOVE
- ABOLITION OF BONDED LABOUR

**ARTICLE 14 PROCLAIMS EQUAL PROTECTION OF CHILDREN AND ALSO PROVIDES FOR SPECIAL PROVISIONS FOR THE BENEFIT OF THE CHILDREN UNDER ART.15**

**OUR CONSTITUTION IS  
AMENDED TO INCLUDE ART.  
21A WHICH PROVIDES FOR  
FREE AND COMPULSORY  
EDUCATION**

**ART. 24 OF OUR CONSTITUTION  
PROHIBITS EMPLOYMENT OF  
CHILDREN BELOW THE AGE OF 14  
YEARS IN FACTORIES, AND IN OTHER  
DANGEROUS, HAZARDOUS PLACES.**

**ART. 39E & 39F DIRECT THE STATE TO EVOLVE POLICIES TOWARDS SECURING THE HEALTH AND STRENGTH OF CHILDREN AND TO PROVIDE OPPORTUNITIES AND FACILITIES TO DEVELOP IN A HEALTHY MANNER AND IN CONDITION OF FREEDOM AND DIGNITY AND THAT CHILDHOOD AND YOUTH ARE PROTECTED AGAINST EXPLOITATION AND AGAINST MORAL AND MATERIAL ABANDONMENT.**

## THE WOMEN



**ART 14,15&21 AND OTHER  
FUNDAMENTAL RIGHTS WILL EQUALLY  
APPLY TO WOMEN.**

**OUR CONSTITUTION GUARANTEES EQUALITY  
OF WOMEN SO ALSO THE INTERNATIONAL  
CONVENTIONS**

- **THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT 1986.**
- **THE MEDICAL TERMINATION OF PREGNANCY ACT.**
- **THE TAMILNADU HARRASSMENT OF WOMEN ACT.**
- **THE MATERNITY BENEFITS ACT.**
- **THE EQUAL REMUNERATION ACT.**

- **THE PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT, 1994.**
- **THE DOMESTIC VIOLENCE ACT.**
- **THE VISAKA JUDGMENT ON HARASSMENT OF WOMEN IN WORK PLACE.**
- **THE DOWRY PROHIBITION ACT.**

**33% RESERVATION IS STILL A  
DISCUSSION TOPIC IN THE PARTIANT  
FOR TWO DECADES DENYING POLITICAL  
RIGHTS OF WOMEN**

**ART. 23 OF OUR CONSTITUTION  
PROHIBITS FORCED LABOUR AND  
TRAFFICKING IN HUMAN BEINGS.  
FURTHER PROVIDES THAT ANY  
CONTRAVENTION SHALL BE AN  
OFFENCE PUNISHABLE.**



**BONDED LABOUR ABOLITION ACT  
1976**

**PROHIBITS ALL FORMS OF BONDED LABOUR  
SYSTEM AND MAKES IT AN OFFENCE**

**SIMILARLY OUR CONSTITUTION  
GUARANTEES RIGHTS OF OTHER  
DEPRIVED AND MARGINALISED  
COMMUNITIES.**

## **RIGHT TO INFORMATION**

- CITIZENS ARE ENTITLED TO ALL INFO
- TIME LIMIT
- FINE

## **PROTECTION OF HUMAN RIGHTS ACT**

- NATIONAL HUMAN RIGHTS COMMISSION
- STATE HUMAN RIGHTS COMMISSION
- HUMAN RIGHTS COURT (DISTRICT)
- WOMEN COMMISSION
- SCST COMMISSION
- CHILDREN COMMISSION
- MINORITIES COMMISSION
- TRIBAL , ADIVASI COMMISSION

## **WHAT IS REQUIRED?**

- **SENSITIZE PEOPLE THROUGH HUMAN RIGHTS EDUCATION**
- **WILL POWER TO IMPLEMENT THE CONSTITUTIONAL MANDATE**
- **COMMITMENT TO THE CAUSE OF THE MARGINALISED AND DEPRIVED.**

## **UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948.**

**Presented by**

**Mrs. AMS MUTHUMALADEVI, MSW.LLB.,**



## INTRODUCTION

One of the purposes laid down in Article 1 of the charter is to achieve international co-operation in solving international problems of an economic, social, cultural, and political or humanitarian character and in promoting and encouraging distinction as to race, sex, language, or religion.

Article 55 of the Charter has concentrated more on human rights, though this term has not been coined in that Article. This Article runs:

- Art.55, With a view to the creation of conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of people, the united nations shall promote:
- (a) higher standards of living, full employment, and conditions of economic and social progress and development;
- (b) solutions of international economic, social, health and related problems; and international cultural and educational co-operation; and
- (c) universal respect for, and observance of, human rights and fundamental freedom for all without distinction as to race, sex, language, or religion.

- One of the fundamental issue of the labor in which Human rights barely exploited throughout world women and young person were exploited the charter of united nation organization also concentrated in this issues-International labor organization- object Upgrading the living standards of the labor throughout the world
- Geneva red cross Convention 1949-
- Customary International law –object adopt and implement the treaties to protect Human Rights in Universal Level

- ROUSSEAU OF 18<sup>TH</sup> CENTURY civil and political rights were thought to be human rights
- KARL MARX, ENGEL economic social and cultural Rights
- Socialism there are two classes CAPTILIST and LABOR
- Classless Society.
- Revolution.

## THE OBJECT OF DECLARATION OF 1948

- “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the Human family is the foundation of freedom, justice and peace in the world,
  - Whereas disregard and contempt for human rights have resulted in barbarous acts which has outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.
  - “Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.
- 
- Whereas the people of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.
  - “Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,
  - “Whereas a common understanding of these rights and freedoms is of the greatest important features for the full realization of this pledge.

## ARTICLES : - 1 TO 30

- 1. Spirit of brotherhood
  - 2. No discrimination
  - 3. Right to life
  - 4. Abolition of slavery
  - 5. Abolition of torture, etc:
  - 6. Right to recognition
  - 7. Equality before the law
  - 8. Right to remedy
  - 9. No arbitrary arrest
  - 10. Right to fair hearing
- 
- 11. Presumption of innocence
  - 12. Right to privacy
  - 13. Right to freedom of movement
  - 14. Right to asylum
  - 15. Right to nationality
  - 16. Right to marriage
  - 17. Right to own property
  - 18. Right to freedom of thought, conscience and religion
  - 19. Right to freedom of opinion and expression
  - 20. Right to assembly and association

- 21. Right to take part in the Government
- 22. Right to socio security
- 23. Right to work
- 24. Right to rest and leisure
- 25. Right to standard of living
- 26. Right to education
- 27. Right to participate in cultural life
- 28. Right to Social and international order
- 29. Limitations and duty
- 30. Interpretation

## OTHER MOST IMPORTANT UNIVERSAL DECLARATION

- **International Covenant on Civil And Political Rights 1966 (ICCPR)**

SCOPE: The Universal Declaration on Human Rights 1948 is a mile stone in the history of human rights. It has given the way to follow a series of treaties adopted within the United Nations. Chief among these are the two 1966 international Covenants on Civil And Political Rights (ICCPR) and on Economic, Social and Cultural Rights (ICESCR,). ICCPR represents ; **First Generation'** and ICESCR represents '**Second Generation**' of Human Rights.

- International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination 1966 (NCERD)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment Or Punishment 1984





Presented By

**M. NEDUNCHEZHIAN M.A., LL.B.,  
Advocate**

**Secretary General,  
MASS (Multiple Actions for Social Solidarity)**

**Editor, Eavukanai Monthly Magazine**

**ஆசிரியர், ஏவுகணை மாத இதழ்**

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The session started with the details of evolution of Protection of human Rights act 1993 which tells about Right to a fair trial, belief, religion, opinion, adequate standard of living, health, food and housing and so on. Handmark judgements, Article 21 tells about the right to die with dignity .Human rights is right to privacy. He also shared gender justice based events like shah bano case,1995 is a milestone in the journey of gender justice. Shared about event that happens in the state of rajasthan on 1997 a girl named bhanvari Devi who is gang raped, so government formed vishaka guidelines.

# HUMAN RIGHTS

Protection of Human Rights Act, 1993

Composition and Functioning of  
NHRC/SHRCs

Other National / State Commissions

## HUMAN RIGHTS



# What are Human Rights ?

- The right to equality and freedom from discrimination.
- The right to life, liberty, and personal security.
- Freedom from torture and degrading treatment.
- The right to equality before the law.
- The right to a fair trial.
- The right to privacy.
- Freedom of belief and religion.
- Freedom of opinion.
- Right of peaceful assembly and association.
- The right to participate in government.
- The right to social security.
- The right to work.
- The right to an adequate standard of living.
- The right to education.
- The right to health.
- The right to food and housing.

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# What are Fundamental Rights ?

**Fundamental Rights are those rights that are provided by some countries to their citizens to enjoy. These rights have a legal sanction. These rights can also be challenged in a court of law.**

- Right to Equality ([Article 14-18](#))
- Right to Freedom ([Article 19-22](#))
- Right against Exploitation ([Article 23-24](#))
- Right to Freedom of Religion ([Article 25-28](#))
- Cultural and Educational Rights ([Article 29-30](#))
- Right to Constitutional Remedies ([Article 32](#))

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## **Protection of Human Rights Act, 1993**

### **THE PROTECTION OF HUMAN RIGHTS ACT, 1993 ACT NO. 10 OF 1994 [8th January, 1994.]**

**An Act to provide for the constitution of a National Human Rights Commission, State Human Rights Commissions in States and Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto.**

## **Amendments in Protection of Human Rights Act, 1993**

- ✓ THE PROTECTION OF HUMAN RIGHTS (AMENDMENT) ACT, 2006
- ✓ THE PROTECTION OF HUMAN RIGHTS (AMENDMENT) ACT, 2019
- ✓ THE NATIONAL HUMAN RIGHTS COMMISSION (PROCEDURE) REGULATIONS, 1994
- ✓ THE STATE HUMAN RIGHTS COMMISSION, TAMIL NADU (PROCEDURE) REGULATIONS, 1997

# National Human Rights Commissions

## Constitution of the NHRC :

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

## Composition of the Commission :

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

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## National Human Rights Commissions

### Chairman of NHRC

Retired Chief Justice of India

### Member 1

One who is/has been a Judge of the Supreme Court of India

### Member 2

One who is/has been a Chief Justice of a High Court

### Three Members (out of which at least one shall be a woman)

They are to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.

### Deemed Members (Ex-officio Members)

Deemed members are chairpersons of the following national commissions: National Commission for Backward Classes National Commission for Minorities National Commission for Protection of Child Rights National Commission for the Scheduled Castes National Commission for the Scheduled Tribes National Commission for Women Chief Commissioner for Persons with Disabilities.

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# National Human Rights Commissions

## Appointment of NHRC Members [Section 4]

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

### The Selection Committee includes:

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

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# National Human Rights Commissions

## Functions of the Commission

As per [Section 12](#) of the Act, the functions and powers of the National Human Rights Commission are as follows:

- NHRC can investigate any complaints related to violations of Human Rights or negligence in the prevention of such violations by a public servant; either suo-moto or after receiving a petition.
- NHRC can interfere in any judicial process involving any allegation of human rights violation.
- It has the authority to visit any prison or institute under the control of the state governments to observe the living conditions of inmates. It can also make recommendations to the authorities based on its observations.
- NHRC can examine the articles of the Constitution that protect human rights and make recommendations for punitive measures.
- Examine the causes that obstruct the enjoyment of human rights, including acts of terrorism, and make recommendations for proper remedies.
- Study human rights treaties and other international instruments and make suggestions for their effective implementation.

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# National Human Rights Commissions

## Powers of the Commissions

- **The Committee undertakes and promotes research in the field of human rights.**
- **Human Rights Literacy and awareness of the safeguards available for the protection of these rights are promoted by NHRC in various sectors of society through different media, seminars, publications, etc.**
- **Encourage non-governmental organizations and institutions that work in the field of human rights;**
- **The National Commission for Human Rights may perform any other function that it considers necessary for the promotion of human rights.**

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

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

[Section 20](#) provides that the Commission is obliged to submit an annual report as well as special reports to the Central Government and state governments. <sup>14</sup>

# State Human Rights Commissions

- Part III of the Act: State Human Rights Commissions (SHRC)
- Chapter V, Sections 21–29, contains the provisions regarding the constitution, composition, and functioning of the SHRC.
- State Human Rights Commissions are statutory, non-constitutional bodies (at the state level) involved in protecting human rights and examining violations that occur within their respective states, just like what the National Human Rights <sup>15</sup>



# State Human Rights Commissions

## Constitution of SHRC :

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

## Composition of SHRC :

[Section 21](#) of the Act provides that the State Human Rights Commission shall consist of the following:

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# State Human Rights Commissions

## Scope and jurisdiction of SHRC :

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

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

## Functions and Powers of SHRC :

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

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# State Human Rights Commissions

## Part IV of the Act: Human Rights Courts :

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

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

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## Other National Commissions

- National Commission for Protection of Child Rights
- National Commission for Women
- National Commission for Scheduled Tribes
- National Commission for Scheduled Castes
- National Commission for Minorities

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## Other State Commissions

### National Commission for Protection of Child

#### Rights

National Commission for Protection of Child Rights (hereinafter referred to as the Commission) is a statutory body constituted under Section 3 of the Commission for Protection of Child Rights (CPCR) Act, 2005 to protect the child rights and other related matters in the Country.

The National Commission for Protection of Child Rights (NCPCR) emphasizes the principle of universality and inviolability of child rights and recognizes the tone of urgency in all the child related policies of the country. For the Commission, protection of all children in the 0 to 18 years age group is of equal importance. Thus, policies define priority actions for the most vulnerable children. This includes focus on regions that are backward or on communities or children under certain circumstances, and so on.

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## Other State Commissions

### The National Commission for Women

The National Commission for Women was set up as statutory body in January 1992 under the National Commission for Women Act, 1990 ( Act No. 20 of 1990 of Govt.of India ) to :

- review the Constitutional and Legal safeguards for women ;
- recommend remedial legislative measures ;
- facilitate redressal of grievances and
- advise the Government on all policy matters affecting women.

#### Vision & Mission

**The Indian Woman, secure in her home and outside, fully empowered to access all her rights and entitlements, with opportunity to contribute equally in all walks of life.**

**To strive towards enabling women to achieve equality and equal participation in all spheres of life by securing her due rights and entitlements through suitable policy formulation, legislative measures, effective enforcement of laws, implementation of schemes/policies and devising strategies for solution of specific problems/situations arising out of discrimination and atrocities against women.**

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## Other National Commissions

### National Commission for Scheduled Tribes

**The National Commission for Scheduled Tribes is a constitutional body that was established by the Constitution (89th Amendment) Act, 2003. The Commission is an authority working for the economic development of Scheduled Tribes in India. The NCST is dealt with Article 338.**

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## Other National Commissions

### National Commission for Scheduled Castes

The National Commission for Scheduled Castes is an Indian constitutional body established with a view to provide safeguards against the exploitation of Scheduled Castes and Anglo Indian communities to promote and protect their social, educational, economic and cultural interests, special provisions were made in the Constitution. Article 338 of the Indian constitution deals with National Commission for Scheduled Castes.

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## Other National Commissions

### **National Commission for Minorities Ministry of Minority Affairs, Government of India**

The Union Government set up the National Commission for Minorities (NCM) under the National Commission for Minorities Act, 1992. Initially five religious communities, viz., Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) were notified as minority communities by the Union Government. Further vide notification dated 27th January 2014, Jains were also notified as another minority community.

Union Government constituted National Commission for Minorities, New Delhi and State Government constituted State Minorities Commissions in their respective State Capitals. These organisations are set-up to safeguard and protect the interests of minorities as provided in the Constitution of India and laws enacted by the Parliament and the State Legislatures.

Aggrieved persons belonging to the minority communities may approach the concerned State Minorities Commissions for redressal of their grievances. Moreover, they may also send their representations to the National Commission for Minorities, after exhausting all other official mechanism of remedies available to them.

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## Other National Commissions

### National Commission for Backward Classes

National Commission for Backward Classes (NCBC) was initially constituted by the Central Govt by the National Commission for Backward Classes Act, 1993 (27 of 1993) dated 2.4.1993 and so far the Commission had been reconstituted 7 times up to 2016. The National Commission for Backward Classes Act, 1993 (27 of 1993) has been repealed through the National Commission for Backward Classes (Repeal) Act, 2018 dated 14.08.2018.

The present Commission (8<sup>th</sup>) has been accorded Constitutional Status and constituted through "The Constitution (One Hundred and Second Amendment) Act, 2018" Act dated 11.8.2018, whereby Article 338B has been inserted, forming a Commission for the socially and educationally backward classes to be known as National Commission for Backward Classes.

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# Human Rights Courts

In India, the appropriate protection of the “Human Rights Act 1993” has been provided by the establishment of the “Human Rights Courts”. The purpose of these kinds of courts is to provide a “speedy trial” for arising any offences for not maintaining human rights.

## Power of Human Rights Court :

NHRC has the power to visit any jail or any other institution with the permission of the state government to see the living conditions of the inmates and make recommendations thereon. NHRC has the power to review the safeguards provided by the constitution to protect laws concerning human rights and suggest remedies.

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## LANDMARK JUDGEMENTS .....

Landmark court decisions, in present-day common law legal systems, establish precedents that determine a significant new legal principle or concept, or otherwise substantially affect the interpretation of existing law.

**Landmark judgements are those that set a precedent in law, or determine a major new legal principle or judicial concept or affects the interpretation of the existing law in a significant manner.**

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# LANDMARK JUDGEMENTS

## **1. Personal Liberty: Procedure Established by Law: Fair, Just and Reasonable Maneka Gandhi v. Union of India (AIR 1978 SC 597) (1978).**

- The view expressed in A. K. Gopalan's case was revisited in this case after about 28 years.
- The main issues were whether the right to go abroad is a part of the right to personal liberty under Article 21 and whether the Passport Act prescribes a 'procedure' as required by Article 21 of the Constitution.
- The SC held that the right to go abroad is a part of the right to personal liberty under Article 21.
- The SC also ruled that the mere existence of an enabling law was not enough to restrain personal liberty.

**“The procedure prescribed by law has to be fair, just and reasonable, not fanciful, oppressive or arbitrary.”**

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# LANDMARK JUDGEMENTS

## **Public Interest Litigation-**

**The Beginning Mumbai Kamgar Sabha, Bombay ,AIR 1976 SC 1455 This case is considered to be the foundation of public interest litigation in India.**

- In this case Justice V.R. Krishna Iyer speaking for the Court held that- “Procedural prescriptions are handmaids, not mistresses, of justice... . Our adjectival branch of jurisprudence, by and large, deals not with sophisticated litigants but the rural poor, the urban lay and the weaker societal segments for whom law will be an added terror.
- Test litigations, representative actions, pro bono publico and like broadened forms of legal proceedings are in keeping with the current accent on justice to the common man and a necessary disincentive to those who wish to bypass the real issues on the merits by suspect reliance on peripheral procedural, shortcomings.

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## LANDMARK JUDGEMENTS

**Public Interest Litigation:**

*Sunil Batra v. Delhi Administration & Others, AIR 1978 SC 1675*

**A landmark decision on prison reforms , in this case the apex Court held that a convict is entitled to the precious right guaranteed by Art. 21 that he shall not be deprived of his life or personal liberty except according to the procedure established by law.**

- **The Court ruled that fundamental rights do not flee the person as he enters the prison although they may suffer shrinkage necessitated by incarceration. Our Constitutional culture has now crystallised in favour of prison justice and judicial jurisdiction.**
- **The intervention of social welfare organisations in litigative processes pregnant with wider implications is a healthy mediation between the people and the rule of law.**
- **The Court issued a number of direction for improving the conditions of jail inmates.**<sup>32</sup>

## LANDMARK JUDGEMENTS

**Public Interest Litigation:**

*Bandhua Mukti Morcha v. Union of India [(1984) 3 SCC 161*

In a matter concerning release of bonded labour raised by way of PIL the Supreme Court issued direction for their release.

- **Explaining the philosophy underlying PIL the Court ruled that where a person or class of persons to whom legal injury is caused by reason of violation of a fundamental right is unable to approach the court of judicial redress on account of poverty or disability or socially or economically disadvantaged position, any member of the public acting bona fide can move the court for relief under Article 32 and a fortiori also under Article 226, so that the fundamental rights may be meaningful not only for the rich but also for the deprived people who by reason of lack of awareness, assertiveness and resources are unable to seek judicial redress.**

<sup>33</sup>

# LANDMARK JUDGEMENTS

## Human Rights:

### Art.21- Right to Die With Dignity

- In this case the victim of rape continued to be in persistent vegetative state (PVS) for a period of 36 years. This case triggered the debate on need to change euthanasia laws.
- In a writ petition under Article 32 it was prayed that the hospital where she is laying for last 36 years be directed to stop the life support system.
- The Supreme Court ruled that individuals had a right to die with dignity. • Issuing guidelines regarding passive euthanasia the court ruled that a decision to discontinue life support can be taken either by the parents or the spouse or other close relatives, or in the absence of any of them, even by a person or a body of persons acting as a next friend or in their absence by the doctors attending the patient, subject to approval of the High Court. 19 Human Rights : Common Cause (A Regd. Society) vs. Union Of India on 9 March, 2018 -Right to Die.

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# LANDMARK JUDGEMENTS

## Human Rights:

### Recognition of Transgender Persons as a Third Gender National Legal Services Authority vs Union Of India & Ors. (2014) Held:

- Gender identity is integral to the dignity of an individual and is at the core of “personal autonomy” and “self-determination” and Article 14, 19 and 21 of the Constitution within their sweep include transgender and are not as such limited to male or female gender.
- Eunuchs, therefore, have to be considered as Third Gender, over and above binary genders under our Constitution and the laws.
- The apex Court directed the Centre and the State Governments to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments. ( W.P.(civil) no.400 of 2012 dt.15.04.14)

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# LANDMARK JUDGEMENTS

## Human Rights:

Right to Privacy a Fundamental Right under Article 21 Justice K.S. Puttaswamy (retd.) Vs. Union of India and ors. , (2017) 10 SCC 1 (2017) (Right To Privacy)

- In this case , popularly known as Aadhaar Case, the SC held that privacy is a constitutionally protected right which emerges primarily from the guarantee of life and personal liberty in Article 21 of the Constitution.
- Further held that elements of privacy also arise in varying contexts from the other facets of freedom and dignity recognised and guaranteed by the fundamental rights contained in Part III .

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# LANDMARK JUDGEMENTS

## Gender Justice :

**Shah Bano's Case [(1985) 2 SCC 556] A Milestone in the Journey of Gender Justice**

- **Petitioner Shah Bano Begum prayed for grant of maintenance under Section 125 of Cr.P.C.**
- **The Constitution Bench of the apex Court considering the provision of Section 125 of the Cr.P.C., opined that the said provision is truly secular in character and is different from the personal law of the parties.**
- **The Court further held that such provisions are essentially of a prophylactic character and cut across the barriers of religion.**
- **The Court also held that the liability imposed by Section 125 to maintain close relatives, who are indigent, is founded upon the individual's obligation to the society to prevent vagrancy and destitution.**

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## LANDMARK JUDGEMENTS

### Gender Justice-Preventing Sexual Harassment at Workplace:

**Vishaka vs. State of Rajasthan,(1997) 6SCC 241 Bhanwari Devi**, a social worker from Rajasthan, was brutally gangraped by five men for preventing a child marriage.

- The trial court acquitted all five accused.
- Vishaka, a Group for Women's Education and Research, took up the cause of Bhanwari Devi and filed a petition before the Supreme Court on the issue of sexual harassment at the workplace.
- On August 13, 1997, the apex Court issued guidelines that defined sexual harassment and put the onus on the employers as well as other responsible persons or institutions to provide a safe working environment for women. • These guidelines are called 'Vishaka Guidelines'. These were to be considered law until appropriate legislation was enacted.

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## LANDMARK JUDGEMENTS

### Environmental Protection:

**MC Mehta v. Union of India, AIR 1987 SC 1086 (1986)**

In this case , popularly known as the 'Oleum gas leak case', the Supreme Court disapproved the 'Strict Liability' test enunciated in the English case of Rylands v. Fletcher for deciding the liability of an enterprise engaged in a hazardous or inherently dangerous activity and propounded the principle of 'Absolute Liability'.

- The Court held that in the case of industries engaged in hazardous or inherently dangerous activities, absolute liability was to be followed.
- It also said that the amount of compensation must be correlated to the magnitude and capacity of the industry so that it will be a deterrent.

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## Conclusion

**Human Rights are the basic rights which form the essential part of his/her development as human being. Constitution acts as a protector of those basic rights as Fundamental Rights and Directive Principle of State Policies. More emphasis has been given to the fundamental rights and they are directly enforceable in the court of law.**

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# THANK YOU !



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## Session 3

# RIGHTS OF WOMEN AND CHILDREN

**Thiru.P.Mohan ,M.C.A.,M.S.W.,M.Sc.,(Psy),,**

The session was started with the details of crime against children, a total of 1,49,404 cases were registered during 2021. Juveniles in conflicts with law, he talked about crime against women " kidnapping and abduction of women". Women facing problem in society like dowry, female infanticides, illiterates, divorce, domestic violence. He also shared about Child in care and protection missing, run away children, homeless risk of marriage. He shared about the helpline numbers 1091-women help line,1098-child line ,181- women and child one stop centre. He also talked about women specific legislations and discussed about specific laws related to women like juvenile justice, child labour, national food security, medical termination and also about women rights in India.

**PART I Article 1 - For the purposes of the present Convention, the term "discrimination against women" shall mean 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.**

**Article 2 - States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;**

**To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;**

**To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;**

**To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;**

**To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;**

To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

To repeal all national penal provisions which constitute discrimination against women.

**Article 4- 1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.**

**2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.****Article 5 - States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;**

**(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.**

**Article 6 - States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.**

## **PART II**

**Article 7 - States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;**

**To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;**

**To participate in non-governmental organizations and associations concerned with the public and political life of the country.**



**Article 8 - States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.**

**Article 9 - 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither - marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.**

**2. States Parties shall grant women equal rights with men with respect to the nationality of their children.**

**PART III Article 10- States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre- school, general, technical, professional and higher technical education, as well as in all types of vocational training;**

**Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;**

**The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;**

**(d) The same opportunities to benefit from scholarships and other study grants;**

**(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;**

**(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;**

**(g) The same Opportunities to participate actively in sports and physical education;**

**(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.**

**Article 11 - 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to work as an inalienable right of all human beings;**

**(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;**

**(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;**

**(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;**

**(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;**

**(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction**

**2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:**

**(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;**

**(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;**

**) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;**

**) To provide special protection to women during pregnancy in types of work proved to be harmful to them.**

**3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.**

**Article 12 - 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.**

**2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.**

**Article 13 - States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to family benefits;**

**The right to bank loans, mortgages and other forms of financial credit;**

**The right to participate in recreational activities, sports and all aspects of cultural life.**

**Article 14 - 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.**

**2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and**

**women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:**

**(a) To participate in the elaboration and implementation of development planning at all levels;**

**(b) To have access to adequate health care facilities, including information, counselling and services in family planning;**

**(c) To benefit directly from social security programmes;**

- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;**
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;**
- (f) To participate in all community activities;**
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;**
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.**

**PART IV Article 15 - 1. States Parties shall accord to women equality with men before the law.**

- 2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.**
- 3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.**
- 4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.**
- 5. Article 16 - 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:**
- 6. (a) The same right to enter into marriage;**
- 7. The same right freely to choose a spouse and to enter into marriage only with their free and full consent;**
- 8. The same rights and responsibilities during marriage and at its dissolution;**

9. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
10. The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
11. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
12. The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
13. The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

**PART V Article 17 - 1.** For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties



inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

**Article 18 -1.** States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

**(a) Within one year after the entry into force for the State concerned;**

**(b) Thereafter at least every four years and further whenever the Committee so requests.**

**2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.**

**Article 19 - 1. The Committee shall adopt its own rules of procedure.**

**2. The Committee shall elect its officers for a term of two years.**

**Article 20 - 1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.**

**2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)**

**Article 21 - 1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.**

**2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.**

**Article 22 - The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.**

**PART VI - Article 23 - Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained: (a) In the legislation of a State Party; or**

**(b) In any other international convention, treaty or agreement in force for that State.**

**Article 24 - States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.**

**Article 25 - 1. The present Convention shall be open for signature by all States.**

**The Secretary-General of the United Nations is designated as the depositary of the present Convention.**

**The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.**

**The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.**

**Article 26 - 1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.**

**2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.**

**Article 27**

**1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.**



## **SESSION IV**

### **RIGHTS OF OTHER VULNERABLE GROUPS**

**Mrs.K.Lakshmi**

**Asst. Inspector of Labour, Trichy.**

The session started with the details of child labour as per the child and adolescent labour act.1986. child means a person who has not completed 14 yrs. 15-18 yrs of age is adolescent. She shared about the constitutional provisions and article 21 a is right to education 2A is prohibition of employment of children in factories. Some other acts are RR act- revenue recovery act, cwc- child welfare committee and she insisted about the hazardous and non hazardous work and apprentices act,1961. She also talked about the juvenile justice,2000 employment of children and young person . She discussed about prohibition of employment of children.

## THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

### Situational Work Performed by Bonded Labourers

- Brick kiln •
- Stone quarry
- Mining
- Zari industry
- Agriculture in various forms and kinds
- Rice mill
- Domestic slavery in metropolitan cities
- Construction sites



- For the purposes of the Act, some of the important concepts and expressions have been defined as under:
- (a) “Advance” means an advance, whether in cash or kind, or partly in cash or partly in kind, made by one person (hereafter referred to as the creditor) to another person (hereafter referred to as the debtor).

- (b) “Agreement” means an agreement (whether written or oral, or partly written and partly oral) between a debtor and creditor, and includes an agreement providing for forced labour, the existence of which is presumed under any social custom prevailing in the concerned locality.

## Prohibition of Trafficking

Article 23 (1) of the Constitution of India prohibits trafficking in human beings and forced labour –

Trafficking in human beings and 'begar' and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

## Purpose of The Bonded Labour Law

### The Bonded Labour System (Abolition) Act

- An Act to provide for the abolition of bonded labour...with a view to preventing the economic and physical exploitation of the weaker sections of the people.
- Enacted: 9 February 1976.

## Purpose of The Bonded Labour Law nfhj;jbik rl;ljjpd; Nehf;fk;

### **The Bonded Labour System (Abolition) Act**

- An Act to provide for the **abolition of bonded labour**...with a view to **preventing the economic and physical exploitation** of the weaker sections of the people.
- Enacted: 9 February 1976.

### **Silent Features of BLSA**

- The BLSA contains 27 sections.
- All the offences are cognizable and bailable.
- Punishment; imprisonment upto 3 years and fine Rs.2000/-

## BLA Criminal Offences jz;lid gpupTfs;

### SIX OFFENCES UNDER THE BLA

#### **Section 9 Against a Bonded Debts.**

nfhjjbik Kiwapd ; fPo ; nfhLffg;gl;l flDf;fhf g z;jj Vw;Wf;nfhS;tJ.

#### **Section 16 Punishment for Enforcement of Bonded Labour:**

nfhjjbik Kiwapd ; fPo ; Ntiy nra;AkhW xUtIU fl ;lhag;gUj ;tJ

#### **Section 17 Punishment for Advancement of Bonded Debt**

nfhjjbik Kiwapd ; fPo ; flD ; (Kd;gzk;) jUtJ

#### **Section 18 Punishment for Extracting Bonded Labour**

nfhjjbik; njhopy;Kiwapd ; fPo ; nfhjjbik Ntiyia thq;FtJ

#### **Section 19 Punishment for Failure to Restore Property to a Bonded Labourer:**

nfhjjbik njhopy;hsHfspd; clikfis/ nrhju;f;fis juhky;

Kf;FtJ

#### **Section 20 Abetment of an Offence**

nfhjjbik njhopYf;F fwwTle;tjahf

nray;gLtJ.

## Silent Features of BLSA

### **Burden of Proof (Sec.15)**

**Whenever any debt is claimed by a bonded labourer or a vigilance Committee, to be a bonded debt, the burden of proof that such debt is not a Bonded Debt shall lie on the Creditor.**

## Silent Features of BLSA

Offences to be tried by Executive Magistrate  
(Sec.21)

- **Sec. 21 was struck down by Hon'ble Madhya Pradesh, Bombay, Madras High Courts on the grounds**
  
- **1) Separation of Powers,**
- 2) Fair Trial and**
- 3) Competency.**

**Two Equally Important  
Procedures:**



## Supreme Court on Identification

### IDENTIFICATION

For Release and  
Rehabilitation of  
Victims

Identified by SDM

Police

### INVESTIGATION

For Prosecution of  
offenders

Investigated by

## Supreme Court on Identification

### IDENTIFICATION

**Standard:** claim made  
that is credible  
(no further inquiries  
need be made).

Procedure under  
CrPC  
Bonded Labour Act

### INVESTIGATION

Standard: (Ultimately)  
Beyond reasonable doubt  
(Full investigation needed)

Procedure under

## Identification

### Complaint Received

A complaint of bonded labour can be made  
**by any person**

Usually:

- The bonded labourer
- A person who knows the bonded labourer (e.g. a relative)
- An NGO

## Identification

### Complaint Received

A complaint of bonded labour can be made  
**to any person in authority**

Such as:

- The Police
- The NHRC
- District Official (Collector, RDO, Tahsildar, VAO)

## Identification

Complaint Received

BUT

All bonded labour complaints  
**must** be forwarded to the

Sub-Divisional Executive Magistrate (SDM/RDO)

## Identification

Complaint Received

Initial Inquiry at the Worksite

Full Inquiry at a Safe Location

Release  
Certificates

Rs. 30,000/- Initial  
Rehabilitation

Protection

## 1. Victim Relief

Release Certificates are significant because they provide the labourers with:

- Access to rehabilitation
- Release from bonded debt
- Protection from the owners

கொத்தடிமைத் தொழிலின் கீழான குற்றங்கள்

கொத்தடிமைத் தொழில் முறை (ஒழிப்பு) சட்டம்

s. 9: கொத்தடிமை முறையின் கீழ் கொடுக்கப்பட்ட கடனுக்காக பணத்தை ஏற்றுக்கொள்வது

s. 16: கொத்தடிமை முறையின் கீழ் வேலை செய்யுமாறு ஒருவரை கட்டாயப்படுத்துவது

s. 17: கொத்தடிமை முறையின் கீழ் கடன் (முன்பணம்) தருவது

s. 18: கொத்தடிமைத் தொழில்முறையின் கீழ் கொத்தடிமை வேலையை வாங்குவது

s. 19: கொத்தடிமை தொழிலாளர்களின் உடமைகளை/ சொத்துக்களை தராமல் முடக்குவது

s. 20: கொத்தடிமை தொழிலுக்கு குற்றவுடந்தையாக செயல்படுவது.

இந்திய குற்றவியல் சட்டம்

s. 370: மனித வணிகம்

s. 370A : மனித வணிகம் செய்யப்பட்ட நபரை வேலையில் அமர்துவதின் மூலம் சுரண்டுதல்

s. 371: அடிமைகள் தொழிலில் வழக்கமாக ஈடுபடுத்துதல்

s. 374: சட்டவிரோத கட்டாய வேலை

s. 342: தவறாக அடைத்து வைத்தல்

ஆதிதிராவிடர் மற்றும் பழங்குடியினர் வண்கொடுமை தடுப்பு சட்டம் 1989 (SC & ST Act)

s. 3(1)(vi): எஸ்சி அல்லது எஸ்டி இன உறுப்பினர் ஒருவரை கொத்தடிமை அல்லது கட்டாய தொழில் செய்யுமாறு கட்டாயப்படுத்துவது அல்லது கவர்ந்திழுப்பது.

## Indian Penal Code

### Section 370 Punishment

(2) Trafficking	RI for not less than seven years and may extend to ten years and with fine
(3) Trafficking of more than one person	RI for not less than ten years and may extend to imprisonment for life and with fine
(4) Trafficking of minor	RI for not less than ten years and may extend to imprisonment for life and with fine
(5) Trafficking of more than one person	RI for not less than fourteen years and may extend to imprisonment for life and with fine.
(6) A person convicted for more than once for trafficking of minor	Imprisonment for life (means natural death) and fine
(7) Public servant or police officer	Imprisonment for life (means natural death) and fine

## CHILD LABOUR



## Child Labour in Various Laws

- [The Mines Act, 1952](#): This Act provides that no child should be present where the work of mining is going on and no child should be employed for such work.
- [The Apprentices Act, 1961](#): Unless a child attains the age of 14 years and satisfy the standard of education and physical fitness test, he cannot undergo an apprenticeship training.

- [The Indian Factories Act, 1948](#): No child below the age of 14 years shall be employed in a factory. Also, there are rules that a factory has to follow if they employ pre-adults that are between 15-18 years of age.
- [The Juvenile Justice \(Care and Protection\) of Children Act, 2000](#): If any person employs a child in any of the hazardous work or use the child as a bonded labour then that person will be punishable under this Act.

- [The Right of Children to Free and Compulsory Education Act of 2009](#): Free and compulsory education must be provided to each and every children below 14 years of age. In fact, to follow this Act efficiently, 25% of seats are also reserved in every private school for children who belongs to the disadvantaged group and for children who are physically challenged.

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## THE TAMILNADU SHOPS AND ESTABLISHMENTS ACT, 1947

### EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

17. Children not to work in establishments-- No child shall be required or allowed to work in any establishment.

## ***The Tamil Nadu Catering Establishments Act, 1958***

### **17. Prohibition of employment of children.**

No child shall be required or allowed to work in any catering establishment.

### **Causes of child labour in India**

- Poverty
- Illiteracy
- Previous Debts
- Over Population
- Domestic Help
- Child Sex Workers
- Forced Begging

## Effects of child labour

- Children might suffer from malnutrition, drug dependency and depression.
- It might endanger children's dignity and morals.
- Children may be employed forcefully and they may be sexually exploited.
- They might become victims of sexual and physical violence.

## Obstacles in the proper implementation of child labour laws

- **Non-awareness:** Non-awareness among people about the labour laws in India is a cause for its poor implementation.
- **Poverty:** There is a vicious circle of poverty. Many families live below the poverty line and they cannot support their living so they send their children to work.
- **Illiteracy:** People who are illiterate are not aware of the rules and regulations due to lack of education.
- **Lack of political will:** Another obstacle is lack of political will as well as the ineffective role played

- Lack of efficiency: Due to inefficient administrative machinery the labour laws are not implemented properly.
- Unemployment: People are not able to earn due to unemployment so they send their children to work in order to earn more.
- Will of parents: Some parents don't wish to send their children to school rather than they send them to fields to work for them.
- Lack of educational and health facilities: Due to the lack of these facilities labour laws are not implemented properly.

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THE CHILD LABOUR (PROHIBITION AND REGULATION)  
ACT, 1986 & AMENDMENT ACT, 2016

- “An Act to prohibit the engagement of children in all occupations and to prohibit the engagement of adolescents in hazardous occupations and processes and the matters connected therewith or incidental thereto.”

- In section 2 of the principal Act,—
- (a) clause (i) shall be renumbered as clause (ia) thereof and before clause (ia) as so renumbered, the following clause shall be inserted, namely:—
- ‘(i) “adolescent” means a person who has completed his fourteenth year of age but has not completed his eighteenth year;’; (b) for clause (ii), the following clause shall be substituted, namely:—



- '(ii) "child" means a person who has not completed his fourteenth year of age or such age as may be specified in the Right of Children to Free and Compulsory Education Act, 2009, whichever is more;'
- "3A. No adolescent shall be employed or permitted to work in any of the hazardous occupations or processes set forth in the Schedule:

- **STATE ACTION PLAN FOR ERADICATION OF CHILD LABOUR AND ERADICATION OF ADOLESCENT LABOUR IN HAZARDOUS OCCUPATIONS AND PROCESSES**

## **Vision**

- 'A State free of Child Labour in all Occupations and Adolescent Labour in Hazardous Occupations and Processes by the end of 2025'.

## **Objectives**

- To prohibit employment of children below the age of 14 years in all Industries.
- To prohibit employment of adolescents in hazardous employment and regulate their employment in other sectors.
- To rescue and rehabilitate child/adolescent labour.
- To mobilise community participation and create a positive climate for elimination of child and adolescent labour.
- To effect convergence of different departments for prevention, rescue and rehabilitation of child/adolescent labour .

## **Key strategies**

- Identification of children and adolescents engaged in employment.
- Enforcement of labour laws prohibiting child and adolescent labour.
- Economic rehabilitation
- Awareness generation
- Recognition for child labour elimination and celebrating success
- Involving employers
- Community participation
- Trainings
- Convergence of services

## **District Special Task Force**

- District Collector - Chairman
- Superintendent of Police - Vice Chairman
- Assistant Commissioner of Labour - Member Secretary
- Joint Director of Industrial Safety and Health - Member Secretary
- Joint Commissioner of Labour - Member
- Revenue Divisional Officers of the District. - Members
- Joint Director of Health Services - Member
- Chief Educational Officer - Member
- Project Director NCLP - Member
- NGO Representatives - 2 Members

## Convergence of services

- 1. Labour Department
- 2. Directorate of Industrial Safety and Health
- 3. Education Department
- 4. Directorate of Employment and Training
- 5. Department of Industries and Commerce
- 6. Social welfare and Nutritious meal programme Department
- 7. Department of Rural Development
- 8. Department of Municipal Administration
- 9. Police Department

- 10. Health Department
- 11. Public Works and Highways Department
- 12. Information and Public Relations Department
- 13. Revenue Department
- 14. Adi Dravidar and Tribal Welfare Department
- 15. Backward Community And Most Backward And Denotified Communities Welfare Department
- 16. Commissionerate of Social Defence
- 17. Tamil Nadu State Commission for Protection of Child rights
- 18. NGOs and other organizations
  - Non Governmental organization
  - Employer's associations
  - Trade unions
  - Resident welfare associations

## IMPLEMENTATION OF THE STATE ACTION PLAN

### **At the State Level**

- The State Child Labour Rehabilitation cum Welfare Society under the Chairmanship of the Commissioner of Labour will be responsible for monitoring the implementation of the State Action Plan for Eradication of Child/Adolescent Labour.
- The monitoring cell which has already been constituted in the Office of the Commissioner of Labour shall continue to monitor the activities relating to elimination of child labour as per the directions of the Hon'ble Supreme Court.

### **At the District Level**

- In all the 15 districts where National Child Labour Projects are functioning National Child Labour Project Societies have been formed comprising of concerned departmental officers under the Chairmanship of the District Collector. These Societies are responsible for implementing the Action Plan for Elimination of Child/Adolescent Labour at the District level in the NCLP Districts.

- In other districts, Child/Adolescent Labour Rehabilitation cum Welfare Societies have been constituted for identifying children/adolescent employing in hazardous and non-hazardous establishments. These Societies are responsible for implementing the Action Plan for Elimination of Child Labour at the District level.
- District Collectors to take steps to declare their districts as “*Child/Adolescent Labour Free*” *before the year 2025*.

**STANDARD OPERATING PROCEDURES  
FOR EFFECTIVE ENFORCEMENT OF THE  
CHILD & ADOLESCENT LABOUR  
(PROHIBITION & REGULATION)  
ACT, 1986**



## PHOTOS

### INAUGURATION

The Inauguration for the NHRC sponsored one day Training Programme on "HUMAN RIGHTS" was opened up with the prayer song continued with the welcome address by Dr. R. KAMARAJ, Professor and Head of the Department of MBA followed by the presidential address given by Dr. D. Srinivasan, Principal, K. Ramakrishnan College of Engineering (Autonomous).

Dr. R.KAMARAJ, Professor and Head of the Department of MBA, gave the brief introduction about the Programme and highlighted the achievements of the Chief Guest Dr.K.BABU, Principal Judge, Trichy District, Tamilnadu. The Chief Guest gave an enthusiastic speech towards Indian Constitution and declared that it is one of the best constitutions which give every right to the people. Constitution of India is formed by fundamental basis which is not rigid and according to article 21 every citizen must be protected.







# SESSION I PHOTOS







# SESSION II PHOTOS







# SESSION III PHOTOS





# SESSION IV PHOTOS





# VALEDICTORY SESSION

The valediction started with the feedback from the participants and group photo with the participants. The coordinator of the event Dr.K.Priyadarsini invited our Principal, Dr.D.Srinivasan who given the valedictory address. Certificates were issued to all the participants by our Principal and the speakers Mr.Mohan, and Mrs.Lakshmi. Then vote of thanks was proposed by Dr.M.Maheswari, Head, Department of ECE, and she briefed about the program. Valediction was ended up with National anthem.











As a whole 100 participants were registered including students and faculties. Registration kit and training session material was also distributed to all the participants and delicious food for all the participants were provided with care. Feedback about the training programme was collected from all the participants.