



'Youth Standing Up For Human Rights'.



A Virtual Exhibition on

10TH DECEMBER

**HUMAN
RIGHTS DAY**





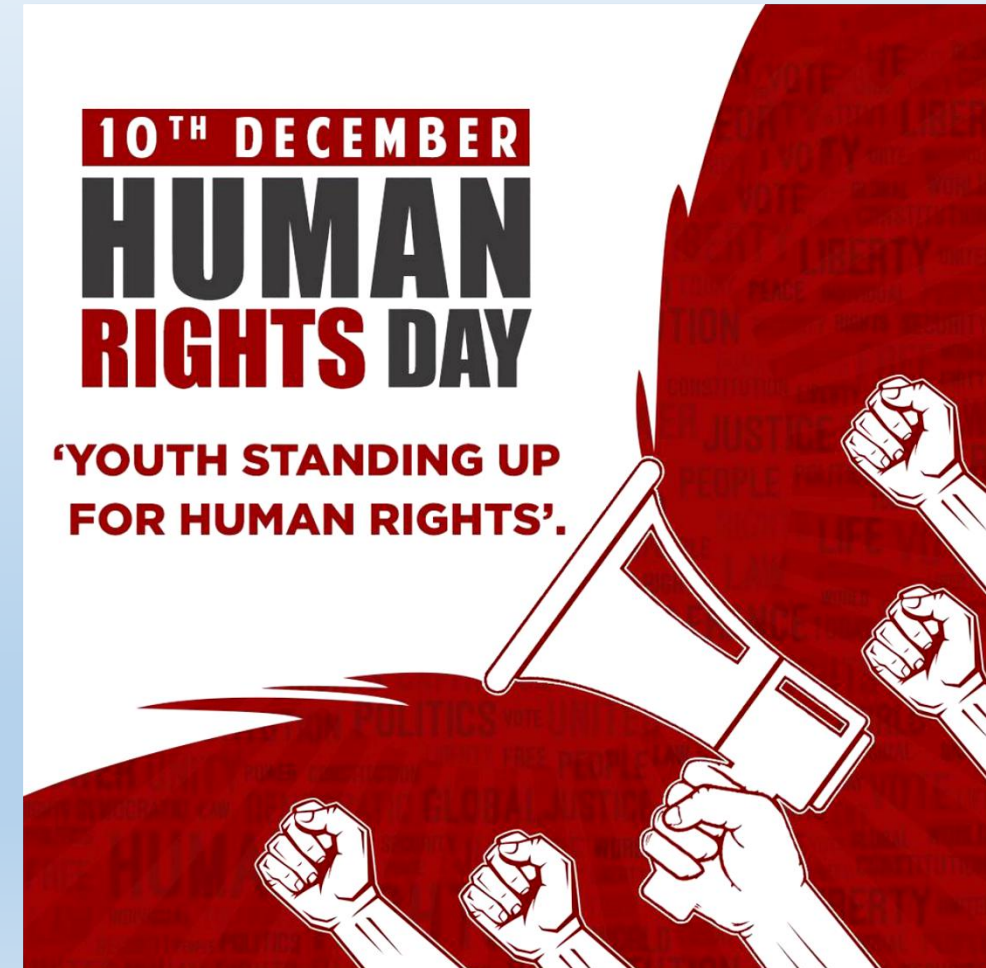
National Human Rights Day



This day is celebrated every year on December 10 to recognize and empower human rights. It mainly includes economic, social, cultural rights and international commitments on civil and political rights.

Human rights law came into existence on September 28, 1948, in India. After that, the Government of India constituted the National Human Rights Commission (NHRC) on October 12, 1993. There are several rights included in the jurisdiction of the Commission such as economic, social and cultural rights.

The National Human Rights Commission or NHRC is a standalone entity of the Government of India with the mission of promoting and protecting human rights. It is a statutory body mentioned in the Constitution of India that was established in 1993 under the 'Protection of Human Rights Act.'





Background of Human Rights Day



It was on 10th December 1948, the United Nations General Assembly ratified and adopted the Universal Declaration of Human Rights. Human rights day was officially started on the 4th December in the 1950 meeting of the United Nations General Assembly. In South Africa, the Human Rights Day is celebrated on 21 March, in remembrance of the Sharpeville massacre which occurred as a result of protests against the Apartheid regime.

According to the United Nations, Human rights are inalienable for all human beings, whatever our place of residence, ethnic origin, nationality, colour, language, religion, or any other status. These rights are all interrelated, interdependent and indivisible.

Human Rights Day is an important day for the Government of India as India is one of the founding members of the UN as well as an original signatory of the Universal Declaration of Human Rights.

India also abides by the United Nations' Sustainable Development Goals as benchmarks for human development. Human Rights are the core of the Sustainable Development goals as in the absence of human rights and dignity, no sustainable development is possible. Sustainable development and human rights are interdependent as human rights are dependent on progress and progress, in turn, depends on advancement in human rights. In this context, India strives to be a role model by guaranteeing human rights to all.



About Human Rights Day



Human Rights Day is celebrated across the world on December 10. On this day, the United Nations General Assembly adopted the Universal Declaration of Human Rights in 1948. This historic document can be considered as the first major international instrument affirming individual rights. Though this document is not legally binding, its contents have permeated hundreds of international conventions, agreements as well as domestic laws of various countries.

Human rights are considered as certain basic or natural rights, which are inalienable and essential for the development of human personality. They can also be considered as fundamental rights as they cannot be taken away, not even by the government or legislature. Many scholars argue that human rights are not created by any legislation as they are natural rights and the source of human rights is the acceptance of the worth and dignity of the human person. The American Declaration of Independence, Bill of Rights, French Declaration of the Rights of Man and Citizen and other prominent instruments have incorporated the basics of human rights.

Till the 19th century, human rights were generally regarded as within the internal sphere of national jurisdiction. But during the 20th century, international human rights law started to take shape. There was a gradual consensus between countries that certain wrongs need to be prevented by putting certain international conventions into place. Abolition of slavery, treatment of sick and wounded soldiers, right of humanitarian intervention were certain earlier examples of international human rights law. With the establishment of League of Nations in 1919, development of international human rights law gathered pace with new protections and freedoms being guaranteed under different conventions.



About Human Rights Day



Human rights occupy a pivotal place in the United Nations Charter. The Charter has a number of human rights provisions. Article 1 of the Charter declares the promotion and encouragement of respect for human rights and fundamental freedoms for all without any distinction as to race, language or religion. The Charter protects a variety of rights including liberty and security of person, equal protection of law, due process, protection of freedom of movement, freedom of expression, conscience and religion and freedom of assembly.

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly three years after the end of World War II. This document declares that all members of the human family have equal and inalienable rights and it is the foundation of peace, justice and freedom in the world. Article I of the declaration declares that 'All human beings are born free and equal in dignity and rights'. Arbitrary arrest, detention and exile have been prohibited as well as each person has to the right to an effective remedy by the national courts for acts violating the fundamental rights granted to him by the constitution or by law.



About Human Rights Day



Protection of human rights is also embedded in our legal system. The constitution of India has various provisions which seek to protect these valuable rights. Most of these rights have been placed under the fundamental rights which are to be safeguarded at any cost by the State and there can be no derogation from it. Article 21 of the Constitution declares that no person can be deprived of his life or personal liberty except according to procedure established by law. Courts have interpreted this article in the widest possible sense to guarantee a plethora of human rights. India has also legislated many acts for safeguarding human rights like the Protection of Human Rights Act, 1993.

Human rights continue to face serious challenges across the globe. Many prominent human right defenders are languishing in jails throughout the world. Minority interests are being gradually diminished across all continents. Various national courts have been putting unnecessary restraints on the public leading to curtailment of its rights. It is in our collective interest that human rights be given widest protection as the United Nations Human Rights Office declares that when any one's human rights are denied, everyone's rights are undermined.



Basic Human Rights in India



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

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

Articles 12-35 of Indian Constitution deal with Fundamental Rights. These human rights are conferred upon the citizens of India for the Constitution tells that these rights are inviolable. Right to Life, Right to Dignity, Right to Education etc. all come under one of the six main fundamental rights.



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What are the Fundamental Rights?



Fundamental rights are the basic human rights enshrined in the Constitution of India which are guaranteed to all citizens. They are applied without discrimination on the basis of race, religion, gender, etc. Significantly, fundamental rights are enforceable by the courts, subject to certain conditions.

Why are they called Fundamental Rights?

These rights are called fundamental rights because of two reasons:

**They are enshrined in the Constitution which guarantees them
They are justiciable (enforceable by courts). In case of a violation, a person can approach a court of law.**



Features of Fundamental Rights



- **Fundamental rights are different from ordinary legal rights in the manner in which they are enforced. If a legal right is violated, the aggrieved person cannot directly approach the SC bypassing the lower courts. He or she should first approach the lower courts.**
- **Some of the fundamental rights are available to all citizens while the rest are for all persons (citizens and foreigners).**
- **Fundamental rights are not absolute rights. They have reasonable restrictions, which means they are subject to the conditions of state security, public morality and decency and friendly relations with foreign countries.**
- **They are justiciable, implying they are enforceable by courts. People can approach the SC directly in case of violation of fundamental rights.**
- **Fundamental rights can be amended by the Parliament by a constitutional amendment but only if the amendment does not alter the basic structure of the Constitution.**
- **Fundamental rights can be suspended during a national emergency. But, the rights guaranteed under Articles 20 and 21 cannot be suspended.**
- **The application of fundamental rights can be restricted in an area which has been placed under martial law or military rule.**



Fundamental Rights Available Only to Citizens



The following is the list of fundamental rights that are available only to citizens (and not to foreigners):

- Prohibition of discrimination on grounds of race, religion, caste, gender or place of birth (Article 15).
- Equality of opportunity in matters of public employment (Article 16).
- Protection of freedom of:(Article 19)
- Speech and expression
- Association
- Assembly
- Movement
- Residence
- Profession
- Protection of the culture, language and script of minorities (Article 29).
- Right of minorities to establish and administer educational institutions (Article 30).



Introduction to Six Fundamental Rights (Articles 12 to 35)



1. Right to Equality (Articles 14 – 18)

Right to equality guarantees equal rights for everyone, irrespective of religion, gender, caste, race or place of birth. It ensures equal employment opportunities in the government and insures against discrimination by the State in matters of employment on the basis of caste, religion, etc. This right also includes the abolition of titles as well as untouchability.

Before knowing about the right to equality, aspirants should know the types of equality to get an idea of what it is. It is also mentioned in our Preamble. The types of equality are:

- **Natural**
- **Social**
- **Civil**
- **Political**
- **Economic**
- **Legal**

The Right to Equality is one of the Fundamental Rights enshrined in the Constitution of India.



Introduction to Six Fundamental Rights (Articles 12 to 35)



2. Right to Freedom (Articles 19 – 22)

Freedom is one of the most important ideals cherished by any democratic society. The Indian Constitution guarantees freedom to citizens. The freedom right includes many rights such as:

- Freedom of speech
- Freedom of expression
- Freedom of assembly without arms
- Freedom of association
- Freedom to practise any profession
- Freedom to reside in any part of the country

- The Right to Freedom is one of the Fundamental Rights guaranteed by the Constitution of India. It is very important to understand what this right entails and includes. The right to freedom gives citizens basic freedom with respect to speech and expression, form associations, freedom of personal liberty, freedom to live a life of dignity, etc



Introduction to Six Fundamental Rights (Articles 12 to 35)



3. Right against Exploitation (Articles 23 – 24)

This right implies the prohibition of traffic in human beings, begar, and other forms of forced labour. It also implies the prohibition of children in factories, etc. The Constitution prohibits the employment of children under 14 years in hazardous conditions.

The Right against Exploitation is enshrined in Articles 23 and 24 of the Indian Constitution. These are important Fundamental Rights that guarantee every citizen protection from any kind of forced labour.

Article 23 – Prohibition of traffic in human beings and forced labour

Article 23 protects citizens not only against the State but also from private citizens.

Article 24 – Prohibition of employment of children in factories, etc.

Laws that were passed in pursuance of Article 24 in India.

- The Factories Act, 1948
- The Mines Act of 1952
- The Child Labour (Prohibition and Regulation) Act, 1986
- Child Labour (Prohibition & Regulation) Amendment Act, 2016
- Child Labour (Prohibition and Regulation) Amendment Rules, 2017



Introduction to Six Fundamental Rights (Articles 12 to 35)



4. Right to Freedom of Religion (Articles 25 – 28)

This indicates the secular nature of Indian polity. There is equal respect given to all religions. There is freedom of conscience, profession, practice and propagation of religion. The State has no official religion. Every person has the right to freely practice his or her faith, establish and maintain religious and charitable institutions. The Right to Freedom of Religion is guaranteed to all Indians by the Constitution under Articles 25 to 28. This topic, which is intertwined with the concept of secularism.

- Article 25 (Freedom of conscience and free profession, practice, and propagation of religion)
- Article 26 (Freedom to manage religious affairs)
- Article 27 (Freedom as to payment of taxes for promotion of any particular religion)
- Article 28 (Freedom as to attendance at religious instruction or religious worship in certain educational institutions)



Introduction to Six Fundamental Rights (Articles 12 to 35)



5. Cultural and Educational Rights (Articles 29 – 30)

These rights protect the rights of religious, cultural and linguistic minorities, by facilitating them to preserve their heritage and culture. Educational rights are for ensuring education for everyone without any discrimination. Cultural and Educational Rights safeguards the rights of linguistic, cultural, and religious minorities. Preserving culture and heritage is vital in this scenario. To ensure that education is provided for everyone without any kind of discrimination, Education Rights was formulated

- **Article 29 – Protection of Interests of Minorities**
- **Article 30 – Right of Minorities to Establish and Administer Educational Institutions** This right is given to minorities to form and govern their own educational institutions. Article 30 is also called the “Charter of Education Rights”.



Introduction to Six Fundamental Rights (Articles 12 to 35)



6. Right to Constitutional Remedies (32 – 35)

The Constitution guarantees remedies if citizens' fundamental rights are violated. The government cannot infringe upon or curb anyone's rights. When these rights are violated, the aggrieved party can approach the courts. Citizens can even go directly to the Supreme Court which can issue writs for enforcing fundamental rights. Part III of the Constitution provides for legal remedies for the protection of these rights against their violation by the State or other institutions/individuals. It entitles the citizens of India to move the Supreme Court or High Courts for the enforcement of these rights. The State is forbidden from making any law that may conflict with the Fundamental Rights.

What is a Writ?

Writs are written orders issued by the Supreme Court of India to provide constitutional remedies to protect the fundamental rights of citizens from a violation.

Type of Writs

The Constitution empowers the Supreme Court and High Courts to issue orders or writs.

The types of writs are:

- Habeas Corpus
- Mandamus
- Certiorari
- Prohibition
- Quo Warranto



Universal Declaration of Human Rights



Drafted by representatives of diverse legal and cultural backgrounds from all regions of the world, the Declaration sets out universal values and a common standard of achievement for all peoples and all nations. It establishes the equal dignity and worth of every person. Thanks to the Declaration, and States' commitments to its principles, the dignity of millions has been uplifted and the foundation for a more just world has been laid. While its promise is yet to be fully realized, the very fact that it has stood the test of time is testament to the enduring universality of its perennial values of equality, justice and human dignity.

The Universal Declaration of Human Rights empowers us all. The principles enshrined in the Declaration are as relevant today as they were in 1948. We need to stand up for our own rights and those of others. We can take action in our own daily lives, to uphold the rights that protect us all and thereby promote the kinship of all human beings.

It is the most translated document in the world, available in more than 500 languages.



Human Rights in India



The National Human Rights Commission is an expression of India's concern for the protection and promotion of human rights. It came into being in October, 1993. Its Statute is contained in the Protection of Human Rights Act (PHRA), 1993 as amended vide the Protection of Human Rights (Amendment) Act, 2006. The constitution of NHRC is in conformity with the Paris Principles. The NHRC, like most of the human rights institutions in the world, is a recommendatory body as per the Protection of Human Rights Act passed by Parliament.

Apart from looking into the complaints of the human rights violations, the Commission's functions also include reviewing safeguards provided under the Constitution or any Law, make recommendations for effective implementation of International Conventions/Covenants, undertake research and organise seminars and discussion programmes on human rights issues, spread awareness about human rights and encourage efforts of non-governmental organisations towards promotion of human rights.

It has also been organising Camp Sitzings for disposal of pending cases and Open Hearings of complaints of atrocities against Scheduled Castes and Scheduled Tribes in different parts of the country for the redressal of their problems. It has also been visiting, State-wise, different districts to make an assessment of enforcement of various measures related to human rights and implementation of welfare schemes so as to come out with recommendations for the governments, committed to ensuring good governance.



Human Rights in India



It has made a number of interventions on key issues of human rights, which include, among others, issues of bonded and child labour, prison reforms, right to health, right to food, mental healthcare, rights of persons with disability, silicosis, illegal clinical drug trials, pesticides in food items, pricing of drugs, corporate-social responsibility, manual scavenging and sanitation, human rights of women.

In order to spread awareness about human rights and its activities, the Commission, apart from publication of monthly Newsletter in Hindi and English, has published more than 80 books and journals. Apart from the Centre and the State Governments, several organisations, NGOs of Human Rights Defenders and media have actively supported and supplemented the work of the NHRC towards promotion and protection of human rights.

Human rights and sustainable development are correlated to Sustainable Development Goals (SDGs) in the sense that human rights are driven by progress on all SDGs and SDGs are driven by advancements on human rights.



National Human Rights Commission NHRC



The National Human Rights Commission (NHRC) established in 1993, is an independent statutory body as per the provisions of the Protection of Human Rights Act of 1993 which was amended in 2006.

The National Human Rights Commission or NHRC is a standalone entity of the Government of India with the mission of promoting and protecting human rights.

The functions of the National Human Rights Commission (NHRC) as stated in Section 12 of the Protection of Human Rights Act, 1993 includes enquiry into complaints of violation of human rights or negligence in the prevention of such violation by a public servant.

- **Human Rights are an indispensable part of society and Human Rights in India are watched by NHRC.**
- **NHRC acts as a watchdog of human rights in the country.**
- **NHRC looks over the rights that are related to life, dignity, liberty and equality of the individual that is defined in Section 2(1) of the PHR Act.**
- **They are guaranteed by the Constitution of India, embodied in the international covenants and are enforceable by the courts of India as well.**
- **NHRC was established in compliance with the Paris Principles of Human Rights, 1991 which were adopted for the promotion and protection of Human Rights and were endorsed by United Nations at its General Assembly of 1993**



History of National Human Rights Commission NHRC



- In 1948, the UN adopted the UDHR (Universal Declaration of Human Rights).
- In 1991, the Paris Principles were established by the National Human Rights Institutions (NHRIs).
- In 1993, the UN adopted these Paris Principles at its General Assembly.
- In 1993, India enacted the Protection of Human Rights Act.
- This led to the formation of the National Human Rights Commission (NHRC).
- The Protection of Human Rights Act also allowed state governments to establish the State Human Rights Commission.



NHRC Composition

National Human Rights Commission

NHRC



The National Human Rights Commission (NHRC) is composed of a Chairperson and eight other members.

Those eight members are:

- **Four full-time members.**
- **Four deemed members.**

Members of NHRC

Chairman of NHRC - Retired Chief Justice of India

Member 1 - One who is/has been a Judge of Supreme Court of India

Member 2 - One who is/has been a Chief Justice of a High Court

Two Members - Candidates with the knowledge or practical experience in the matters of Human Rights

Deemed Members - (Ex-officio Members)

Deemed members are chairpersons of the below national commissions:

- **National Commission for Minorities**
- **National Commission for Scheduled Castes**
- **National Commission for Scheduled Tribes**
- **National Commission for Women**



Functions & Powers of National Human Rights Commission NHRC



The functions of the National Human Rights Commission (NHRC) as stated in Section 12 of the Protection of Human Rights Act, 1993 includes enquiry into complaints of violation of human rights or negligence in the prevention of such violation by a public servant. The Commission also studies treaties and international instruments on human rights and makes recommendations for their effective implementation to the Government.

- NHRC can investigate any complaints related to violation of Human Rights in India either suo moto or after receiving a petition.
- NHRC can interfere in any judicial process that involves any allegation of violation of Human Rights.
- It can visit any prison/institute under the control of the state governments to observe the living conditions of inmates. It can further make recommendations based on its observations to the authorities.
- NHRC can review the provisions of the Constitution that safeguard Human Rights and can suggest necessary restorative measures.
- Research in the field of Human Rights is also promoted by the NHRC.
- Human Rights awareness and literacy through different media are promoted by NHRC in various sectors of society.
- NHRC has the power to recommend suitable steps that can prevent violation of Human Rights in India to both Central as well as State Governments.
- The President of India gets an annual report from NHRC which is laid before both the Houses of the Parliament.



HUMAN RIGHTS DAY : Quotes



- **The rights of every man are diminished when the rights of one man are threatened." -John F. Kennedy**
- **"Knowledge makes a man unfit to be a slave." -Frederick Douglass**
- **"A right delayed is a right denied." - Martin Luther King, Jr.**
- **"To deny people their human rights is to challenge their very humanity." - Nelson Mandela**
- **"Until justice rolls down like water and righteousness like a mighty stream." -Martin Luther King Jr.**
- **"There can be no peace without development, no development without peace, and no lasting peace or sustainable development without respect for human rights and the rule of law." - Former UN Deputy Secretary-General Jan Eliasson**
- **"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." -United Nations, Universal Declaration of Human Rights.**
- **"There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest." -Elie Wiesel**



All human beings are born with equal and inalienable rights and fundamental freedoms.

Human rights are based on dignity, equality and mutual respect – regardless of your nationality, your religion or your beliefs.

Your rights are about being treated fairly and treating others fairly, and having the ability to make choices about your own life. These basic human rights are:

- **Universal They belong to all of us – everybody in the world**
- **Inalienable They cannot be taken away from us**
- **Indivisible and interdependent Governments should not be able to pick and choose which are respected**
- **Human Rights can be violated Although they are inalienable, they are not invulnerable. Violations can stop people from enjoying their rights, but they do not stop the rights from existing.**
- **Human Rights are essential They are essential for freedom, justice, and peace.**



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