RAJASTHAN STATE HUMAN RIGHTS COMMISSION, JAIPUR

Projects by Law Students

Under the guidance of

Chairperson,
Justice N.K. Jain
(Former Chief Justice
High Court of Madras & Karnataka)

With best Compliments
RSHRC
Under the guidance of Hon’ble Mr. Justice N.K. Jain. (Former Chief justice of Madras and Karnataka High Court) Chariperson, RSHRC

Prepared by:- Internship students of various law university and colleges.
Human Rights Commission is an autonomous body to protect and promote basic rights of citizens. Its primary aim is to help every deprived person to acquire equal status in society.

By the Parliamentary act there is National Human Rights Commission at New Delhi and each state has State Human Rights Commission. This commission has power equivalent to a civil court. It has equivalent power to hear the plea of sufferer and give recommendation to concerned department to work on it. Its recommendation has a high stake and non-performance on its recommendation can lead to questioning in the Legislative Assembly. Otherwise the government has to give reason for not compliance. The commission or the other party can file writ petition in the High Court.
The State Government of Rajasthan issued a Notification on January 18, 1999 for the constitution of the State Commission having one full time Chairperson and 4 Members in accordance with the provisions of The Protection of Human Rights Act, 1993. The Commission was fully constituted by appointment of the Chairperson along with the Members and became functional from March 2000. The main mandate of the State Commission is to function as a watch dog for human rights in the State. Under the 1993 Act, human rights are defined in Section 2 (d) and are those justiciable rights which can be enforced in a court of law in India.

The Rajasthan State Human Rights Commission is reconstituted on 6th July 2005. One of the leading State Commissions in the country. In a short span of about four years it has achieved many milestones in its mission for the protection and promotion of Human Rights.
PRIMARY CATEGORIES OF HUMAN RIGHTS

- Civil Rights
- Political Rights
- Economic Rights
- Social Rights
- Cultural Rights
ISSUES IN HUMAN RIGHTS

- RIGHTS PERSPECTIVE FOR GOOD GOVERNANCE
- CORRUPTION AS VIOLATOR OF HUMAN RIGHTS
- RIGHTS PERSPECTIVE AS CENTER STAGE TO DEVELOPMENT AGENDA
The Commission shall perform all or any of the following functions, namely:

- (a) inquire, suo motto or on a petition presented to it by a victim or any person on his behalf (or on a direction or order of any Court), into complaint of
  - (i) violation of human rights or abetment thereof; or
  - (ii) negligence in the prevention of such violation, by a public servant;

- (b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court
(c) to visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;

(d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;

(e) review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial
NEED FOR HUMAN RIGHT COMMISSION

- To develop fully the human personality and the sense its dignity.
- To develop attitudes and behaviour to promote respect for the rights of others.
- To ensure genuine gender equality and equal opportunities for women in all spheres.
- To promote understanding and tolerance among diverse national, ethnic, religious, linguistic and other groups.
- To strengthen respect for rights of a human being and fundamental freedom.
- To empower people to participate actively in the life of a free society.
- To promote democracy, development, social justice and communal harmony among citizens.
About Justice N.K. Jain

- Born on 20.10.1942 at Alwar S/o Late Justice J.P. Jain. He pursued his LLB from Jodhpur University, Rajasthan.
- An accomplished sportsman during school and college days and recipient of best sportsman award from Rajasthan University.
- Justice Jain has been the State Badminton Champion and has represented the State at Nationals and International levels for 14 years 1955-1968, and in 1977.
He has been the former Chief Justice of Madras and Karnataka High Court for 5 years. Before taking charge as Hon’ble Chairperson of Rajasthan State Human Rights Commission on 16th July 2005, he had been discharged his duties as Lokayukta & Chairperson of Himachal Pradesh Human Rights Commission in Shimla.

He has been the member of bar council of Rajasthan for 19 years, till elevated.

He has also been the member of Bar Council India and Bar Council Trust, NLS Bangalore.

Justice Jain has created a lot of awareness about Human Rights with great proficiency and tireless efforts.

Regarding awareness of human rights and many other legal issues, Justice Jain has written many booklets in Hindi as well as English. Some of these booklets are also available on Commission’s Website- www.rshrc.nic.in, a German Website herenow4u.de. Some books are also available on his own website: justicenasgendrakjain.com

Simultaneously, Justice Jain is also creating awareness of the duties mentioned in Article 51-A and made a Performa of these duties in simple language. About 100 educational institutions are taking pledge of these duties at the time of morning prayer. Many N.G.Os are also trying their best for the same awareness, with the inspiration from Justice Jain.

He had also been Member with two Chief Justice in the Committee constituted by Chief Justice of India to examine the recommendations of Arrears Committee Report 1989-1990 (Justice Malimath Committee Report) and First National Judicial Pay Commission (Justice K. Jagannath Shetty Commission) Report.

He was Chairman of Advisory Board and then Presiding Officer of the Tribunal Under the Criminal Law Amendment Act from 03-03-1998 to 08-01-1999.

Executive Chairman of Tamilnadu State Legal Service Authority and patron-in-chief and also of Karnataka State Legal Authority.

Attendent Chief Justice Conference of chief justice of different countries at colombo.
Hon’ble Chairperson and Members Of Rajasthan State Human Rights Commission are:

From 06-07-2005

Justice N K Jain, Chairperson

Members

Justice Jagat Singh

Shri D.S. Meena

Shri Pukhraj Seervi

Hon’ble Chief Minister Shri Ashok Gehlot
These books are kept in the Libraries of different schools and colleges for awareness of students as well as the teaching and ministerial staff. Some books are even kept in the UN-Congress Library at New Delhi.

Teachers of various school are interacting with the students on these issues in zero hours.

About legal aid committees, NGO’s / Educational Institutions above 45, and some Newspapers have re-printed/Published these booklets as intimated and about 70,000 booklets titled on women, child rights, dalits, arrest, human rights and HIV have been published and distributed free of cost among the general public to create awareness.
For the awareness of the human rights in public at large, Justice Jain has wrote about 31 booklets of various legal issues. Out of these booklets 18 booklets have been published by the R.S.H.R.C. Many other organizations, District Legal Aid Authorities, Departments, Schools, Colleges etc. has also published some booklets like Women, Children, Dalits, Arrest, HIV/AIDS, Human Rights etc. by the permission of the Commission. They have distributed these booklets in 70000 in numbers.

Some of these booklets are available on Commission’s website www.rshrc.nic.in and justicenagendrakjain.com. English translation of Some booklets are also available on a German website herenow4u.de.

The books are:
31 booklet have been written by Justice Nagendra Jain(Chairperson RSHRC, Jaipur) on different legal and important issues

1. सन्यास/समलेखना (हिंदी व अंग्रेजी में) www.herenow4u.de (Eng.)
2. भारतीय संस्कृति में अहिंसा व मानव अधिकार (हिंदी व अंग्रेजी में)
3. अनुभव व मानवाधिकार
4. खेल, खिलाड़ी व खेल भावना
5. बालकों के अधिकार। (पुन: प्रकाशित)
6. अन्तरराष्ट्रीय मानवाधिकार दिवस 10 दिसम्बर। (पुन: प्रकाशित)
7. एच.आई.वी. प्लस एवं मानवाधिकार। (पुन: प्रकाशित)
8. मानवाधिकार और जैन धर्म। (हिंदी व अंग्रेजी में)
9. आयोग की कार्यवाहिकी, राज्यों एवं परिवारों की निर्देशार्थ प्रक्रिया।
10. आयोग द्वारा जारी दिशा-निर्देश एवं अन्य गतिविधियाँ।
11. भारतीय संविधान की अनुच्छेद-21 ‘प्राण और दैहिक स्वतंत्रता का संरक्षण’।
12. महिलाओं के अधिकार- संबंधित अधिनियमों की संक्षिप्त जानकारी। (पुन: प्रकाशित, पुन: प्रकाशित 2008)
13. दलितों के अधिकार। (पुन: प्रकाशित)
14. मानव अधिकार और राज्य की जनोपयोगी योजनाएं।
15. गिरफ्तारी (ARREST) (पुन: प्रकाशित)
16. विधायक स्थानीय क्षेत्र विकास योजना।
17. जेल, कारावास व संबंधित प्रावधान व गतिविधियाँ।
18. आयोग के महत्वपूर्ण कार्यकलाप दिशा-निर्देश एवं अन्य गतिविधियाँ 2007
19. आयोग के महत्वपूर्ण कार्यकलाप दिशा-निर्देश एवं अन्य गतिविधियाँ (पुन: प्रकाशित-2008)
20. Judicial Values & Ethics for Judicial Officers. www.rshrc.nic.in
22. Alternative Dispute Resolution, Conciliation & Mediation (ADR).
23. Institutional Arbitration Intellectual & Information Technology (IPR & IT).
25. Copy-right Law.
26. e-governance and Court Automation.
27. Article-14 Right to Equality.
29. Law of Precedent, Reference to Art. 141.
31. Public Interest Litigations & others.
The Commission under the guidance of the Hon’ble Chairperson is making the common people aware about the duties mentioned in Art. 51(A) of the Constitution.

Justice N.K Jain has made the Performa of these duties and distributed. So many institutions have reprinted and distributed in public to create awareness as many people are not aware of their duties.

He is motivating students of various schools, colleges and other institutions. Students of these institutions are reciting the oath of article 51(A) of Constitution of India under the guidance of R.S.H.R.C.
Reciting the Pledge — fundamental duties mentioned in Article 51-A, Constitution of India
"We are proud to be Indian"

It shall be the duty of every citizen of India:

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
(b) to cherish and follow the noble ideals, which inspired our national struggle for freedom;
(c) to uphold and protect the sovereignty, unity and integrity of India;
(d) to defend the country and render national service when called upon to do so;
(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
(f) to value and preserve the rich heritage of our composite culture;
(g) to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;
(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
(i) to safeguard public property and to abjure violence;
(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.

"BE AWARE OF YOUR RIGHTS AND DISCHARGE DUTY WITH DEVOTION ."
Chairperson : Justice N.K. Jain  (Former Chief Justice - Madras and Karnataka High Court)
2. HEDCON.
6. Bhartiya Chritra Nirman Sansthan, (NGO in tihar jail.)
7. Vidhya Trust, jaipur.
8. J.P.J. financial services, raja park, jaipur.
9. Prayas ,Center for special education and vocation training.
10. Shree Digamder Jain Nasia Udayalal Ji Trust, Jaipur.
11. PAHAL Peoples Trust, Jaipur
12. Director, Tagore group of Education, Jaipur.
13. Principal, D.A.V. Centenary School, Jaipur.
16. Principalm Central Academy , Jaipur.
17. Rajasthan Chamber of Commerce and Industries, Jaipur.
18. District & Sessions Court, Rajsamand.
20. President, Lions Club, Jaipur(District 323 E-1 Club no.026309)
21. Bhagwan Mahaveer Cancer Hospital and Research Center, Jaipur.
22. Modi Institute of Technology and Science, Laxmangurh.
24. Director, Biyani Girls College, Jaipur.
26. Principal, Subodh Public School, Jaipur.
29. District Chairman, Rajasthan Pensioner Society, Jaipur.
30. Lokshikshak Patrika Prakshan, Jaipur
32. Koshish Sansthan, Jaipur
33. ZUNETECH CONSULTING PVT.LTD, DELHI/BANGLORE
34. Vimukti sansthan/vimukti girls school, Jaipur
35. Jaipur theosophical lodge.
36. President Lions Club (District 323 E-1 Club No. 026309) & Jaina Printers, Jaipur
37. Rajasthan Rajya Shakari Mudranalaya Limited, Jaipur
38. Bharatvirshya Digamber Jain Tirthshatra committee Mumbai, Rajasthan Anchal.
39. Vidyasthali Group of Institutions Jaipur
40. Cosmic Yoga Combine, Kanti Nagar, Station Road, Jaipur
41. Jaipur Diabetes & Research Centre, Near Ridhi-Sidhi, Gopalpura Bypass, Jaipur
42. Vinayak Farma, D-74, Ghiya Marg, Banipark, Jaipur
43. Smt. Lalita Devi, Ramchandra Kasliwal Trust, Jaipur
44. District Jaipur Badminton Association, Jaipur
45. Helpage (India), Jaipur
46. Rajasthan polytechnic college, Ratangarh (churu) & Sambal Seva Sansthan, Jaipur
47. Dr. B. Lal Clinical Laboratory, Jaipur
48. Vashali Hitkari Sangthan, Jaipur
49. Secretary, Himachal Human Rights Commission, Shimla
50. Rajdhani Hospital and Rajdhani Hotel, Jaipur

And Many More…
In addition to that in legal literacy and awareness program, chairman motivated students and even general public to recite the pledge as mentioned in article 51(A) of Constitution of India. It is good sign that so many schools have started taking prayer as per instructions of different concerned authorities as per the request of the commission. Some of them are as follows:-
बियानी गर्ल्स कॉलेज विद्याधर नगर, जयपुर में राजस्थान राज्य मानवाधिकार आयोग के निर्देश पर छात्राओं को भारत के संविधान के अनुच्छेद 51ए का संकल्प दिलाते कॉलेज के वाइज प्रिंसीपल पी.सी. जांगिड़।
Students of some institutions reciting the Oath as per Article 51(A) of Constitution of India under the guidelines of RSHRC.
Students reciting the pledge.
छात्रों को पिलाई जाएगी मूल कर्तव्यों की गुट्टी

मानवाधिकार आयोग की पहल पर शिक्षा विभाग से आदेश जारी
जयपुर, 19 जुलाई (का.स.)

छात्रों को पिलाई जाएगी मूल कर्तव्यों की गुट्टी

छात्र जीवन से ही नागरिकों को मूल अधिकारों के साथ मूल कर्तव्यों की पालना की गुट्टी पिलाई जाएगी। शिक्षा विभाग ने सभी शिक्षा संस्थाओं में छात्रों को संवैधानिक कर्तव्यों के पालना का संकल्प दिलाने का आदेश दिया है।

राजस्थान मानवाधिकार आयोग ने नागरिकों को मूल कर्तव्यों की पालना का संकल्प दिलाने के लिए एक प्राइवेट संगठन ने इसका प्रयास किया है, जिसकी प्रतिवेदि आधार दर्जन से अधिक मतदान, अधिकारियों तथा दर्जन स्कूलों में भिजवाइ गई है। शिक्षा विभाग ने आयोग के सुझाव पर मान्यतिमक, प्राथमिक और संस्कृतिक शिक्षा के निर्देशों को निर्देशित किया है कि वे अपने क्षेत्रकार्यों की शिक्षा संस्थाओं में छात्रों की संविधान के अनुच्छेद 51-ए के उनकीहरू प्रमुख, वेतनदी, वैद्यकी और मानवाधिकारों का संकल्प दिलाएँ।

यथा है मूल कर्तव्य

संविधान में नागरिकों के मूल कर्तव्य है- राजकीय और उत्तम सेवा, अधिकार व राष्ट्रवाद का आदेश करना। शास्त्रीय भाषा के लिए प्रेरित करने वाले आदेश का पालन करना।

भारत की प्रभाव, एकता-अखंडता, सार्वजनिक सम्मान, वन, झील, नदी के निर्माण करना।

शास्त्रीय नीतिकों को रखना।

वैज्ञानिक, शैक्षिक, रोजगार, मानवीय, सामाजिक सहित अन्य बांट दिया जा सकता है।

इस अवसर पर कैदी भागवान सिंह, कांता प्रसाद शार्मा, जेतवीर गुरूवर, मुख्यालय सिंह, मानवीय, सीताराम सहित अन्य बांट दिया करें।

इस दौरान जेल परिसर में विपण शक्ति का जय उर्मिला गोविन्दा हरे मुरारी बोल गूज़ते रहे।

बंदियों ने लिया मानव अधिकार रक्षा का व्रत

भरतपुर- भारतीय चरित्र निर्माण संस्थान नई दिल्ली द्वारा निकाली जा रही गीता संदेश यात्रा सोमवार को भरतपुर स्थित सेवानिवृत संस्थान द्वारा कारागार पहुंची। संस्थान द्वारा कारागार में बंदियों को मानव अधिकार रक्षा का संकल्प कराया गया।

कारागार में पहुंची गीता संदेश यात्रा के उपरांत एक कार्यक्रम का आयोजन किया गया। उसमें संस्थान के संस्थापक रमकुश्त गोस्वामी, सचिव श्रीकृष्ण साह, भरतपुर के अधिवक्ता सरदार महेंद्र सिंह गुप्ता, उमेश शर्मा, जेल अधिकारी शामिल।

इस अवसर पर कैदी भगवान सिंह, कांता प्रसाद शार्मा, जेतवीर गुरूवर, मुख्यालय सिंह, मानवीय, सीताराम सहित अन्य बांट दिया करें।

इस दौरान जेल परिसर में विपण शक्ति का जय उर्मिला गोविन्दा हरे मुरारी बोल गूज़ते रहे।

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जेल में बंदियों ने लिया रक्षा का संकल्प

भरतपुर, 25 अगस्त। श्रीकृष्ण जन्माष्टमी पर 12 दिवसीय गीता संदेश यात्रा के अन्तर्गत सेवा केंद्रीय कारागार भरतपुर में बंदियों ने मानव अधिकार रक्षा हेतु अपराध युक्त समाज निर्माण का संकल्प दिया। भारतीय चरित्र निर्माण संस्थान दिल्ली के तत्त्वावधान में बिहार भंडार दिखी से प्रारंभ हुई यात्रा आज तीसरे दिन भरतपुर कारागार में पहुंची तो बंदियों ने बोल गिराओ महाराज की जय से जेल की दीवारों को गुंजा दिया। संस्थान के संस्थापक श्रीकृष्ण गोस्वामी ने भगवान श्रीकृष्ण के विराट, रूप दर्शन के तत्त्वावधान से बंदियों से अपील की अपराधों की रोकथाम और मानव अधिकारों की रक्षा के महत्व ज्ञात में आहुति देकर ही आप बंधन से मुक्त होने का सीधांत प्राप्त कर सकेंगे हैं। श्रीचंद्र साहू राष्ट्रीय सचिव भारतीय चरित्र निर्माण संस्थान ने कल मधुरा की कारागार में बंदियों द्वारा पूछे गए प्रश्नों को संदर्भित करते हुए कहा कि गीता ज्ञान ही मानव जीवन की सफलता का लक्ष्य है इसके बिना परिवार और समाज की सुरक्षा संभव ही नहीं है। समाज सेवी एवं अधिवक्ता सरदार महेन्द्र सिंह मगर ने अपने बिचार रखते हुए कहा कि ज्ञान ही भगवान है अज्ञान ही शैतान है। इसलिए ज्ञान से मुक्त हैं गीता ज्ञान की प्रमाण आवश्यकता है। सरदार तारा सिंह ने विश्वम्बर श्रीकृष्ण की तस्वीर पर दुपट्टा पहनकर और पुंजा अर्पित करके कहा कि भरतपुर कारागार बंदी उंचाई और राष्ट्र कल्याण का अनुत्तर अभियान है। देवेंद्र मिश्र ने बंदियों की गीता की पुस्तक की ओर जेल से बाहर कार्यक्रम करने की अपील भारतीय चरित्र निर्माण संस्थान से की। अधिवक्ता उमेश शर्मा ने भारतीय चरित्र निर्माण संस्था की पुस्तक भूमि पर प्रकाश डालते हुए कहा कि सन 2003 से ही संस्थान भरतपुर जेल में अपराध युक्त समाज निर्माण अभियान में जुटा है। कारागार में जेल के भारतीय चरित्र निर्माण शर्मा ने कृष्ण जन्माष्टमी पर गीता के कर्म विज्ञान में संदेश से मानव कल्याण निश्चित साधन बताते हुए कहा कि जेल युथ और मानव अधिकार रक्षा का यह अहिंसित अभियान है भरतपुर कारागार प्रशासन का संस्थान को पूर्ण सहयोग सदृश मिलता रहेगा। बंदी भगवान सिंह गिरी, कान्ता प्रसाद शर्मा, तेजवीर गुजरे, पंडित मुक्तियार, सीताराम एवं अन्य बंदियों ने लिखा, “जय- मूर्त्य कर्म और फल के संबंध में अनेक प्रश्न पूछे जिनका समाधान राष्ट्रीय गोस्वामी जी द्वारा श्रीमदभगवत गीता में संदर्भित करते हुए किया गया। राजस्थान मानवाधिकार आयोग के माननीय अध्यक्ष एवं के जैन ने युज्ञ दिया कि भारतीय संविधान में अनुसरण 51 ए में वर्तमान रूप के नागरिक के मूल कर्तव्य का संकल्प कराएं। उसी के अनुसार संस्थान ने जेल को संकल्प पत्र प्रदान किया और बंदियों ने संकल्प लिया।
अधिकारों के साथ-साथ कर्त्तव्य भी निम्नान्त

अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त। अधिकारों का साथ-साथ कर्त्तव्य भी निम्नान्त।
Human Rights and duties

Protection of Human Rights of all is possible only when everybody has a sense of duty towards this. “We celebrate the International Human Rights Day on December 10 every year, but it is a pity that even today not many know about the day’s importance,” State Human Rights Commission chairman Justice NK Jain said.

Speaking to HT Jaipur Live, he said that not only the elite section, but people from urban and rural areas including youth need to be involved in the awareness drive, so that a larger section of the society could be benefited, he said.

Awareness does not come merely by understanding human rights. For this, “we need to understand the meaning of dignity of life. We have to be alert for protecting all sections of the society, the poor, Dalits, women, children and the deprived. Along with awareness we need to be sensitive,” Jain said.

The Human Rights Commission is concerned on all such issues. Apart from grievances addressed to the office, the Commission takes cognizance on the matters being reported in newspapers. It is not confined to any police, court or an individual.

- HT Jaipur Live
Out of 22 law students of different Univ./Law college, 13 students have made Power Point Project and other have submitted reports on Internship with commission on different respective subjects including Human Rights Commission and Activities.

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Under the guidance of Hon’ble Mr. Justice N.K. Jain.  
(Former Chief justice of Madras and Karnataka High Court)  
Chairperson of RSHRC, SSO building Secretariat, Jaipur
Project on Dalit Rights

Under the guidance of Hon’ble Mr. Justice N.K. Jain.
(Former Chief justice of Madras and Karnataka High Court)
Chariperson, RSHRC

Prepared by:
Chandra veer Singh Bhati
(Student of KIIT LAW SCHOOL
BBSR-24 ORISSA)
E-mail :chandrveersinghknls@gmail.com
Who are the Dalits?

- Dalits are those people who are treated as untouchables and outcasts by all those who live in a so-called Hindu society.
- Dalits are made to live in segregated colonies outside the village or town.
- They are not allowed entry into houses or temples and ostracised as “untouchables”.
- They are forced into the most menial occupations by reason of their descent.
The caste system.

The exclusive members of the religion known as “Sanathan Dharma” are referred to as Brahmans (priests), Kshatriyas (warriors) and Vysyas (traders). Shudras (Bahujans) are those peoples subjugated as lower castes by the above mentioned members of Sanathan Dharma. But Dalits (Panchamas) are descendants of indigenous peoples who are discriminated as untouchables by all of the above four groups including the Shudras. All these peoples were erroneously classified as belonging to the same legally codified religion of “Hinduism” by the British, despite Dalits and Bahujans having no scriptural or sacramental right of membership in Sanathan Dharma, the religion which was legally codified as “Hinduism”.
Caste system of India violate human right of dalits

I have big dreams for myself and my family and I know that many people all over the world want to help us get our rights.

India is a country with a lot of traditions, culture, and beauty. The most pathetic part of these traditions is an unwanted, ugly, and inhuman structure called the Caste System. One cannot but feel ashamed of the caste system as this system continue to discriminate the human persons and stratifies them into different groups (Ambedkar, Annihilation n.pag). In Hindu society, caste is still the most powerful factor in determining a person's dignity. Socially, Dalits are placed outside the four-fold graded caste system of Indian Society (see below). Hindu Scriptures divide the people on the basis of birth (descent-based discrimination). The social structure of India is stratified, with inbuilt inequalities and injustices, based on the caste system sanctified by Brahmins (Hindus) (Ambedkar, Castes n.pag; Viyogi n.pag). Although social stratification exists in almost all societies, the caste system is quite unique to Indian society. Sanctioned by the religiophilosophical system, the Dalits are socially placed outside the four-fold caste system and they are referred to as the fifth caste (outcaste).
India’s caste system has existed for more than 3000 years and appears to be deliberately and intentionally developed by the Brahmins (priests) in order to maintain their superiority over the other castes. Typically, the caste system is divided into 4 distinct classes. This is referred as “Varnas”. At the top the caste hierarchy are the Brahmins, the priestly class. According to the Hindu religious book called *Manusmruti*, the Brahmins came from the head of God. They are eligible for learning, teaching and perform religious ceremonies.

The others cannot teach and perform sacrifice, hence they have 100% control over religion, education and Vedas. Next come the Kshatriyas. The people in this class are warrior, and according to *Manusmruti*, they originated from the shoulder of God. They are eligible for learning. Their work is to protect the people by waging war against the enemies (Talukdar 1-16; Moon n.pag). The Vaisyas are the trading class and came from the thigh of God. Their work is to trade and feed the above two classes (Talukdar 1-16; Moon n.pag). Finally stand the Sudras. This is the servants class and came from the feet of God. Their work is to do all menial work for the above three classes. They are not entitled to learn anything (Narula n.pag; Talukdar 1-16; Moon). In addition to the above four classes, there is a fifth class called “untouchables” or outcaste. They literally have no caste and means oppressed, downtrodden, broken and exploited social group.
According to the Hindu religious belief, “All human beings are not born equal.” This creates caste-based discrimination against Dalits, which is then open to various forms of violence against them, which include public humiliation, torture, rape, beating, and killing, etcetera.

The Untouchables is the basis for atrocities and violence, denial of basic needs, land rights, legal discrimination, infringement of civil liberties, inferior or no people status, de-humanizing living and working conditions, impoverishment, mal-nourishment, bad health conditions, high levels of illiteracy and continuing social ostracism is continue to the reason for human rights violations against dalits.
Branded as impure from the moment of birth, one out of six Indians lives—and suffers—at the bottom of the Hindu caste system. They are Untouchable.
How do Dalits make a living?

- Dalits are forced to work as menial labourers, landless farm workers and peasants, and forced into various other menial labour such as washing clothes, collecting human faeces, beating drums, washing clothes, cutting hair, etc.,

- All these menial work are expected of them as a part of their caste descent based role in society.

- There is no escape for Dalits from this fate in rural and semi-urban Hindu society where caste system rules the roost.
Descent based labour exploitation.

Dalits mostly indulge in back breaking manual labour such as stone breaking, farm labourers, cleaners of latrines, manual scavenging, bonded labour, etc.
Living conditions of Dalits

Dalits live in the most congested and cramped slums in villages, towns and urban areas consisting of huts or ghettos which are damp and cramped.
Insanitation.

- Dalits live in the most insanitary conditions with no access to public health and sanitation amongst open sewers and open air toilets. There are no state sponsored public housing rights or public health rights in India.
Dalits children do not have access to education due to the lack of mandatory and universal primary and secondary education in India. Even in rural areas where there may be schools, Dalit children are ostracized, oppressed and stigmatised from attending school. Dalit Children are also subjected to atrocities such as rape, physical abuse and murder.
Dalit Children

Dalit children have a high level of malnutrition and ill Health. They live in very cramped living conditions. They are also exposed to oppression and atrocities just as Dalit adults are. They are frequently forced into sexual abuse in rural areas, and also ordained into temple prostitution as a part of religious rituals for exploitation by non-Dalit men of the village or town.
Dalits child in INDIA

Human Rights - Just a Water Cannon & Tear Gas canister away!
Human Rights Violations against Dalit Children

According to the national Commission for Scheduled Caste (SC) and Scheduled Tribes (ST), there are an estimated 115 millions children working in slavery, and amongst those, approximately 80-90% are Dalits who work as bonded labor in order to pay off debt (National Commission; Varhade). In slavery, children, often from poor families, are picked by a high caste restaurant or shop owner and are forced to work 16-18 hours a day at wages of not more than 2-3 dollars per year (Ambedkar Annihilation; Varhade). Their denial to the order of their owner or trying to escape can result in severe beating and no food and water for several days. According to government statistics, an estimated 800,000 Dalits are manual scavengers who are involve in clearing human feces from pubic and private latrines and disposing of dead animals (Ambedkar, Annihilation).
In addition to the above, there are approximately 50,000 Dalit girls who are forced to practice a Hindu religious practice of child prostitution, called Devdasis. Devadasis, literally meaning “female servant of god,” and they usually belong to the Dalit community. Amazingly, this practice still exists in Indian states like Andhra Pradesh, Karnataka, Orissa and Maharashtra. Once dedicated, the girl is unable to marry, is forced to become a prostitute for upper-caste community members, and is eventually auctioned off to an urban brothel, where she may die due of many sexual diseases, including HIV/AIDS.
Urban Migration

A steady migration of Dalits from rural and semi-urban areas to cities has caused an expansion of urban slums in big metropolises. In these city slums Dalits live in the same despicable living conditions with lack of sanitation, housing and health, while providing the much needed manual labour for construction, transport, heavy industries and also other menial work such as domestic work that fuels the creation of urban wealth and development, while they are rewarded with squalor and a pittance.
Dalit women suffer double discrimination as Dalits and as women. They are exposed to sexual abuse at the hands of the so called “caste” Hindu men and also men who work or state authorities such as the Police, while also being subjected to stigmatisation and labour exploitation like Dalit men.

Atrocities such as rape of Dalit women in police custody, bonded labour and physical abuse are common in India.
Dalit women

Dalit women do all the back breaking work society expects Dalits to do, such as manual scavenging, farm labour, stone breaking, etc., and in addition they have to bear domestic responsibilities as mothers and wives, while also enduring sexual abuse and oppression from the wider society.
According to Arnold, researcher on the behalf of South Asia Partnership of Canada, Dalit women in India face the triple burden: caste, class and gender (for details on Dalit women’s issues, please refer to the chapter by Ms. Sonia Mahey) (Anant 1-8). As stated by another woman activists in India, “No one practices untouchability when it comes to sex.” Rape is a common phenomenon in rural areas. Women are raped as part of caste custom or village tradition. According to Dalit activists, Dalit girls have been forced to have sex with the village landlord (Narula). In rural areas, “women are induced into prostitution
Atrocities suffered by Dalits.

Dalits suffer from atrocities both from the wider Hindu society that ostracizes them and also from state authorities. They suffer from arson attacks, rape, torture, stigmatisation and ostracisation, murder and mass killings. Several of such atrocities have been recorded by the media. The state machinery in the form of police, bureaucracy and judiciary either actively perpetrate these atrocities or connive with the culprits. In many cases, even Dalits who go to the police station to give a complaint have been arrested, tortured and falsely implicated in a crime. Extra-judicial killings, arbitrary detention and torture of Dalits by the state police is common in India.
State oppression

Police oppression and indifference, prejudice by the judiciary, and caste fanaticism of state bureaucracy has resulted in either active oppression of Dalits or denial of Justice to them.

Arbitrary killings, torture and rape by the Police, arson attacks and murder while the state machinery looks the other way, false implication in crimes, arbitrary detention or torture are some of the common atrocities suffered by Dalits due to the prejudice of the state apparatus.

This has led to some Dalits to mobilise themselves into political and social activism.
Dalit Social Life.

Dalit social life is expressed through dance and music which are full of fiery spirit, spontaneity and humour without the inhibitions and rigid classical structure that characterizes Hindu music and arts.

Dalit songs celebrates life but laments their life conditions, while frankly exposing the realities of life, in a style full of humour and sensual zest, by using simple instruments and vocals.

In modern times, Dalit poetry and writing by social and political activists have taken centre-stage amongst the educated activist community.
The government has made reservations for Dalits, so that they can enter into jobs in the public sector, parliamentary State Assemblies and Universities. This reservation, however, makes them even more vulnerable in the society. Most Dalits continue to live in extreme poverty, without land or opportunities for better employment or education, with the better exception of a minority who have benefited from India’s policy of quotas in education and government jobs. According to Constitution of India, reservation for Dalits in Government jobs is secured, but in reality, only a few are filled out as they have full control of recruitment.
According to the National Commission for SC and ST and as per India’s constitution, total job reservation for Dalits is 22.5% but only 2.1% in case of class-I (Dalits serving in public commission, civil services, chief executives in major companies) and 9.0% in the case of class-II (this includes Dalits serving as college lecturers, bank manager, in government, etcetera).

To date, most Dalit students are prevented from entering in government as well as the public sectors as a part of the caste based discrimination, hence there is a stiff increment in unemployment. Many bright Dalit students are prevented from sitting in the front classroom row, sharing water or food, and mixing with high caste students.
The Dalit Education Centers

Total Centers: 62
*New Centers proposed for the year 2007-08*

Andhra Pradesh  9
Bihar  2
Gujarat  5
Haryana  1
Karnataka  8
Maharashtra  6
Orissa  3
Pondicherry  2
Punjab  1
Rajasthan  4
Tamil Nadu  9
Uttar Pradesh  11
West Bengal  1
Year 2000-2001
Atrocities on Dalit Women by Forest Officials: Uttar Pradesh (Case No. 2731/96-97/NHRC)
Seven Boys from Balmiki Community Paraded Naked by Police: Haryana (Case No:393/7/1999-2000)

Year 2001-02
Killing of 7 Dalits by Upper Castes: Karnataka (Case No.628/10/99-2000)

Year 2002-2003
Atrocities on Scheduled Castes/Scheduled Tribes – killing of five Dalits: Haryana (Cases No.1485/7/2002-2003)

Year 2003-2004
Death of Officiating Headmaster of Government School, Rajasmand Rajasthan (Case No.1727/20/2001-2002)

Year 2004-2005
-Atrocities on Adivasi families by forest officials of Wayanad District : Kerala - Case No. 199/11/2002-2003(FC)
-Merciless beating of Smt. Susheela Devi by landlord and his accomplice, West Champ ran District. Bihar - Case No. 1852/4/2002-2003(WC)/EC
- Total complaints about 15000 since July 2005.
- RSHRC has provided solution of 13900 complains
- 1100 complains are under process-160 Directions.
About 130 followed, 30 Pending consideration,

“Only as we move closer to realizing the rights of all children, will countries move closer to their move goals of development and peace”

- Kofi A. Annan

Former UN Secretary General
RIGHTS OF DALIT IN INDIAN CONSTITUTION

Right to Equality

Article 14. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15. (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—

(a) access to shops, public restaurants, hotels and places of public entertainment; or other places

Article 16[(4A] Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favor of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

Article 17. “Untouchability” is abolished and its practice in any form is forbidden.
Article 46. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Article 243D. (1) Seats shall be reserved for—
(a) the Scheduled Castes; and
(b) the Scheduled Tribes in Panchayat

Article 243T. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.
SPECIAL PROVISION FOR DALIT IN INDIAN CONSTITUTION

Article 330. Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.—(1) Seats shall be reserved in the House of the People for (a) the Scheduled Castes; (b) the Scheduled Tribes Article 335. Claims of Scheduled Castes and Scheduled Tribes to services and posts except the Scheduled Tribes in the autonomous districts of Assam; and] (c) the Scheduled Tribes in the autonomous districts of Assam.

Article 332. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.—(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, [except the Scheduled Tribes in the autonomous districts of Assam], in the Legislative Assembly of every State. (2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

Article 335. Claims of Scheduled Castes and Scheduled Tribes to services and posts
CONTINUE…

**Article 338.** [National Commission for Scheduled Castes].—(1) There shall be a Commission for the Scheduled Castes to be known as the National Commission for the Scheduled Castes.

**Article 338A.** National Commission for Scheduled Tribes. — (1) There shall be a Commission for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes.

**Article 339.** Control of the Union over the administration of Scheduled Areas and the welfare of Scheduled Tribes.

**Article 340.** Appointment of a Commission to investigate the conditions of backward classes

**Article 341.** Scheduled Castes. — (1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

**Article 342.** Scheduled Tribes.
SOME ACT RELATED TO DALITS

Scheduled Castes and Scheduled Tribes Act 1989

In this act section [3] define punishment for other class if they oppressed or do atrocities against dalit.

RAJASTHAN TENANCY ACT, 1955

Section [42] of Rajasthan Tenancy act, no one person can sale and purchased land or other property of dalit.

Prohibition of Untouchability Act, 1955

In Indian constitution article [15] [16] [17] prohibit Untouchables, these article also say no one person can discriminate on the basis of race, caste. If anybody discriminate the other person on the basis of race, caste, sex. it is totally prohibit by Indian government.
Possible Solutions [conclusion]

Banning all caste identities by scrapping the legal basis for the caste system which is the Hindu law. Legislating a secular civil law so that the Hindu law with its caste system will not be arbitrarily applied on peoples who don’t practice the Hindu religion (Sanathan Dharma). (Currently the Hindu religious label and Hindu law is arbitrarily slapped legally on one and all except Muslims, Christians, Jews and Zoroastrians with scant regard for freedom of religion, thought and expression).

Legislating and enforcing strong Human Rights and Civil Rights laws that will prevent atrocities and vigorously punish those who indulge in atrocities against Dalits. Banning all physical segregation of Dalits in the form of colonies or slums. All caste descent based occupations should be banned and criminalised.

A standardised, universal and mandatory access to health, education, housing, sanitation, human rights and material security should be instituted on the lines of Western European welfare states.
Instituting an aggressive national housing policy to create integrated housing for all urban and rural dwellers of segregated colonies and slums, and these colonies should exist in the middle of the village, town or city and should not be physically segregated.

Affirmation action for Dalits should be enforced on the basis of certifying their Dalit Dravidian descent, and should not be based on any individual caste identity of Dalits, and similarly caste identities of other lower castes (Shudras) should also be banned and affirmative action availed to them on their descent as Dravidian Bahujan peoples.
India having a large population with big and vast area having different custom and culture. There may be so many reasons like poverty, illiteracy, exploitation and sometimes a male-dominated society. The general upliftment with change of MINDSET is very much necessary, the real empowerment is a need for basic improvement in their economic and social statue.
SURVEY OF EXISTING LITERATURE

RIGHTS OF DALIT written by Justice Nagendra Jain (Chairperson RSHRC, Jaipur)

I have also read 10 out of 30 booklet have been written by Justice Nagendra Jain (Chairperson RSHRC, Jaipur) on different legal and important issues.

DALITS IN INDIA A written by Prof. Upendra Bakshi

I HAVE TKEN SOME MATERIALS FROM INTRNATE,NEWSPAPER,MAGZINES, AETICLES ARTICLE OF JUSTICE N.K. JAIN etc.

SOME WEBSITE LIKES
WWW.GOOGLE.COM,WWW.WIKIPADIA.COM.
www.rshrc.nic.in
www.nhrc.nic.in
http://justicenagendrakjain.com
Booklets of various NGO, where I visited

PRAYAAS
Vimukti