

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**

RAJASTHAN STATE HUMAN RIGHTS COMMISSION



**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

- 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.

RAJASTHAN STATE HUMAN RIGHTS COMMISSION

- **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**

FUNCTIONS OF THE COMMISSION

- **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**

functions contd...

- **(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.



Cont.

- 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: justicenasingendrakjain.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

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Hon'ble Chief Minister Shri Ashok Gehlot

BOOKS PUBLISHED

- **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.**

Legal Awareness Programmes

- 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



- DEHIS-FCPSKOB**
- माननीय न्यायमूर्ति श्री एन.के. जैन, अध्यक्ष, राजस्थान राज्य मानव अधिकार आयोग, (पूर्व मुख्य न्यायाधिपति मद्रा एवं कर्नाटक उच्च न्यायालय)ने विविध विषयों पर लेख/लघु पुस्तिकाएँ आदि लिखी हैं। जिनका प्रकाशन भी किया गया है। इन लेखों/लघु पुस्तिकाओं में से कुछ निम्न है:—
1. सन्धारा/सल्लेखना (हिन्दी व अंग्रेजी में) www.herenow4u.de (Eng.)
 2. भारतीय संस्कृति में अहिंसा व मानव अधिकार (हिन्दी व अंग्रेजी में)
 3. अणुव्रत व मानवाधिकार
 4. खेल, खिलाड़ी व खेल भावना
 5. बालकों के अधिकार। (पुनः प्रकाशित)
 6. अन्तर्राष्ट्रीय मानवाधिकार दिवस 10 दिसम्बर। (पुनः प्रकाशित)
 7. एच.आई.वी. एड्स एवं मानवाधिकार। (पुनः प्रकाशित)
 8. मानवाधिकार और जैन धर्म। (हिन्दी व अंग्रेजी में)
 9. आयोग की कार्यविधि, शक्तियाँ एवं परिवारों की निरस्तारण 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। (पुनः प्रकाशित, पुनः प्रकाशित 2008)
 13. दलितों के अधिकार। (पुनः प्रकाशित)
 14. मानव अधिकार और राज्य की जनोपयोगी योजनाएं।
 15. गिरफ्तारी (ARREST) (पुनः प्रकाशित)
 16. विधायक स्थानीय क्षेत्र विकास योजना।
 17. जेल, कारावास से 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 (पुनः प्रकाशित-2008)
 20. Judicial Values & Ethics for Judicial Officers. www.rshrc.nic.in
 21. Advantage to Litigant Public by Brihat Lok Adalat.
 22. Alternative Dispute Resolution, Conciliation & Mediation (ADR).
 23. Institutional Arbitration Intellectual & Information Technology (IPR & IT).
 24. Cyber Law.
 25. Copy-right Law.
 26. e-governance and Court Automation.
 27. Article-14 Right to Equality.
 28. Gender Justice in Employment & in Profession, Empowerment of Women.
 29. Law of Precedent, Reference to Art. 141.
 30. Directive Principal of State Policies.
 31. Public Interest Litigations & others.

Fundamental Duties Art 51-A

- **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 wild life 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)

**For Legal awareness and In Public Interest published by :
Rajasthan State Human Rights Commission, Jaipur**

website : rshrc.nic.in, herenow4u.de <http://justicenagendrakjain.com>

Courtesy : Rajasthan State Co-operative Press Ltd., Jaipur

Phone : 0141-2751417, 2751352

- **1. World Vision India. Jaipur.**
- **2. HEDCON.**
- **3. Jain Anusheelan Kendra, Jaipur.**
- **4. Navmangal Shiksha Samitee, Jaipur.**
- **5. Jaipur Child Line, Dial- 1098.**
- **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.**
- **14. Shree Mahaveer Jain High School Alumini Association, Jaipur.**
- **15. Jaipur Bal Shramik Priyajana Sanstha, Jaipur.**
- **16. Principalm Central Academy, Jaipur.**
- **17. Rajasthan Chamber of Commerce and Industries, Jaipur.**
- **18. District & Sessions Court, Rajsamand.**

- **19. Indian UNESCO Club, Rajasthan Bhilwara.**
- **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.**
- **23. Principal., Aggrawal B.Ed. College, Jaipur.**
- **24. Director, Biyani Girls College, Jaipur.**
- **25. Principal, A.V.M., School, Ambawadi, Jaipur.**
- **26. Principal, Subodh PublicSchool, Jaipur.**
- **27. Jayeswal Kutir Udhyog,D-2, Raman marg, jaipur-4.**
- **28. Surbhi Export, Laxminarayan mandir, gurunanak pura, Jaipur.**
- **29. District Chairman, Rajasthan Pensioner Society, Jaipur.**
- **30. Lokshikshak Patrika Prakshan, Jaipur**
- **31. Jaipur Cancer Relief Society.**
- **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...

Students reciting the oath of section 51(A) of Constitution of India under the guidelines of RSHRC.



- 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.

राजस्थान पत्रिका

जयपुर, रविवार, 20 जुलाई 2008

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छात्रों को पिलाई जाएगी मूल कर्तव्यों की घुट्टी

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

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

राज्य मानवाधिकार आयोग ने नागरिकों को मूल कर्तव्यों की पालना का संकल्प दिलाने के लिए एक प्रारूप तैयार किया है, जिसकी प्रतियां आधा दर्जन से अधिक मंत्रियों, अधिकारियों तथा कई दर्जन स्कूलों में भिजवाई गई हैं। शिक्षा विभाग ने आयोग के सुझाव पर माध्यमिक, प्राथमिक और

संस्कृत शिक्षा के निदेशकों को निर्देशित किया है कि वे अपने क्षेत्राधिकार की शिक्षण संस्थाओं में छात्रों को संविधान के अनुच्छेद 51-ए में उल्लिखित मूल कर्तव्यों के पालना का संकल्प दिलवाएं।

क्या हैं मूल कर्तव्य

संविधान में नागरिकों के मूल कर्तव्य इस प्रकार हैं-
» संविधान और उसके आदर्श, राष्ट्रगान व राष्ट्रध्वज का आदर करें » राष्ट्र भावना के लिए प्रेरित करने वाले आदर्शों का पालन करें
» भारत की प्रभुता, एकता-अखंडता, सार्वजनिक सम्पत्ति, वन, झील, नदी व वन्य जीवों की रक्षा करें » स्त्री सम्मान विरोधी प्रथाओं का त्याग करें » हिंसा से दूर रहकर प्राणियों के प्रति दयाभाव रखें » वैज्ञानिक दृष्टिकोण, मानववाद, सुधार की भावना का विकास करें » सभी नागरिकों में समरसता व घातृत्व की भावना का निर्माण करें।

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 सेवर कारागार पहुंची। संस्थान द्वारा कारागार में बंदियों को मानव अधिकार रक्षा का संकल्प कराया गया।

कारागार में पहुंची गीता संदेश यात्रा के उपरान्त एक कार्यक्रम का आयोजन किया गया। उसमें संस्थान के संस्थापक रामकृष्ण गोस्वामी, सचिव श्रीचंद साहू, भरतपुर के अधिवक्ता सरदार महेन्द्र सिंह मग्गो, उमेश शर्मा, जेलर श्रीराम शर्मा द्वारा कैदियों को चरित्र निर्माण सहित गीता के उपदेशों के बारे में विस्तार से जानकारी दी गयी।

इस अवसर पर कैदी भगवान सिंह, कांता प्रसाद शर्मा, तेजवीर गुर्जर, मुख्तियार सिंह, मानवीर, सीताराम सहित अन्य बंदियों द्वारा संस्थान के संस्थापक रामकृष्ण गोस्वामी से परमात्मा, आत्मा, जन्म, मृत्यु, कर्म के संबंध में प्रश्न पूछे गये। इस दौरान जेल परिसर में गिराज महाराज की जय व श्री कृष्ण गोविन्द हरे मुरारी बोल गूंजते रहे।

जेल में बंदियों ने लिया रक्षा का संकल्प

भरतपुर, 25 अगस्त। श्रीकृष्ण जन्माष्टमी पर 12 दिवसीय गीता संदेश यात्रा के अन्तर्गत सेवर केन्द्रीय कारागार भरतपुर में बन्दियों ने मानव अधिकार रक्षा हेतु अपराध मुक्त समाज निर्माण का संकल्प लिया। भारतीय चरित्र निर्माण संस्थान दिल्ली के तत्त्वावधान में खिरला मंदिर दिल्ली से प्रारंभ हुई यात्रा आज तीसरे दिन भरतपुर कारागार में पहुंची तो बंदियों ने बोल गिराज महाराज की जय से जेल की दीवारों को गुंजा दिया। संस्थान के संस्थापक रामकृष्ण गोस्वामी ने भगवान श्रीकृष्ण के विराट रूप दर्शन के तत्त्वावधान से बन्दियों से अपील की अपराधों की रोकथाम और मानव अधिकारों की रक्षा के महायज्ञ में आहुति देकर ही आप बंधन से मुक्त होने का सौभाग्य प्राप्त कर सकते हो। श्रीचन्द्र साहू राष्ट्रीय सचिव भारतीय चरित्र निर्माण संस्थान ने कल मथुरा की कारागार में बंदियों द्वारा पूछे गए प्रश्नों को संबोधित करते हुए कहा कि गीता ज्ञान ही मानव जीवन की सफलता का विज्ञान है इसके बिना परिवार और समाज की सुरक्षा संभव ही नहीं है। समाज सेवी एवं अधिवक्ता सरदार महेन्द्र सिंह मग्गो ने अपने विचार रखते हुए कहा कि ज्ञान ही भगवान है अज्ञान ही शैतान है इसलिये शैतान से मुक्ति हेतु गीता ज्ञान की परम आवश्यकता है। सरदार तारा सिंह ने विश्वत्मा श्रीकृष्ण की तस्वीर पर दुपट्टा पहनाकर और पुष्प अर्पित करके कहा कि भरतपुर कारागार बन्दी उद्धार और राष्ट्र कल्याण का अनुठा अभियान है। देवेन्द्र मिश्र ने बंदियों को गीता की पुस्तकें भेंट की और जेल से बाहर कार्यक्रम करने की अपील भारतीय चरित्र निर्माण संस्थान से की। अधिवक्ता उमेश शर्मा ने भारतीय चरित्र निर्माण संस्था की पृष्ठ भूमि पर प्रकाश डालते हुए कहा कि सन् 2003 से ही संस्थान भरतपुर जेल में अपराध मुक्त समाज निर्माण अभियान में जुटा है। कारागार में जेलर श्रीराम शर्मा ने कृष्ण जन्माष्टमी पर गीता के कर्म विज्ञान में संदेश से मानव कल्याण निश्चित साधन बताते हुए कहा कि जेल सुधार और मानव अधिकार रक्षा का यह अद्वितीय अभियान है भरतपुर कारागार प्रशासन का संस्थान की पूर्ण सहयोग सदैव मिलता रहेगा। बन्दी भगवान सिंह गिल्ली, कान्ता प्रसाद शर्मा, तेजवीर गुर्जर, पण्डित मुख्तियार, सीताराम एवं अन्य बन्दियों ने परमात्मा, जन्म- मृत्यु कर्म और फल के संबंध में अनेक प्रश्न पूछे जिनका समाधान रामकृष्ण गोस्वामी जी द्वारा श्रीमद्भगवत गीता में संबोधित करते हुए किया गया। राजस्थान मानवाधिकार आयोग के माननीय अध्यक्ष एनके जैन ने सुझाव दिया कि भारतीय संविधान में अनुच्छेद 51 ए में वर्णित देश के नागरिक के मूल कर्तव्य का संकल्प कराए। इसी के अनुसार संस्थान ने बंदियों को संकल्प पत्र पढ़ाने दिया और बंदियों ने संकल्प लिया।

अधिकारों के साथ-साथ कर्तव्य भी निभाएं

अन्तर्राष्ट्रीय मानव अधिकार दिवस पर सभी प्रदेशवासियों को हार्दिक शुभकामनाएँ। जहाँ तक मानवाधिकार संरक्षण की बात है, यह तभी संभव है जब हर व्यक्ति अपने अधिकारों के साथ साथ कर्तव्य को विश्व मानवाधिकार दिवस तो पूरे विश्व में मनाया जाता है, परन्तु इसे मनाने के लिए लोगों में अभी-भी उतनी जागरूकता पैदा नहीं हुई है। इस कार्यक्रम में सिर्फ संप्रदाय वर्ग का ही जुड़ना काफी नहीं बल्कि हर युवा से लेकर स्कूली छात्रों एवं गाँव बाणों की आम जनता तक को इससे जोड़ना होगा जिससे आगे चलकर वह दूसरों को भी मानव अधिकारों के प्रति सचेत कर सके। इसी प्रयास को अंजाम देने के लिए द.प्रोटेक्शन ऑफ़ ह्यूमन राइट्स एक्ट 1993 (एक्ट नं. 10 ऑफ़ 1999) की धारा 21 (1) में प्रदत्त शक्तियों के अनुसरण में राजस्थान राज्य में 18 जनवरी 1999 में आयोग का गठन हुआ तथा मार्च 2000 में अध्यक्ष एवं सदस्यों की नियुक्ति हुई और फिर दिनांक 6.7.2005 को पुनर्गठन हुआ। 16 जुलाई 2005 से राजस्थान राज्य मानव अधिकार आयोग का अध्यक्ष होने के नाते मेरी यही कोशिश रही है कि हर मामले में सोच समझकर निर्णय लिया जाए, जिससे पीड़ित के अधिकारों का हनन रोका जा सके। जागरूकता सिर्फ मानव अधिकार क्या है, यह समझने से नहीं आएगी। उसके लिए हमें मानव के गरिमापूर्ण जीवन की सुनिश्चितता को भी समझना होगा। हर वर्ग खासतौर पर पीड़ित, दलित, उत्पीड़ित, कमजोर वर्ग, बच्चों एवं महिलाओं के संरक्षण की बात भी ध्यान में रखनी होगी और हमें अत्यधिक जागरूकता के साथ-साथ संवेदनशील भी बनना होगा, ताकि जिससे यदि सब्जक पर भी किसी व्यक्ति के सौते कोई दुर्घटना हो, तो हम वहाँ रुक कर उसको मदद करें ना कि सीधे आगे चले जाएँ और बहाना बनाए कि कानूनी प्रक्रिया का झंझट है व समय नहीं है। यदि मानवता के लिए ही किसी के पास समय नहीं है तो फिर क्या खुद मानव बने रहने का उर्ध्व अधिकार होना चाहिए, यह तो आपको स्वयं को ही तय करना है। जहाँ तक मानवाधिकार आयोग की बात है, शिकायतों के अलावा अखबारों में आने वाले मामलों पर भी आयोग प्रसंगानुसार लेता है साथ ही यह सभी मानवहित के लिए कार्यरत निजी स्वयंसेवी संस्थाओं के साथ मिलकर नागरिकों के कर्तव्यों व अधिकारों की रक्षा के साथ सामाजिक बुराईयों व कुरीतियों को सकारात्मक सोच देने का प्रयास भी कर रहा है। मानव अधिकार आयोग किसी पुलिस, कोर्ट या व्यक्ति खास के दायरे में नहीं सिमटा हुआ है, यहाँ जिस व्यक्ति के अधिकारों का हनन हो रहा है, उसके मामले में वस्तुस्थिति मंगाकर व सुनकर दिशा निर्देश दिए जाते हैं। यह दुर्भाग्यपूर्ण बात यह है कि आज आजादी के 60 सालों बाद भी हमें मानवाधिकारों की बात लोगों को तब समझानी पड़ रही है, जबकि देश पूरी तरह से

स्वतंत्र हो चुका है परन्तु आज भी देश में गरीबी, बेरोजगारी, अशिक्षा के साथ सामाजिक कुरीतियाँ, अन्धविश्वास प्रचलित हैं। यह एक जटिल समस्या है इसके अलावा कुल लोगों के द्वारा स्वतंत्रता का दुरुपयोग करने के कारण हमें आज भी मानवाधिकारों के लिए संघर्ष करना पड़ रहा है। यह आयोग जागरूकता बढ़ाने के लिए सरकारी विभागों, कॉलेज, विश्वविद्यालयों के अध्यापकों व जिला विधिक सेवा प्राधिकरण के अधिकारियों एवं स्वयं सेवी संस्थाओं के सहयोग से आमनागरिकों को उनके अधिकारों व कर्तव्यों की जानकारी देने का भरपूर प्रयास कर रहा है कुछ निस्वार्थ व सेवाभावो संस्थाएँ भी इस जागरूकता कार्यक्रम में सहयोग दे रहा है। जिसके फलस्वरूप एक दूसरे के अधिकारों की रक्षा व अपने कर्तव्यों का निष्ठापूर्वक पालन कर मानव अधिकारों के संरक्षण के साथ उनके हनन को रोकने में भी मदद मिल रही है। यह सहयोग जितना अधिक मिलेगा, प्रदेश की जनता के मानव अधिकारों के लिए उतना ही अच्छा होगा। प्रायः यह भी देखने में आता है कि बड़ी बड़ी बातों की चर्चा तो हर कोई करता है परन्तु छोटी छोटी बातें, जो जीवन में महत्वपूर्ण होती हैं, उनको नजरअंदाज करते हुए आज ईसान हर कार्य को दूसरों से ही अपेक्षा करता है यह स्थिति ठीक नहीं कहीं जा सकती। आयोग ने मानवाधिकार के प्रति जागरूकता व अधिकारों के संरक्षण के लिए लोक सेवकों एवं जनसाधारण में संवेदनशीलता से काम करने को बढ़ावा दिया है। आयोग द्वारा दिनांक 6.7.2005 से 30.11.2007 तक 10110 प्राप्त परिवादों में से 9418 परिवादों का निरस्तारण कर दिया गया है तथा 1046 परिवाद दिनांक 30.11.2007 को विचाराधीन हैं। मेरा यह भी मानना है कि केवल कानून बनने या उपदेश देने से मानवाधिकारों का संरक्षण नहीं होगा, इसके लिए बने हुए कानून को अमल में लाना व स्वयं को कर्तव्यों के प्रति जागरूक करना होगा व पारस्परिक हित की बात सोचनी होगी। मानव अधिकार जो सबके लिए हैं, कांजी ना होकर सभी को मिलकर क्रियान्वित करना होगा। हाँ, आयोग मदद जरूर कर सकता है। इस सम्बन्ध में आयोग सिर्फ सामान्य जनता को ही नहीं बल्कि अवेयरनेस व लीगल लिटरी प्रोग्राम के तहत जिम्मेदारी निभाने की बात करने वाले लोक सेवकों को भी समझाते हैं। अब जब राजस्थान में साक्षरता का प्रतिशत भी बढ़ गया है, उसी के साथ लोगों में अपने अधिकारों के प्रति सजगता भी बढ़ी है। ऐसे में कर्तव्यों के प्रति भी हमें ज्यादा ध्यान देना होगा। अन्त में विश्व मानवाधिकार दिवस पर मेरी लोगों से यही अपेक्षा है कि मानव अधिकारों का संरक्षण करें, यह किसी का अधिकार तो किसी का कर्तव्य है, दोनों की पालना समान रूप से करनी चाहिए। इसी से मानवाधिकारों के प्रति संवेदनशीलता जागृत होगी तथा आयोग अपने उद्देश्यों के प्रति अधिक सफल हो पाएगा और हमारा देश फिर पहले जैसे सोने की चिड़ियाँ कहलाएगा।

अन्तर्राष्ट्रीय मानवाधिकार दिवस



का संरक्षण नहीं होगा, इसके लिए बने हुए कानून को अमल में लाना व स्वयं को कर्तव्यों के प्रति जागरूक करना होगा व पारस्परिक हित की बात सोचनी होगी। मानव अधिकार जो सबके लिए हैं, कांजी ना होकर सभी को मिलकर क्रियान्वित करना होगा। हाँ, आयोग मदद जरूर कर सकता है। इस सम्बन्ध में आयोग सिर्फ सामान्य जनता को ही नहीं बल्कि अवेयरनेस व लीगल लिटरी प्रोग्राम के तहत जिम्मेदारी निभाने की बात करने वाले लोक सेवकों को भी समझाते हैं। अब जब राजस्थान में साक्षरता का प्रतिशत भी बढ़ गया है, उसी के साथ लोगों में अपने अधिकारों के प्रति सजगता भी बढ़ी है। ऐसे में कर्तव्यों के प्रति भी हमें ज्यादा ध्यान देना होगा। अन्त में विश्व मानवाधिकार दिवस पर मेरी लोगों से यही अपेक्षा है कि मानव अधिकारों का संरक्षण करें, यह किसी का अधिकार तो किसी का कर्तव्य है, दोनों की पालना समान रूप से करनी चाहिए। इसी से मानवाधिकारों के प्रति संवेदनशीलता जागृत होगी तथा आयोग अपने उद्देश्यों के प्रति अधिक सफल हो पाएगा और हमारा देश फिर पहले जैसे सोने की चिड़ियाँ कहलाएगा।

-एन के जैन

जागरूकता की जरूरत

बाल उम्र में ही मानवीय संवेदनाओं को समझाकर अधिकारों के बारे में जानकारी देने का प्रयास किया जा रहा है। मानवाधिकार को पाठ्यक्रम का हिस्सा बनाने की पेशकश को कई स्कूलों ने माना है लेकिन अभी इस पर कार्य करने की आवश्यकता है। तभी इसको फलीभूत किया जा सकेगा।

अजमेर रिपोर्टर
अजमेर, 18 दिसम्बर

विद्यालयों में मानवाधिकार का पाठ पढ़ाने के लिए एनजीओ को सरकार के साथ की जरूरत है। दोनों के सहयोग से ही इस कार्य को अंजाम दिया जा सकता है।

यह कहना है स्टेट ह्यूमन राइट्स कमीशन के चेयरमैन एन.के.जैन का। जैन गुरुवार को सोफिया कॉलेज में ह्यूमन राइट्स एजुकेशन इन स्कूल ऑफ़ राजस्थान की स्टेट एडवाइजरी कमेटी की वार्षिक बैठक की अध्यक्षता कर रहे थे। ह्यूमन राइट्स इंस्टीट्यूट ऑफ़ मुदुरै व सोफिया कॉलेज के संयुक्त तत्वावधान में

आयोजित कार्यक्रम की बैठक में रिटायर्ड चीफ जस्टिस एस.एन.भागव ने कहा कि मानवीय अधिकारों के प्रति जागरूकता लाने के लिए अभी बहुत कार्य करने की जरूरत है। सभी स्टेट्स में राइट्स के प्रति लोगों को अवेयरनेस नहीं है। भागव मणिपुर व असम के मानव अधिकार आयोग के चेयरमैन रह चुके हैं। कार्यक्रम में आर.के. सक्सेना रिटायर्ड आई.जी. व कॉमनवैलथ ह्यूमन राइट्स एक्टिविस्ट ने कहा कि जेल में कैदियों के साथ मानवाधिकार किस प्रकार उल्लंघन होता है। इसका उन्हें काफी एक्सपीरियंस है।

वह इसको खत्म करने के लिए बच्चों को ही इसका पाठ पढ़ाने के हक में है। बैठक में पी.एल. निमरोद सेन्टर फॉर दलित राइट्स जयपुर, सिस्टर कैरल, पुलिस यातना को रोकथाम कार्यकर्ता का कहना है कि मानव अधिकारों को सांस्कृतिक प्रस्तुतियों के माध्यम से जन-जन तक पहुंचाया जा सकता है। ग्रास रूट के लिए नुककड व पपेट शो बेहतरीन ऑप्शन हैं। सोफिया की व्याख्याता सिस्टर मैरियोला, लॉरेंस एंड मेयो के प्राचार्य संजय दत्ता, श्रमजीवी कॉलेज के प्राचार्य अनंत भटनागर, एडवोकेट किशन गुजर, आर.पी.जैन, जयपुर को दीपा जैन सोफिया कॉलेज की व्याख्याता संस्था रैना, संगीता सामंत, नलिनी बहुगुणा, ज्योति चंदेल, मीडिया की मधुलिका सिंह, दीपक आदि ने विचार व्यक्त किए। कार्यक्रम के अंत में सोफिया कॉलेज की प्राचार्य सिस्टर सरोना ने आगन्तुकों को धन्यवाद दिया। कार्यक्रम की स्टेट कॉर्डिनेटर ने प्रोग्राम की कमान संभाली।



सोफिया कॉलेज में आयोजित बैठक में भाग लेते अतिथि।

जस्ट. अजमेर

News Reporting

अधिकारों के साथ कर्तव्य भी निभाएं

जागरूकता मानवाधिकार क्या है, यह समझने से ही नहीं आएगी, उसके लिए हमें मानव के गरिमापूर्ण जीवन की सुनिश्चितता को समझना होगा।

मानवाधिकार संरक्षण तभी संभव है जब हर व्यक्ति अपने अधिकारों के साथ-साथ कर्तव्य निर्वहन के लिए भी जागरूक हो। हर वर्ष दस दिसंबर को 'विश्व मानवाधिकार दिवस' तो पूरे विश्व में मनाया जाता है, लेकिन इसकी जागरूकता के लिए हर युवा से लेकर स्कूली छात्रों एवं गांव-ढाणी की आम जनता को भी इससे जोड़ना होगा। जिससे आगे चलकर वह अन्य लोगों को भी मानवाधिकारों के प्रति सचेत रख सकें। इसी प्रयास को अंजाम देने के लिए 'दा प्रोटेक्शन ऑफ ह्यूमन राइट्स एक्ट, 1993' (एक्ट नं. 10 ऑफ 1994) की धारा 21 (1) में प्रदत्त शक्तियों के अनुसरण में, राजस्थान राज्य में 18 जनवरी 1998 में आयोग का गठन हुआ।

जागरूकता सिर्फ मानवाधिकार क्या है, यह समझने से ही नहीं आएगी, उसके लिए हमें मानव के गरिमापूर्ण जीवन की सुनिश्चितता को समझना होगा। समर्थ लोग अपने अधिकार व मानवाधिकारों के हनन को रोकने में सक्षम हैं, परंतु हर वर्ग खासतौर पर मीडिया, दलित, उत्पीड़ित, कमजोर वर्ग, बच्चों एवं महिलाओं के संरक्षण की बात भी ध्यान में रखनी होगी और हमें अत्यधिक जागरूकता के साथ-साथ संवेदनशील भी बनना होगा, ताकि यदि सड़क पर भी किसी व्यक्ति के साथ कोई दुर्घटना हो, तो हम वहीं रुककर उसकी मदद करें न कि सीधे आगे चले जाएं। जहां तक मानवाधिकार आयोग की बात है, शिकायतों के अलावा अखबारों के आने वाले मामलों पर भी आयोग प्रसन्नान लेता है। साथ ही यह सभी मानवहित के लिए कार्यरत निजी स्वयंसेवी संस्थाओं के साथ मिलकर नागरिकों के कर्तव्यों व अधिकारों की रक्षा के साथ-साथ सामाजिक बुराइयों व कुरीतियों को सकारात्मक सोच देने का प्रयास भी कर रहा है। मानवाधिकार आयोग किसी पुलिस, कोर्ट या व्यक्ति विशेष के दायरे में सिमटा हुआ नहीं है, यहां जिस व्यक्ति के अधिकारों का हनन हो रहा है, उसके मामले में वस्तुस्थिति मांगकर व सुनकर दिशा-निर्देश दिए जाते हैं। जिन आदेशों की पालना नहीं हुई उनके बारे में सरकार को विधानसभा में कारण बताने होते हैं।

- न्यायमूर्ति एन.के. जैन

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.

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.

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.

Sr. no.	Title of projects	Slide No	Student's Name
1.	About Commission and activities	01-28 29-30	Consolidated Index
2.	Women Rights	31-49	Ritushree
3.	Cancer	50-80	Rupendra
4.	Child Labour	81-133	Sandeep
5.	HIV AIDS	134-156	Bhanu pratap
6.	Child Rights	157-179	Vineet Sharma
7	Dalit	180-216	Chandraveer

Various Projects done by internship Students during April 09 to June 09 :

Sr. no.	Title of project	Slide No.	Student's Name
8.	Arrest	217-242	Zeeshan
9.	Environment	243-276	Nikhil Sharma
10	Women's Right	277-291	Dr. Deepa Jain (S.I. RSHRC)
11	Working of commission	294-316	Namit saxena & Abhikalp
12	Juvenile justice	317-344	Tarpit Patni
13	Child Right	345-360	Sheetal Mishra
14	Fundamental Duties Art.51-A Compiled by Thanks to one and all	361-397 / 398 399-400	Trishal Jeet Singh Anand, Pradeep Secretary RSHRC

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



RAJASTHAN STATE HUMAN RIGHTS COMMISSION

Project JAIPUR

on

ARREST



**Under the guidance of
Hon'ble Mr. Justice N.K.
Jain.**

(Former Chief justice of Madras and
Karnataka High Court)
Chariperson, RSHRC



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**(Student of Kiit Law School
Bhubaneswar ,Orissa.)**

- **Premshanker Vs. Delhi administration(1983)3SCC526**
- **Citizen for democracy Vs. state of Assam(1995)3Sc 743**
- **Joginder Kumar Vs. State of U.P. and Others(1994)4 SCC 260**

Joginder Kumar Vs. State of U.P. and Others(1994)4 SCC 260

HELD BY THE COURT...

- The supreme court judges observed that the crime rate is increasing. The court has been receiving complaints about violation of human rights because of indiscriminate arrests. A realistic approach should be made in this direction. The law of arrest is one of balancing individual rights, liberties and privileges, on the one hand, and individual duties, obligations and responsibilities on the other, of weighing and balancing the rights, liberties and privileges of the single individual and those of individuals collectively; of simply deciding what is wanted and where to put the weight and the emphasis of deciding which comes first – the criminal or society , the law violator or the law abider.

RULES CAME OUT.....

- **An arrested person being held in custody is entitled, if he so requests to have one friend, relative or other person who is known to him or likely to take an interest in his welfare told as far as is practicable that he has been arrested and where he is being detained.**
- **The Police officer shall inform the arrested person when he is brought to the Police station of this right.**
- **An entry shall be required to be made in the diary as to who was informed of the arrest. These protections from power must be held to flow from Articles 21 and 22(1) and enforced strictly.**
- **It shall be the duty of the Magistrate, before whom the arrested person is produced, to satisfy himself that these requirements have been complied with**
- **A person is not liable to arrest merely on the suspicion of complicity in an offence. There must be some reasonable justification in the opinion of the officer effecting the arrest that such arrest is necessary and justified. Except in heinous offences**

WHAT ARE YOUR RIGHTS WHEN YOU ARE ARRESTED?

- 1. You must be informed of the reasons for your arrest (Fundamental Rights : Article 22 and Sec.50 Cr.P.C.)
- 2. You have a right to see the warrant if you are arrested under warrant (Sec.75 Cr.P.C.)
- 3. You have a right to consult a lawyer of your choice. (Fundamental Rights: Article 22 of the Constitution);
- 4. You must be produced before the nearest Magistrate within 24 hours (Fundamental Rights: Article 22 of the Constitution);
- 5. You must be told whether you are entitled to be released on bail. (Sec.50 Cr.P.C.)

PREROGATIVE WRIT...

HABEAS CORPUS

- The *writ of habeas corpus* means 'let us have the body'. It is a writ issued to a detaining authority to produce the detained person in court within 24 hours of arrest with a cause of detention. If the detention is found to be illegal, the court issues an order to set the person free.

SPECIAL RIGHT FOR WOMEN...

- The law [which most are not aware of] clearly states that between 6 pm & 6 am, a woman has the right to REFUSE to go to the Police Station, even if an arrest warrant has been issued against her. It is a procedural issue that a woman can be arrested between 6 pm & 6 am, ONLY if she is arrested by a woman officer and taken to an ALL WOMEN police station. And if she is arrested by a male officer, it has to be proven that a woman officer was on duty at the time of arrest.

GUIDELINES FOR ARREST ...

- No arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person.
- It would be a prudent for a police officer in the interest of protection of the constitutional rights of a citizen and perhaps in his own interest that no arrest should be made without a reasonable satisfaction reached after some investigation as to the genuineness and bonafides of a complaint and a reasonable belief both as to the person's complicity and even so as to the need to effect arrest

GUIDELINES CAME OUT FROM D.K BASU CASE...

- (1) The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.
- (2) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter signed by the arrestee and shall contain the time and date of arrest.
- (3) A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a
relative of the arrestee.

CONTINUE...

- (4) The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organization in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.
- (5) The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.
- (6) An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.
- (7) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The "Inspection Memo" must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.

CONTINUE...

- (8) The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory. Director, Health Services should prepare such a panel for all Tehsils and Districts as well.
- (9) Copies of all the documents including the memo of arrest, referred to above, should be sent to the illaqa Magistrate for his record.
- (10) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.
- (11) A police control room should be provided at all district and State Headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on conspicuous notice board.

WHO CAN ARREST ...

- All law enforcement officers - such as police officers, county sheriff officers, investigators in a district attorney's or an attorney general's offices and highway patrol officers - can arrest you whether they are on or off duty, in most cases. A probation or parole officer also can arrest you.

They can arrest you - even if they do not have an arrest warrant - if they have probable cause or good reason to believe you committed a felony, such as armed robbery. (A felony is a crime of a more serious nature than a misdemeanor, usually punishable by imprisonment for more than a year.) They do not have to see you commit a felony in order to arrest you. They do, however, have to see you commit a misdemeanor in order to arrest you.

If you commit an infraction, instead of taking you into custody, they may ask to sign a citation or notice. This is a minor offense, such as a moving violation, where the punishment usually is a fine. If you sign the citation, you are not admitting guilt; you are only promising to appear in court. If you have no identification or refuse to sign, however, an officer may take you into custody.

CAN SOMEONE OTHER THAN A POLICE OFFICER ARREST ANYBODY...??

- Any person, such as a private security guard, can make a citizen's arrest if they see a misdemeanor being attempted or committed. (A misdemeanor is a criminal offense, usually punishable with a fine or short jail term.) They also can make a legal arrest for a felony as long as it actually was committed and they have good reason to believe you did it. They must take you to a police officer or judge who is required by law to take you into custody.

WHEN IS AN ARREST WARRANT USED...?

- ❖ Usually a warrant is required before you can be taken into custody in your home. But you can be arrested at home without a warrant if fast action is needed to prevent you from escaping, destroying evidence, endangering someone's life or seriously damaging property.
- ❖ The warrant must be signed by a magistrate or judge, who must have good reason to believe that you, whom the warrant names, committed a crime. If your name is unknown, "John Doe" can be used on the warrant - along with your description.
- ❖ Once an arrest warrant is issued, any law enforcement officer in the state can arrest you - even if the officer does not have a copy of the warrant. Generally, there is no time limit on using a warrant to make an arrest.
- ❖ Before entering your home, a law enforcement officer must knock and identify himself or herself and tell you that you are going to be arrested. If you refuse to open the door - or if there is another good reason - the officer can break in through a door or window.

CONTINUE...

- ❖ If the police have an arrest warrant, you should be allowed to see it. If they don't have the warrant with them, you should be allowed to see it as soon as practical.
- ❖ The police may search the area within your reach. If you are arrested outdoors, they may not search your home or car.
- ❖ Resisting an arrest or detention is a crime. If you resist arrest, you can be charged with a misdemeanor or felony in addition to the crime for which you are being arrested. If you resist, an officer can use force to overcome your resistance or prevent your escape. The officer can even use deadly force if it appears you will use force to cause great bodily injury.
- ❖ When Can I Be Released?
- ❖ If, during the questioning and before a charge is filed, the police are convinced that you have not committed a crime, they will give you a written release. Your arrest then will be considered a detention and not recorded as an arrest.

WHEN CAN A PERSON BE ARRESTED WITHOUT A WARRANT?

1. If he is concerned in a cognizable offence or if there is a reasonable suspicion, complaint or information that he has committed a cognizable offence;
2. If he possesses implements of house breaking;
3. If he possess stolen property;
4. If he is proclaimed an offender;
5. It he obstructs a police officer on duty‘
6. If he escapes from a legal custody;
7. It he is a deserter from the army, navy or airforce;
8. Where he is out of India, if he commits an offence punishable under any extradition law or under the Fugitive Offenders Act;

CONTINUE...

- 9. If he is released convict who breaks the restrictions imposed by the Court on his movements;
- 10. If he is suspected of preparing to commit a cognizable offence;
- 11. If he is habitual criminal;
- 12. If he, after committing a non-cognizable offence in the presence of a police officer, refuses to give the police his name and address or has given him a false name and address;
- 13. If he is required by a police officer of another police station who suspects that he has committed a cognizable offence;
- How is Arrest made?

WHAT IS BAIL AND HOW IS IT SET...?

- The amount of bail - money or other security deposited with the court to insure that you will appear - is set by a schedule in each state. You may be notified that you can forfeit or give up bail instead of appearing in court if you receive a traffic citation. However, if you have any doubt, go to court so a warrant is not issued for your arrest for failing to appear. Bail forfeiture does not apply to misdemeanors or felonies. Forfeiting bail does not mean that the charges are dropped and usually works as a conviction for a traffic offense.

Officers at the jail may be able to accept bail. If you cannot post or put up the bail, you will be kept in custody. Depending on where you are arrested, you may have the opportunity to request a bail reduction through a bail commissioner.

CONTINUE...

- When you are taken to court for bail setting or release, the judge will consider the seriousness of the offense you are charged with, any prior failures to appear (even for traffic tickets), any previous record, your connections to the community, as well as the probability that you will appear in court. The amount of bail is set according to a written schedule based on your charges. The law presumes you are guilty of the charges for purposes of setting bail or release.

Instead of paying bail, you might be released on your own recognizance or "O.R." (or supervised O.R.). This means that you do not have to pay bail because the judge believes that you will show up for court appearances without bail.

WHEN CAN AN OFFICER SEARCH YOU, YOUR HOME OR YOUR CAR WITHOUT A WARRANT..??

- **Body Searches.** If you are arrested, an officer can search you, without a warrant, for weapons, evidence or illegal or stolen goods. Strip searches should not be conducted for offenses that do not involve weapons, drugs or violence unless police reasonably suspect you are concealing a weapon or illegal goods and they have authorization from the supervising officer on duty. If you are booked and jailed, you may undergo a full body search, including body cavities.

Home Searches. In emergencies, such as when an officer may be trying to prevent someone from destroying evidence, your home can be searched without your consent and without a warrant. If you are taken into custody in your home, an officer without a warrant can search only the limited area in which you are arrested. Other rooms - and even other parts of the same room - are off limits, unless the officer believes that other suspects are hiding in other rooms. While searching your home, an officer can seize evidence of any crime, such as stolen property or drugs, that is in plain sight.

CONTINUE...

- **Car Searches.** Your car and trunk can be searched without your consent or a warrant if an officer has good reason to believe it contains illegal or stolen goods or evidence. If the police stop your car for any legal reason - such as a broken tail light - they can take any illegal goods in plain sight.
- If you, your home or your car are searched illegally, a judge might say that any evidence found during the search cannot be used against you in court. If you or your lawyer, however, do not object to the evidence before trial, the court might allow the evidence to be used. Even if the judge does decide that the evidence cannot be used against you, that does not always mean that your case will be dismissed.

WHO MAINTAINS ARREST RECORDS AND WHAT DO THEY INCLUDE....?

- Local police departments and the State Department of Justice keep arrest records. According to law, they cannot show them to anyone except law enforcement officers and may only show records of your convictions to certain licensing agencies which have a right by state law to investigate your criminal background.

The arrest record includes when and why you were arrested, whether the charges against you were dropped or whether you were convicted of the charges, and the subsequent sentence imposed. Both pleading guilty and being found guilty after a trial count as convictions.

CONTINUE....

- If you are convicted of committing a misdemeanor, placed on probation and stay out of trouble, you are able to have the conviction removed from your record for such purposes as employment background checks after probation is over. If you are convicted of certain felonies and you successfully complete probation, you can have the felony reduced to a misdemeanor on your record. You must contact the probation officer in either instance to clear your record.

WHAT HAPPENS AT A PRELIMINARY HEARING....?

- During the preliminary hearing, usually within 10 court days of the arraignment, the district attorney's office must present evidence showing a reasonable suspicion that a felony was committed and that you did it to convince the judge that you should be brought to trial.
- You may have a second arraignment. If the felony charges are not dropped at the preliminary hearing, you will be arraigned in superior court where your trial later will be held.
- If you are charged with a crime and unable to understand English, you have a right to an interpreter throughout the proceedings.
- **When Can An Officer Conduct A Search?**
An officer always may only make a search with either your consent or a search warrant. You have a right, however, to see the warrant before the search begins.

CAN YOU BE HANDCUFFED?

- According to the latest ruling of the Supreme Court, normally an arrested person should not be handcuffed unless he is violent or he is desperate character or he is likely to attempt to escape or to commit suicide. Arrest is not a punishment. Hence unnecessary restraints are not permissible, if there is no necessity for doing so.

**Don't do or commit anything that you may
be arrest or handcuffed**

