

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)
Chairperson, 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: justicenagendrakjain.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.
- Attendant 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

12



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 justicenagendrarakjain.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



- BOOKS**
- माननीय न्यायमूर्ति श्री एन.के. जैन, अध्यक्ष, राजस्थान राज्य मानव अधिकार आयोग, (पूर्व 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. सन्थारा/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. जांगिड।



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

12

छात्रों को पिलाई जाएगी मूल कर्तव्यों की घुट्टी

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

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 की 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 घ्रातृत्व की भावना का निर्माण करें।

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

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 तत्वावधान में बिरला 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 चिराट रूप दर्शन के तत्वावधान 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 विधत्मा 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 कृष्णा 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 को 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 बन्दियों संकल्प पत्र प्रदान किया और बंदियों ने संकल्प लिया।

अधिकारों के साथ-साथ कर्तव्य भी निभाएं

अ

नरुहोय 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 संप्रदात वर्ग का ही जुड़ना काफी नहीं बल्कि हर युवा से लेकर स्कूली छात्रों एवं गाँव ढाणों 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 ऑफ ह्यूमन राइट्स एक्ट 1993 (एक्ट नं. 10 ऑफ 19994) 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 तारे मेरी यही कोशिश रही है कि हर मामले में सच 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 सड़क पर भी किसी व्यक्ति के साथ 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 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 सामाजिक दुराच्यों व कुरीतियों को सकारात्मक सौच देने का प्रयास भी कर रहा है। मानव अधिकार आयोग किसी पुलिस, कोर्ट या व्यक्ति खास के दायरे में नहीं सिमटा हुआ है, वहाँ 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 उध 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 सेवाभावी 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 आमनव 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 कहाँ जा सकती। आयोग ने मानवाधिकारों के प्रति जागरूकता व अधिकारों के संरक्षण के लिए लोक सेवकों एवं जनसाधारण में संवेदनशीलता से काम करने को बढावा दिया है। आयोग द्वारा दिनांक 6.7.2005 से 30.11.2007 तक 10110 प्राप्त परिवादों में से 9418 परिवादों का नरिस्तारण 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, कंगाली 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 लिटरेसी प्रोग्राम के तहत जिम्मेदारी निभाने की बात करने वाले लोक सेवकों को भी समझाते हैं। अब जब राजस्थान में साक्षरता का प्रतिशत भी बढ़े 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 को 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 चिड़िया कहलाएगा।

अन्तरराष्ट्रीय 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, कंगाली 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 लिटरेसी प्रोग्राम के तहत जिम्मेदारी निभाने की बात करने वाले लोक सेवकों को भी समझाते हैं। अब जब राजस्थान में साक्षरता का प्रतिशत भी बढ़े 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 को 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 चिड़िया कहलाएगा।

जागरूकता की जरूरत

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

अजमेर रिपोट
अजमेर, 18 सितम्बर

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 कमिशन के चेयरमैन एन.के.जैन का। जैन गुरुवार को सोफिया कॉलेज में ह्यूमन राइट्स एजुकेशन इन स्कूल ऑफ राजस्थान की स्टेट एडवाइजरी कमेटी की वार्षिक बैठक की अध्यक्षता कर रहे थे। ह्यूमन राइट्स इंस्टीट्यूट ऑफ मुद्रें व सोफिया कॉलेज के संयुक्त तत्वावधान में



सोफिया कॉलेज में आयोजित बैठक में भाग लेते अतिथि।

आयोजित कार्यक्रम की बैठक में रिटायर्ड चीफ जस्टिस एस.एन.भार्गव 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 की अवेयरनेस नहीं है। भार्गव मणिपुर व असम के मानव अधिकार आयोग के चेयरमैन रह चुके हैं। कार्यक्रम में आर.के. सक्सेना रिटायर्ड आई जी. व कॉमनवैल्यू 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 की 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 नुक्कड़ व पपेट शो बेहतरीन ऑप्शन हैं। सोफिया की व्याख्याता सिस्टर मैरियोला, लॉरेन्स एंड मेयो के प्राचार्य संजय दत्ता, श्रमजीवी कॉलेज के प्राचार्य अनंत भटनागर, एडवोकेट किशन गुर्जर, आर.पी.जैन, जयपुर की 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 सरिना ने आगन्तुकों को धन्यवाद दिया। कार्यक्रम की स्टेट कॉर्डिनेटर ने प्रोग्राम की कमान संभाली।

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 इनन 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 प्रसंज्ञान 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 इनन 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
JAIPUR**

Project

on

JUVENILE JUSTICE



**Under the guidance of Hon'ble
Mr. Justice N.K. Jain.
(Former Chief justice of Madras and
Karnataka High Court)
And
Chairperson of RSHRC, Jaipur**

**TARPIT PATNI
B.A. LL.B(hons)
Nirma University of Science and Technology
Ahmedabad
E-mail-tarpitpatni@gmail.com**



WHAT DO YOU MEAN BY “JUVENILE”?

- ❑ The word juvenile is derived from the Latin word ‘Javanese’ meaning CHILD.
- ❑ A “JUVENILE” or “CHILD” means a person who has not completed eighteenth year of age. A boy or girl under 18 years of age is a juvenile under section 2(k) of the Juvenile Justice Act,2000.

DEVELOPMENT OF THE DEFINITION



- ❑ The age of juvenility of a boy under juvenile justice act,1986 was below 16 years and that of a girl child was below 18 years of age under the section 2(h) of the juvenile justice act,1986.
- ❑ Those working in the field of children had campaigned to increase the age of boy juveniles to bring it on par with girl juveniles.



HISTORY OF JUVENILE JUSTICE

- ❑ **The problem of juvenile delinquency is rearing in its ugly head in the wake of industrialization and urbanization in the country. The growth in cities and heterogeneous population, great mobility and fluidity, occupational structure and over crowded cities have given rise to new way of living which is very challenging for the juveniles. Social deviance preceded by abandonment, destitution , neglect, truancy, vagrancy, abuse or exploitation leads to delinquency in juveniles. It does establish only poor commit crimes and those of rich are law-abiding . But he fact remains that poverty does deprive a lot of juveniles from development and growth.**



EARLY LEGISLATIONS FOR JUVENILE JUSTICE

- The differentiated treatment of juveniles is not a phenomenon of recent times .
- The differentiated treatment of juveniles was there in hammurabis code of punishment in 2270 B.C
- The first law commission appointed in 1835 drafted the Indian Penal Code provided a special consideration for children of immature understanding.
- The Code of Criminal procedure restricted the jurisdiction of ordinary courts in trial of juvenile delinquents.



- ❑ The first law directly dealing with Juvenile justice was reformatory schools act of 1876. It had measures to deal with all juvenile delinquents below 15 years of age.
- ❑ Chapter IV of The Constitution of India, Directive principles of state policy, Article 39(f) provides:
 - ❑ “That Childhood and youth are protected against moral and material abandonment”
- ❑ The Government of India Enacted a Children Act, 1960 For enforcement in the Union Territories as states already passed the similar acts much before.
- ❑ Then the Juvenile Justice Act, 1986 came into existence which provided uniform legal framework for juvenile justice in the country.

THE JUVENILE JUSTICE (Care and Protection of Children) ACT, 2000

- ❑ **An Act to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment.**

Juvenile Justice Act ,2000



**JUVENILE IN CONFLICT
WITH LAW**

**JUVENILE IN NEED OF CARE AND
PROTECTION**

JUVENILE IN CONFLICT WITH LAW

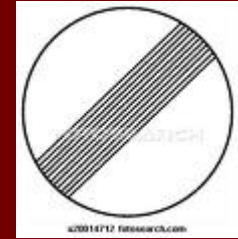
- ❑ "juvenile in conflict with law" means a juvenile who is alleged to have committed an offence
- ❑ -Section 2(1) of Juvenile Justice (Amendment) Act,2006
- ❑ We can Define it as –
- ❑ “A Person who is alleged to have committed an offence and has not completed eighteenth year of age as on date of commission of such offence.”

JUVENILE JUSTICE BOARD



- ❑ Section -4
- ❑ 1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the State Government may, by notification in the Official Gazette, constitute for a district or a group of districts specified in the notification, one or more Juvenile Justice Boards for exercising the powers and discharging the duties conferred or imposed on such Board in relation to juveniles in conflict with law under this act.
- ❑ 2) A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, and two social workers of whom at least one shall be a woman, forming a Bench and every such bench shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974), on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class and the Magistrate on the Board shall be designated as the principal Magistrate.

PROHIBITION OF PUBLICATION OF NAME, ETC., OF JUVENILE INVOLVED IN ANY PROCEEDING UNDER THE ACT



❑ Section 21-

- ❑ 1) No report in any newspaper, magazine, news-sheet or visual media of any inquiry regarding a juvenile in conflict with law under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile nor shall any picture of any such juvenile be published.
- ❑ 2) Any person contravening the provisions of sub-section (1) shall be punishable with fine, which may extend to one thousand rupees.

PUNISHMENT FOR CRUELTY TO JUVENILE

□ Section-23



- Whoever, having the actual charge of, or control over, a juvenile or the child, assaults, abandons, exposes or willfully neglects the juvenile or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such juvenile or the child unnecessary mental or physical suffering shall be punishable with imprisonment for a term which may extend to six months, or fine, or with both.

EMPLOYMENT OF JUVENILE FOR BEGGING



□ Section 24-

- 1)Whoever ,employs or uses any juvenile or the child for the purpose or causes any juvenile to beg shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

- 2)Whoever, having the actual charge of, or control over, a juvenile or the child abets the commission of the offence punishable under sub-section (1), shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

PENALTY FOR GIVING INTOXICATING LIQUOR OR NARCOTIC DRUG OR PSYCHOTROPIC SUBSTANCE TO JUVENILE



□ Section 25

- Whoever gives, or causes to be given, to any juvenile or the child any intoxicating liquor in a public place or any narcotic drug or psychotropic substance except upon the order of duly qualified medical practitioner or in case of sickness shall be punishable with imprisonment for a term which may extend to three years and shall be liable to fine

EXPLOITATION OF JUVENILE EMPLOYEE



- ❑ Section 26

- ❑ Whoever ostensibly procures a juvenile or the child for the purpose of any hazardous employment keeps him in bondage and withholds his earnings or uses such earning for his own purposes shall be punishable with imprisonment for a term which may extend to three years and shall be liable to Fine.

JUVENILE IN NEED OF CARE AND PROTECTION





CHILD WELFARE COMMITTEE



- ❑ Section-29
- ❑ The State Government may, by notification in Official Gazette, constitute for every district or group of districts, specified in the notification, one or more Child Welfare Committees for exercising the powers and discharge the duties conferred on such Committees in relation to child in need of care and protection under this Act.
- ❑ The Committee shall consist of a Chairperson and four other members as the State Government may think fit to appoint, of whom at least one shall be a woman and another, an expert on matters concerning children.

PROCEDURES OF THE CHILD WELFARE COMMITTEE (CWC)

Step-by-step procedures to be followed by the CWC in the process of rehabilitation



1 Child is brought before the CWC for suitable decision / action / rehabilitation by the Police, CHILDLINE, NGO or any concerned citizen

2 Child is taken in safe custody (NOT remand) at a government recognised "Children's Home" in the Reception Unit (NOT Observation Home)

Child can be given in safe custody to any of the following as recognized under the JJ Act:

- Children's Home
- Children's Institutions, which are Licensed / Recognised Adoption Agency (0-6 yrs)
- Shelter Home (for Street and Runaway children)
- Place of Safety (e.g. Foster Family / Fit Person)
- Refer to organisations having Non Institutional Services for Prevention of Abandonment / Institutionalisation (e.g. Foster Care, Sponsorship, Community Services)



3 If child is received directly by an organisation, then the child is to be brought before the CWC within 24 hrs., excluding time taken to travel (if the child below two years is not well then a report is to be submitted)

Child brought before the CWC

The CWC meets in the premises of a Children's Home in the District

Cases are brought before the CWC during the designated time and days that the Committee is functioning

If the CWC is not in session on a particular day, the child is admitted directly by the Superintendent and then brought before the CWC the next day / at the next hearing of the CWC



4 CWC to assess the case / study the report of the police / child welfare officer / interview and counsel the child

5 During this period the Probation Officer prepares the final report with the necessary recommendations

Report prepared through:

- Interviewing the child
- Making appropriate enquiries
- Corresponding with the family if there is one
- Counselling the child

6 Final order within 4 months (extendable to 6 months only when necessary)

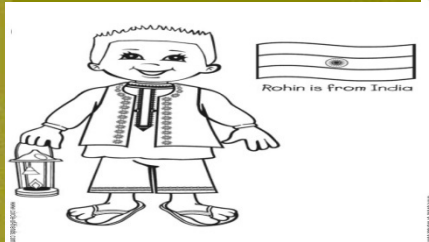
Possible Decisions:

- Restoration to Parents
- Restoration of the child to his family or to the nearest Children's Home in his home state
- Declare the child destitute and legally free for adoption if there are no legal claimants.
- Long term foster care (for children who are not legally free for adoption)
- Admission to an institution (To be reviewed every year)

CWC meets and interviews the child to get the history and understand the background of the problem in a 'Child Friendly' manner and environment



Probation Officer is present before the CWC, the case is discussed with him and an 'Intake Endorsement' is done



Note: THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000 as amended by Juvenile Justice (Care and Protection of Children) Amendment Act, 2006

Provides for the setting up of Child Welfare Committees. State Governments may, by notification in Official Gazette, constitute for every district, specified in the notification, one or more Child Welfare Committees for exercising the powers and discharge the duties conferred on such Committees in relation to child in need of care and protection under this Act.

The Committee shall consist of a Chairperson and four other members as the State Government may think fit to appoint, of whom at least one shall be a woman and another, an expert on matters concerning children. The Committee shall function as a Bench of Magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class. The Committee shall have the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights. A child in need of care and protection may be produced before an individual member for being placed in safe custody or otherwise when the Committee is not in session.

The Committee shall, have the power to deal exclusively with all proceedings under this Act relating to children in need of care and protection. Any child in need of care and protection may be produced before the Committee by one of the following persons:

- any police officer or special juvenile police unit or a designated police officer;
- any public servant;
- CHILDLINE, a registered voluntary organisation or by such other voluntary organisation or an agency as may be recognised by the State Government;
- any social worker or a public spirited citizen authorised by the State Government; or
- by the child himself.

CHILDLINE India Foundation
Nana Chowk Municipal School, 2nd Floor
Frere Bridge, Low Level Nana Chowk, Near
Grant Road Station, Mumbai - 400007, India
Telephone: 022-23881098 / 23841098
Fax: 022-23811098
email: csil1006@childlineindia.org.in



www.childlineindia.org.in

CHILDREN'S HOMES



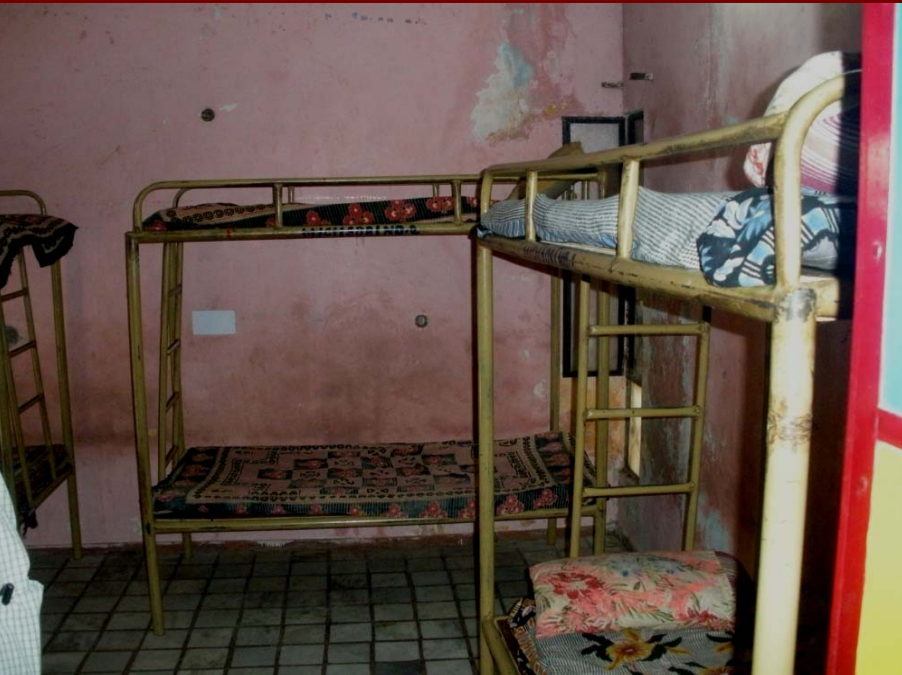
- ❑ Section-34
- ❑ The State Government may establish and maintain either by itself or in association with voluntary organizations, children's homes, in every district or group of districts, as the case may be, for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation.
- ❑ The State Government may, by rules made under this Act, provide for the management of children's homes including the standards and the nature of services to be provided by them, and the circumstances under which, and the manner in which, the certification of a children's home or recognition to a voluntary organization may be granted or withdrawn.

SHELTER HOMES

❑ Section-37

- ❑ The State Government may recognize, reputed and capable voluntary organisations and provide them assistance to set up and administer as many shelter homes for juveniles as may be required.
- ❑ The shelter homes referred in subsection (1) shall function as drop-in centers for the children in the need of urgent support who have been brought to such homes through such persons as are referred to in subsection (1) of section 32.
- ❑ As far as possible, the shelter homes shall have such facilities as may be prescribed by the rules.

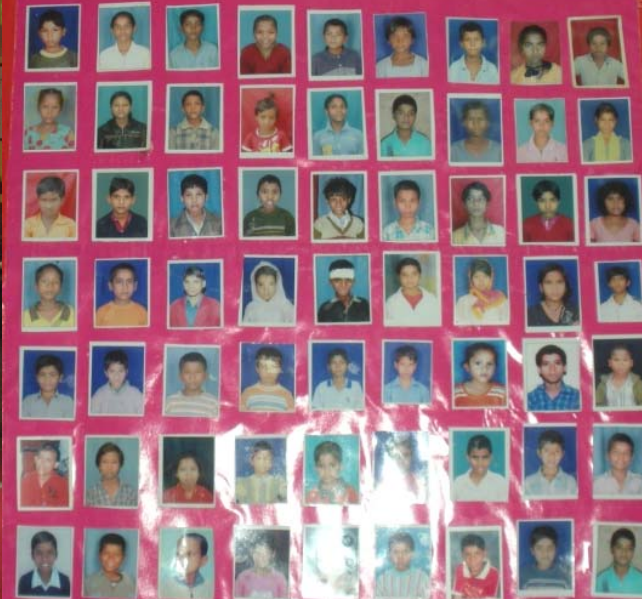
SHELTER HOME OF CHILDLINE INDIA(1098)



SHELTER



RESTORATION

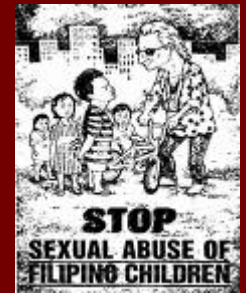


MASTER SALIM IKRAMUDDIN ANSARI & ANR. VS.
OFFICER-PIN-CHARGE , BORIVALI POLICE
STATION , MUMBAI & ORS.:2005 CRILJ 799(BOM)

- ❑ The accuse was declared a juvenile by the sessions court but the jailor did not transferred he juvenile to observation home giving the excuse that the order of sessions court transmitted by the registrar of sessions court and received by jail, was misplaced.
- ❑ SALIM WAS AWARDED COMPENSATION OF Rs.1,00,000.



CONCLUSION



- ❑ The Juvenile Justice (care and protection) Act, 2000 is a statutory legislation passed by the central government and is applicable in all parts of country, thus bringing uniformity in law relating to juveniles. The new act pertaining to juveniles has removed all the major flaws of the old act and has brought uniformity in the age limit of both boys and the girls. I visited the shelter home of childline India foundation a registered organization mentioned in Section 32, of the Juvenile justice act, 2000. It has a 24 hour outreach phone service for the children in need of care and protection. It was a happy sight to see the children growing with dignity and getting enabled to earn their livelihood.

Comments

- ❑ The visited NGO are working very well in the regard and are able to provide a bright future to a lot of children's but the number of Children which can be accommodated in different shelter homes of NGO are very less in accordance with the population.
- ❑ The regulations under the above said act provide a strict and stringent legislation for accomplishing justice to the juveniles. But lack of awareness by the government officials and lack of implementation by the state governments remains the major concern in this regard .

Rajasthan State Human Rights
Commission
Urges
Every Citizen of The Country To Take
Pledge of The “Fundamental Duties”
Under
The Article 51 of
The Constitution of India

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



Secretariat- (In SSO Building)

**RAJASTHAN STATE HUMAN
RIGHTS COMMISSION**

Project **JAIPUR**
on
CHILD RIGHTS



**Under the guidance of
Hon'ble Mr. Justice N.K.
Jain.**
(Former Chief justice of Madras
and Karnataka High Court)
And
Chairperson of RSHRC, Jaipur



**SHEETAL MISHRA,
AMITY LAW
SCHOOL
NOIDA.**





- To empower people to participate actively in the life of a free society
- To promote democracy, development, social justice and communal harmony among citizens

CHILD RIGHTS



Survival, Living Standards, Environment



Name, Identity, Care



Protection from Harm



Education, Culture, Development



Information, Freedom of Thought and speech, Participation



Know Child Rights







- “A child means every human being below the age of 18 years.” The Convention on the Rights of the Child is the most endorsed human rights treaty in the world, ratified by all but two countries. Adopted by the United Nations General Assembly on 20 November 1989, it celebrates childhood and codifies in international law the rights due every child.



WHAT ARE CHILD RIGHTS?

- **The Convention on the Rights of the Child defines basic rights of children covering multiple needs and issues. India endorsed it on December 11, 1992.**
- **Human rights apply to all age groups; children have the same general human rights as adults. But children are particularly vulnerable and so they also have particular rights that recognize their special need for protection.**
- **The Convention on the Rights of the Child sets out the rights that must be realized for children to develop their full potential, free from hunger and want, neglect and abuse. It reflects a new vision of the child. Children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subject of their own rights. The Convention offers a vision of the child as an individual and as a member of a family and community, with rights and responsibilities appropriate to his or her age and stage of development. By recognizing children's rights in this way, the Convention firmly sets the focus on the whole child.**
- **Child rights and its accordance is the pillar for national construction, a brighter tomorrow.**

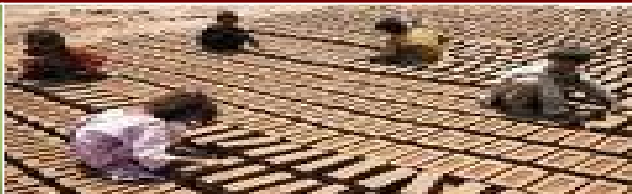


THE ALARMING STATISTICS

- 50% of Indian children aged 6-18 do not go to school
- Dropout rates increase alarmingly in class III to V, its 50% for boys, 58% for girls.
- More than 50% of India's children are malnourished. While one in every five adolescent boys is malnourished, one in every two girls in India is undernourished.
- 58% of India's children below the age of 2 years are not fully vaccinated. And 24% of these children do not receive any form of vaccination. Over 60% of children in India are anemic. 95 in every 1000 children born in India, do not see their fifth birthday. 70 in every 1000 children born in India, do not see their first birthday.
- 17 million children in India work as per official estimates.



- There are approximately 2 million child commercial sex workers between the age of 5 and 15 years and about 3.3 million between 15 and 18 years. They form 40% of the total population of commercial sex workers in India. 500,000 children are forced into this trade every year.
- Of the 12 million girls born in India, 3 million do not see their fifteenth birthday, and a million of them are unable to survive even their first birthday. Every sixth girl child's death is due to gender discrimination
- 147 million children live in kuchcha houses, 77 million do not use drinking water from a tap, 85 million are not being immunized, 27 million are severely underweight and 33 million have never been to school. It estimates that 72 million children in India between five and 14 years do not have access to basic education. A girl child is the worst victim as she is often neglected and is discriminated against because of the preference for a boy child.



RIGHTS OF CHILDREN



- Children must be treated without discrimination of any kind, irrespective of race, color, sex, language, religion or other status.
- Every child has the inherent right to life survival and development.
- The child shall be registered immediately after birth and have the right to a name a nationality [and] to preserve his or her identity.
- a child shall not be separated from his or her parents against their will [and shall be permitted to cross national borders] for family reunification.





- the child who is capable of forming his or her own views [has] the right to express those views [and] the right to freedom of thought, conscience and religion.
- No child shall be subjected to arbitrary or unlawful interference with his or her privacy nor to unlawful attacks on his or her honour and reputation .
- Children must be protected from injury or abuse including sexual abuse, while in the care of parents or any other person.
- ensure alternative care [for] a child deprived of his or her family environment [according to] the best interests of the child.

CHILD RIGHTS



- The right of the disabled child to special care” and the right to enjoy a full and decent life in conditions which ensure dignity.
- The right to a standard of living adequate for [her/his] physical, mental, spiritual, moral and social development.
- The right of the child to education [that develops] the child’s personality, talents and mental and physical abilities.





- Children coming from ethnic, religious or linguistic minorities shall not be denied the right to enjoy his or her own culture religion or language.
- The right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child.
- The right to be protected from economic exploitation from [hazardous] work [and] all other forms of exploitation.
- The right to be protected from all forms of sexual exploitation and sexual abuse.
- No child should be subjected to torture or degrading treatment [nor be] deprived of his or her liberty unlawfully.



अधिकार के साथ अब कर्तव्य की बात



13 हजार शिकायतें, 12 हजार का निस्तारण

जैन ने बताया कि आयोग के संगठन पिछले तीन वर्ष में 13 हजार से अधिक शिकायतें आईं। इनमें से 12 हजार का निस्तारण किया जा चुका है। आयोग की शिकायतों को मानते हुए सरकार में 100 प्रकरणों का निस्तारण किया।

आयोग बाधक नहीं

जैन ने कहा कि अधिकांश मामलों में सरकार व जीकरशाह आयोग को बाधा के तौर पर देखते हैं, लेकिन उनकी यह धारणा गलत है। आयोग सरकारी तंत्र को लोगों की अपेक्षाओं के अनुरूप बेहतर प्रशासन की ओर ले जाने में मदद करता है।

अधिकारियों को निर्देश

जैन ने जिला एवं सत्र न्यायाधीश डा. धर्मसिंह मीणा, मुख्य न्यायिक मजिस्ट्रेट मुकेश भार्गव, सामाजिक न्याय व अधिकारिता विभाग के उपनिदेशक सी.एल. वैरवा के साथ बैठक कर अधिकार व कर्तव्यों के प्रचार-प्रसार के लिए आवश्यक दिशा-निर्देश दिए। वैरवा ने उन्हें कुछ समस्याओं की जानकारी भी दी।

कोटा, 24 जुलाई (कास)। आमजन अब अपने अधिकारों के प्रति काफ़ी सजग हो गए हैं, लेकिन उन्हें अब भी कर्तव्य का बोध नहीं है। मानवाधिकार आयोग अब अधिकारों के प्रति जागरूकता लाने के साथ लोगों में कर्तव्यबोध जागृत करने का प्रयास कर रहा है। इसकी शुरुआत विद्यार्थियों से की गई है। राज्य मानवाधिकार आयोग के अध्यक्ष न्यायामूर्ति एन.के. जैन ने गुरुवार को यह जानकारी दी।

निजी यात्रा पर कोटा पहुंचे जैन ने सर्किट हाउस में बताया कि आयोग ने कर्तव्यों संबंधी कई पुस्तकों व पेमफलेट्स का प्रकाशन करवाया है। इन्हें स्कूल व कॉलेजों में वितरित किया जा रहा है। शिक्षकों को भी विद्यार्थियों को कर्तव्यों के प्रति सचेत व जागरूक बनाने के लिए कहा गया है। विद्यार्थियों को यह समझाया जा रहा है कि कर्तव्यों का सही तरह से पालन कर वे दूसरों के अधिकारों के हनन करने से बचते हैं।



The Commission under the guidance of the Hon'ble Chairperson is making the common people aware about the duties mentioned in 51(A) of the Constitution.

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://justicenagendrarakjain.com>



*A BIT FROM OUR SIDE CAN
CONTRIBUTE A LOT TO THE
LOT WHICH IS STILL TO BE
CONTRIBUTED.!!*





राजस्थान राज्य मानव अधिकार आयोग
 अन्तर्राष्ट्रीय मानव अधिकार दिवस
 (10 दिसम्बर)

“अधिकारों के प्रति जागरूक रहो-कर्तव्यों के प्रति समर्पित रहो!”

—अध्यक्ष : जस्टिस एन. के. जैन
 (पूर्व मुख्य न्यायाधीश - नदराय व कर्नाटक हाईकोर्ट)

Rajasthan State Human Rights Commission

“BEWARE OF YOUR RIGHTS AND DISCHARGE DUTY WITH DEVOTION”

Chairperson : Justice N.K. Jain



BIBLIOGRAPHY...

WIKIPEDIA

Google™

<http://justicenagrakjain.com>

www.aatherstream.com



www.unicef.co.in

www.rshrc.nic.in



www.nhrc.nic.in



- The students of different law university and colleges have prepared their respective projects during their internship under Rajasthan State Human Rights commission, Jaipur.
- They prepared their projects as per the material from different booklet of the commission and the material obtain from different other sources.
- We have tried to compile, edited, all the projects in one consolidated project.
- The same can be exhibited in School/Colleges/University and other places under legal literacy and awareness programme to the general public to know about human rights, as per direction of the chairperson of the commission.

Anand Singh Rajpurohit,

Pradeep Goyal, Jaipur



“The destiny of
human rights
is in the hands of all
our citizens in all our communities.”

Eleanor Roosevelt

Thank You...



**For Kind
attention and
Patient
watching
thanks on
behalf of the
commission**

**Secretary
RSHRC
Jaipur**