

## Session13

### The Chief Election Commissioner

Initially, the commission had only a Chief Election Commissioner. Presently, it consists of a Chief Election Commissioner and two Election Commissioners. The concept of multi-member Commission has been in operation since then, with decision-making power by majority vote.

- The President has the power to select Chief Election Commissioner and Election Commissioners.
- They have tenure of six years, or up to the age of 65 years, whichever is earlier.
- They have the same status and receive pay and perks as available to Judges of the Supreme Court of India.
- The Chief Election Commissioner can be removed from office only through accusation by Parliament.
- Election commissioner or a regional commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.
- The Commission has the power to prohibit a candidate who has failed to lodge an account of his election expenses within the time and in the manner set by law.
- The Commission has also the power to remove or reduce the period of such disqualification as also other disqualification under the law.

It is the Election Commissioner's duty:

- To organize and periodically amend electoral rolls and to register all qualified voters.
- To inform the dates & schedules of election and to scrutinize the nomination papers.
- To grant recognition to political parties & allot election symbols to them.
- To act as a court for settling disputes related to granting of recognition to political parties and allotment of election symbol to them.

Electoral Registration Officer– ECI appoints the officer of State or local government as Electoral Registration Officer for the preparation of Electoral rolls for a parliamentary/ assembly constituency.

**Task1: Collect facts and information, and write about State Election Commissions. (5 Marks)**

## Session14

### Women's Commission, Minorities Commission and Human Rights Commission

While Indian women have fought against the patriarchal Indian society and triumphed at many levels, cases of rape, dowry deaths, female infanticide, sexual harassment at workplaces, female illiteracy, and similar problems are still rampant in Indian society. It was in this backdrop that the Committee on the Status of Women in India (CSWI) the establishment of the **National Commission for Women** to fulfill the surveillance functions and to facilitate redressal of grievances and to accelerate the socio-economic development of women.

The Constitution not only grants equality to women but has also made special provisions for ensuring equality. Thus, as per the recommendations of the CSWI and in order to uphold the mandate of the Constitution, in January 1992, the National Commission for Women (NCW), was set up as a statutory body under the National Commission for Women Act, 1990 (Act No. 20 of 1990 of Government of India).

The Act of 1990 under Section 3 provides for the constitution of the commission. This section lays down that the commission will consist of one Chairperson, who is committed to the cause of women, five members from various fields and a member secretary who shall be an expert in the fields of management, organizational structure, sociological movement or a member of the civil service of the Union. All the members of the commission are nominated by the Central Government. Each person holds office for a period of five years or till he attains the age of seventy. At least one member each of the Commission must belong to a Scheduled Caste or Scheduled Tribe. In addition to the abovementioned members of the Commission, the Commission has the power to set up committees with members from outside the Commission.

Broadly speaking the Commission's mandate can be divided under four heads – (a) safeguard of rights of women granted by the constitution and laws, (b) study problems faced by women in the current day and make recommendations to eradicate these problems, (c) evaluating the status of Indian women from time to time and (d) funding and fighting cases related to women's rights violations. (Source: <http://www.legalserviceindia.com/article/1318-National-Commission-For-Women.html>)

India's **National Human Rights Commission** (NHRC) was created in 1993, as a response to increasing international awareness of human rights, after India entered the global economic arena. While human rights were enshrined in the Indian Constitution, it was the lack of a system to protect and safeguard against exploitation that made it necessary to support charities fighting

for children's rights in India. Therefore, the Human Rights Commission in India, armed with a defining intent of protecting human rights, provided a definitive framework to NGOs in India, and other initiatives working in the fields of indigenous human rights.

The National Human Rights Commission in India derives its power from The Protection of Human Rights Act (TPHRA). Its composition enjoys a robust legal fortitude, with a panel that features former judges of the Supreme Court, High Court, and people experienced in human rights policy and execution. It is presided by a retired Chief Justice of India, and Chairpersons of national commissions of key human rights concerns - Minorities, India's Scheduled Classes and Tribes, and Women.

### The Functions of the National Human Rights Commission

#### Legal proceedings

It also can intervene in human rights proceedings, which may be pending before the court. NHRC officials visit jails to inspect living conditions for inmates incarcerated for treatment, reformation or protection.

#### Instrument of policy

As a body to oversee policy, the NHRC can review and make recommendations in Constitutional and legal safeguards. It can also review international treaties and events that may compromise human rights.

#### Human rights literacy

The NHRC also serves as the basis of human rights literacy in India, initiating awareness of rights through publications, media channels, seminars etc. Common themes in India's contemporary human rights violation history include labour law, extrajudicial killing, sexual violence and LGBT rights, violence and discrimination against women, children and minorities.

#### Child rights in India: a vital function of the NHRC

Children's rights apply to the special protection and care that minors under the age of 18 are provided. Based on international legislations, these include right to association with both parents, physical protection, food, free education, healthcare, and legal protection from violence or discrimination. (<https://www.savethechildren.in/articles/functions-of-national-human-rights-commission-in-india>)

**Task 1: Write an essay on Religious Minorities in India and explain how the Constitution pledges to safeguard their wellbeing.(10 Marks)**

### **Session15**

#### **Review and Reflections**

**Write a short essay (not more than 2-3 pages long) on any THREE of the following, strictly in your own words. All the references must be duly acknowledged:**

1. "India is most populous democracy in world and possesses diversity of cultures". Explain.
2. Mohandas Karamchand Gandhi: "In a gentle way, you can shake the world." Describe some of the possible ways in which you think you yourself can 'gently shake' India today.
3. Vallabhbhai Patel: "My only desire is that India should be a good producer and not one...should be hungry, shedding tears for food in the country." What do you think are the best ways to ensure optimizing usages of food in India today? Illustrate your essay with relevant data, facts, tables, or diagrams.
4. Sarojini Naidu: "Democracy is constructed like an edifice, freedom by freedom, right by right, until it reaches its snapping point.". What does Naidu imply here? What do you think could be the 'snapping point' shaking the foundations of the edifice of democracy?
5. Bhimrao Ambedkar: "Men are mortal. So are ideas. An idea needs propagation as much as a plant needs watering. Otherwise both will wither and die." Discuss three of the most important ideas that India needs to nurture at the present time for the smooth functioning of this large Democracy.

