



## HUMAN RIGHTS VIOLATION IN ODISHA: A CASE STUDY.

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**ABSTRACT** In a welfare state like India, it is the duty of the state to protect the life and personal liberty for all round development of the individuals. The functionaries of the executive branch have the duty and responsibility to implement the policies of the government. It may be noticed that, although there is violation of human rights in every field of society every day, the executive initiate action only after intervention of the courts or human rights commission. The Protection of Human Rights Act, 1993 empowers the human rights commissions to investigate and enquire into the violation and report to the government for action. Through this paper a case study is presented which depict the Story of the gross violation of human rights.

**KEYWORDS :** Human Rights, Personal Liberty, Right to Life, Development and Justice.

### Introduction:-

The constitution of India ensures the welfare of its people and protects the fundamental rights; safeguard the interest of the common man of the society. The state is obliged to safeguard the life, liberty, property, and provide livelihood.<sup>1</sup> It shall make provision for physical, spiritual and moral growth of its people. Development of personality of the individuals is the primary duty of the state along with maintaining law, order and peace in the society. The Executive authorities are obliged to administer the welfare functions of the state under the constitution, legislature makes the law and the judiciary interprets the law. Inaction on the part of the state is the root causes of social disorder and conflict in the society. Power has been delegated by the state to its machineries to execute the welfare policies or plans for development of the people. It is observed that the state machineries have grossly failed perform its assigned duty. Hence there are violations of human rights in the society In this paper a case study has been made, which proves the inaction of the state.

### Human Rights and Global Scenario:-

The UN Conference ensures that, the development and regard for human rights are mutually dependent.<sup>2</sup> Globalization and liberalization of economic policy of the world order allowed the Multi-National Companies (MNCs) to develop their business in any country. The corporate sector uses its shark power and trying to establish another colonial rule in India. Through bribery and power tactics they silence and subjugate corrupt law administrators and judicial functionaries. The common man lost hope of securing justice from the courts, human right instruments and social justice statutes. Those are only decorative festoons and paper tigers ineffectual in action.<sup>3</sup> A common man seeking justice through the law against the more influential opponents finds the judicial seat untouchable and 'unapproachable.' There is delay declining position of human rights, values in the society. Gandhi said, 'The poor sisters of Orissa have no saris; they are in rags, yet they have not lost all sense of decency; but, I assure you, we have. We are naked in spite of our clothing and they are clothed in spite of their nakedness.'<sup>4</sup> The position of human rights protection are such in global scenario. The three pillars of the democracy are in such a position to keep the democracy in thrilling condition. Especially the executives are biased by the forces like instrumentalities of the legislature or the pressure of the higher authorities of the executives, which lead to gross human rights violation in the country. The voice of the public cannot reach to the authorities under the Protection of Human Right Act. 1993 nor the authorities use their sou motto power for protection of the basic human rights of the people. The policy of the government and its implementation depends on the executives and its proper implementation is linked with the basic human rights of the people.

### Role of Human Rights Commissions:-

Human Rights mean the rights relating to life, liberty, equality and dignity of individual guaranteed by the constitution or embodied in the international covenants and enforceable by courts in India.<sup>5</sup> The Human Right Act deals with functions, powers and investigation by the commissions and the procedural provision to be adopted by the Human Rights court. The commission can enquire into any violation of

human rights on any complaint or on suo-motto basis. Here question arises when the commission is over burden with complaints, can it take suo-motto enquiry into each and every violation of human rights? It is impossible to take up enquiry in every sphere of the society. Today the poor and disadvantaged people are facing the brunt of the onslaught of liberal economic policies in which the land, water and means of livelihood of the poor is in question. . Corporate sector put dialogue with the Govt. for mega projects and violates the people's right in the guise of development. When the issues are brought to the court, their response has been dismal. The apex court held that, Article 21 encompasses much more than economic well-being and includes fundamental human rights.<sup>6</sup> The verdicts of courts are like casual thunder bursts in the distance horizon of Human rights. There are many cases where there is gross violation of human rights.

### A Case Study:-

The mishap in Chilika Lake on 10.12.2016, a country boat carrying 29 passengers from Sabalia capsized in the lake proceeding towards Ghantasila met the accident causing death of some passengers. A petition was filed by Sri Akhand, human rights activist, Bhubaneswar on 12.12.2016. The case was numbered as case no. 49787/2016. The commission issued notice to the Principal Secretary to Government, Commerce and Transport Department, Tourism Department, Revenue Divisional Commissioner (SD), Behrampur, Inspector General of Police, Behrampur, Chilika Development Authority, Bhubaneswar and others to cause enquiry and follow up action taken by the Collectors in pursuance of earlier instruction of Chief Secretary, Odisha to take adequate safety measures.

As per guidelines of the Fishery and Animal Resources Development Department of the Government a fishing vessel cannot be allowed for ferrying of passengers. The Secretary Cum Commissioner Fishery and A.R.D. Dept. Govt. of Orissa issued letter no. 15953 Dated 23.12.2016 to all the Collectors of the state to conduct raid at regular intervals and ensure that all fishing vessels are registered, colour coded and those are not used for transport of passengers. Further direction has been given, in case of deviation fishing vessels may be seized and licenses should be cancelled. The Secretary to Govt. called for a comprehensive report within a week.

The citation of this example is not restricted to the Fishery and A.R.D Dept. of the state. The executives of the state are active only after mishap or to meet the future problems or only to satisfy the Human Right Commission or the court. Here question arises although earlier instructions have been issued by the Commissioner; no steps have been taken by the department causing death of some passengers in Chilika due to accident caused by restricted vessels. Due to omission of the executives and dormant attitude of the authority concerned each and every day there is a number of violations of human rights.

There are many examples of violation of the motor vehicle provisions, plying of buses with over loading of passengers, buses having no fitness certificate etc. In each and every sphere of the society we may find the instances of child abuse, environmental pollution, health and hygiene, education, labour and employment, and starvation etc.

**Conclusion and Suggestions:-**

Universally Human Rights are recognized. In India Human Rights and Personal liberties are the lifeline of the people. The constitution ensures fundamental rights to its entire citizen. It became the responsibility of the state to render justice in different sphere of life. But due to inaction of the state, there is gross violation of right of the people is witnessed. It requires common effort on the part of the government bodies and non-government agencies. The Executive branch of the state should be more vigilant and active towards their duties and responsibilities for the enforcement of various schemes, programmes and policies. The people in general should co-operate with the investigating agencies and remain vigilant, where there is human rights violation. The human right commission must be vigilant and discharge the responsibility with the support of International agencies working in the regional area. It should be remembered that, mental slavery of materialism can't make life meaningful. We have to uproot such mental slavery, so that the life may be worth living.

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