



Working of Human Rights Commission in Karnataka – A Study

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ABSTRACT

Human Rights is a 20th century name for what has been traditionally known as natural rights or in a more exhilarating phrase, the rights of man. S.Ramphal has very rightly stated that human rights were not born of men but they were born with them. They are not as much a result of the efforts of the U.N. as emanations from basic human dignity. They are human rights because they are with human beings. Even after 59 years the classical discriminations have not vanished, new kinds of perversions have come to characterize man's inhumanity to man. The position of the deprived of the world is hardly any better and what is worse is the prospects of their conditions taking a turn for better also do not appear to be any brighter.

Keywords : Human Rights, Commission, Discrimination, Karnataka, Bill of rights

Introduction - Rights are natural. By birth itself individual gets the rights. Rights are universal in the sense that they are assured to all. Rights are the social claims of the individuals eventually recognized and lawfully maintained. Apart from society there are no claims which individuals can ask for. Apart from the state there are no individual rights whose protection can never be expected. Thus society gives us the rights and the state protects them.

There are numerous theories of rights which explain the nature, origin and meaning of rights. The theory of natural rights describe rights as nature: *Theory of Natural Rights* was propagated by scholars like Thomas Hobbes (*Leviathan*), John Locke (*Two Treatises on Government*) J. J. Rousseau (*The social Contract*). the theory of legal rights recognizes rights as the legal *Theory of Legal Rights* -Jeremy Bent ham, Hegel and Austin and others.: the historical theory of rights pronounces rights as products of traditions and customs: the idealistic theory, like the theory of legal rights, relates rights only with the state: the social welfare theory of rights regards rights as social to be exercised in the interests of both the individual and the society.

The development of rights as have come to us had a modest beginning: civil rights with the contractualists; rights as the outcome of traditions with the historicists, rights as ordained by law with jurists, political rights with the democrats, social rights with the sociologists and the pluralists, socio economic rights with the socialists and Marxists, human rights with the advocates of United Nations. This oversimplifies what our rights are and how they come to us.

Human Rights is a 20th century name for what has been traditionally known as natural rights or in a more exhilarating phrase, the rights of man. S.Ramphal has very rightly stated that human rights were not born of men but they were born with them. They are not as much a result of the efforts of the U.N. as emanations from basic human dignity. They are human rights because they are with human beings.

The struggle for human rights is centuries old. In the beginning it was within the state that oppression and exploitations were fought. the success achieved is manifested in such celebrated documents as Magna Carta in England, the Bill of

Rights in U.S.A. and Declaration of Rights of Man in France .It was only after the second World war as a reaction to the atrocities committed by the Nazi and Fascist regimes that the Concepts of Human Rights has also evolved as a concept of international law.

Universal Declaration of Human Rights was adopted and proclaimed by the UN General Assembly in Paris on the historic night in December 10, 1948 without a single dissenting vote. It provides for a list of basic rights available to human beings as human beings. Following this historic act the assembly called upon the nation states to publicize the text of the declaration and to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions without distinction.

The universal Declaration of Human Rights adopted in 1948 explicitly recognizes the link between rights and dignity. The declaration was a mandatory on the member nation states. All member states including the Republic of India have accepted the values propounded in these covenants and are duly bound to bring their national policies and procedures in line with these covenants as required under International treaty and law.

Roosevelt had said in 1948, while commending the universal declaration of Human rights to the General Assembly of U.N. that it might well become the international Magna Carta of all mankind. 59years back when this statement was made, it sounded as an exaggeration. The experience of world shows that in the first post war decade many countries used the U.N. Declaration of Human Rights for their political reconstruction, embodying the provisions of Declaration in their own national Constitutions. India, Nigeria and West Germany are leading and living examples of this.

15 European states gave to parts of U.N. Declaration the force of International Law and made provisions for its justification in European tribunals by concluding the European Convention on Human Rights in 1950. With the decline in the authority of U.N. in 50's and 60's; the universal declaration of Human rights receded in the background on the international scene. By 1978 more than 50 states of the world became solemnly bound in international laws to observe the obligations

arising out of the U.N. Declaration. After Helsinki Conference of 1975 the doctrine of Human Rights emerged as one of the most important pre occupations in the political debates across the world. Nobel Prize winner Rene Cassin the promoter of human rights who drafted the declaration, called it an epoch making document. It epitomizes the age old aspiration of man to assert his Dignity and freedom. The declaration was a beacon light showing the path of justice and humanity to the nations. The declaration has 30 articles and is gaining a lot of importance in the era of globalization. Various nations, philosophers, ambassadors, statesmen, constitutional experts have contributed their might for the creation of this kind of document over the years.

Indian Constitution framers were also highly influenced by the noble thoughts of the declaration and hence they adopted the important provisions of the declaration of human Rights and added prohibition of discrimination. In 1992, the Government of India has constituted a National Human Rights Commission to protect the Human Rights in the Country so also some of the states have created State Human Rights Commissions.

Even after 59 years the classical discriminations have not vanished, new kinds of perversions have come to characterize man's inhumanity to man. The position of the deprived of the world is hardly any better and what is worse is the prospects of their conditions taking a turn for better also do not appear to be any brighter.

According to the estimates of the World Health Organization, some 450-500 million people in the world are chronically undernourished. About 40,000 children die everyday from hunger, malnutrition or because of lack of proper medical facilities. There are 200million teenagers who are unable to study and receive education. In 24 developed countries alone there are according to estimate 35 million people who are unemployed -deprived of their right to work.

This is mainly because there are no effective enforcement authorities at the international, national, and regional levels. H. L. Kapoor Retired Assistant Commissioner of Police Delhi Police, New Delhi says that due to non availability of effective

mechanism and lack of will to redress the people's grievances pertaining to Human Rights violations. The Human Rights commissions have the power to enquire into the matters of pertained to violation of Human Rights but are not vested with the powers to take penalizing actions as its role is recommendatory, The Human Rights Commissions have to be given more powers with necessary infrastructure then only the very purpose of the Declaration Of Human Rights can be achieved. Efforts must be made to bring mass awakening by holding Seminars and organizing programmes about Human rights and their responsibilities.

As far as the state of Karnataka is concerned, 2006 happen to be the significant year as it created a Human Rights Commission on the directions of the State High court. Since its inception a diversified discussions are taking place at various levels about the powers and functions of the commission and its delivery system. Arun Ray helps the readers to understand about the functioning of commission. He says that despite of the constitutional support the commission is only a recommendory body than implementation. Though it receives several lakhs of grievances across the country it has not been able to dispose them due to various institutional drawbacks. It was also found that the redressal mechanism is quite time consuming and as it is popularly known "Justice delayed is justice denied" hence he argues for restructuring the commission and to provide maximum power to deal with the cases related to the violence of Human Rights. Girija vyas in her article on "evaluating the status of women rights in India, opines that despite several gender friendly legislations the progress in achieving women empowerment is still not satisfactory and she suggests for the effective and speedy implementation of laws. The Human Rights commissions have the power to enquire into the matters of pertained to violation of Human Rights but are not vested with the powers to take penalizing actions as its role is recommendatory, The Human Rights Commissions have to be given more powers with necessary infrastructure then only the very purpose of the Declaration Of Human Rights can be achieved. The Human Rights commissions have the power to enquire into the matters of pertained to violation of Human Rights but are not vested with the powers to take penalizing actions as its role is recommendatory

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