

# Social Watch - Karnataka

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## ಪತ್ರಿಕಾ ಟಿಪ್ಪಣಿ

### ಕರ್ನಾಟಕ ಸಾಮಾಜಿಕ ಕಾವಲು ಪಡೆ ವರದಿ - ೨೦೦೯ - ೨೦೧೦

2009ರಲ್ಲಿ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣದ ಕುರಿತು ವರದಿಯನ್ನು ಪ್ರಕಟಿಸುವ ಮೂಲಕ, ಕರ್ನಾಟಕ ಸಾಮಾಜಿಕ ಕಾವಲು ಪಡೆಯ ಪ್ರಕ್ರಿಯೆಯು ಕೆಲವು ವರ್ಷಗಳ ಹಿಂದೆ ಪ್ರಾರಂಭವಾಯಿತು. ಇದಕ್ಕೆ ದೊರೆತ ಪ್ರತಿಕ್ರಿಯೆಯಿಂದಾಗಿ ಕರ್ನಾಟಕ ಸಾಮಾಜಿಕ ಕಾವಲು ಪಡೆ ವರದಿ 2009-2010ನ್ನು ಪ್ರಕಟಿಸಲು ಕರ್ನಾಟಕ ಸಾಮಾಜಿಕ ಕಾವಲು ಪಡೆಯು ನಿರ್ಧರಿಸಿತು.

ಈ ವರದಿಯು ವಿವರಣಾತ್ಮಕ ವಿಶ್ಲೇಷಣೆಯ ಸಂಶೋಧನೆ ಅಲ್ಲದಿದ್ದರೂ ಸಹ ಈ ವಿಚಾರವಾಗಿ ಕೆಲಸ ಹಾಗೂ ಮೇಲ್ವಿಚಾರಣೆ ನಡೆಸುತ್ತಿರುವವರನ್ನು ಒಟ್ಟಾಗಿ ಕೊಡುಗೆ ನೀಡುವಂತೆ ಮಾಡಿದೆ. ಆದಾಗ್ಯೂ, ಸಮಯ, ಶಕ್ತಿ, ಸಂಪನ್ಮೂಲ ಇತ್ಯಾದಿಗಳ ಮಿತಿಯಿಂದ ನಮಗೆ ಪ್ರತಿಯೊಬ್ಬರನ್ನೂ ಈ ವರದಿಗೆ ಕೊಡುಗೆ ನೀಡುವಂತೆ ಮಾಡಲು ಸಾಧ್ಯವಾಗಲಿಲ್ಲ. ಈ ವರದಿಯು ಪ್ರಜಾಪ್ರಭುತ್ವದ ವಿಮರ್ಶೆ ಮತ್ತು ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಕಾರ್ಯಾಚರಣೆ, 14ನೇ ಲೋಕಸಭಾ ಸದಸ್ಯರು (2004-2009), ಕರ್ನಾಟಕದಲ್ಲಿ ಮಕ್ಕಳ ಹಕ್ಕುಗಳ ಪರಿಸ್ಥಿತಿ, ಮಹಿಳೆ ಮನೆಯೊಲವಿನ ಕಾರ್ಮಿಕರ ಪರಿಸ್ಥಿತಿ, ನಗರಾಡಳಿತ, ಆಡಳಿತ, ಪೋಲೀಸ್ ಸುಧಾರಣೆಯಲ್ಲಿ: ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ನಿರ್ದೇಶನಗಳ ಪರಿಪಾಲನೆಯಲ್ಲಿ ನ್ಯೂನತೆ, ಪರಿಣಾಮಕಾರಿ ರಾಜ್ಯ ಮಾನವ ಹಕ್ಕುಗಳ ಆಯೋಗವನ್ನು ಸ್ಥಾಪಿಸಲು ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಬದ್ಧವೇ?, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ... ಇಂತಹ ಪ್ರಮುಖ ವಿಷಯಗಳ ಮೇಲೆ ವಿಶ್ಲೇಷಣೆಯನ್ನು ನೀಡುತ್ತದೆ.

## **PRESS NOTE**

### **Karnataka Social Watch Report – 2009 – 2010**

The Karnataka Social Watch process began a few years ago, when it brought out a report on the Primary Education in 2009. Encouraged by this feedback, the Karnataka Social Watch decided to publish the Karnataka Social Watch Report – 2009-2010.

This report presents analyses of key topics such as Review of Democracy and Performance of the Government of Karnataka, Parliamentarians of 14<sup>th</sup> Lok Sabha (2004-2009) Karnataka, Status of children right's in Karnataka, Status of women – Domestic workers, Urban Governance, Governance, Police Reforms: Non compliance of Karnataka to the Supreme Court Directives, Is the Government of Karnataka Committed to an effective State Human Rights Commission?, Karnataka Lokayukta, ....

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## Parliamentarians of 14<sup>th</sup> Lok Sabha (2004-2009) Karnataka

Karnataka has 40 Members (28 Lok Sabha and 12 Rajya Sabha members).

### Party-wise representation

B.J.P.	=	15
INC	=	10
JDS	=	2
SP	=	1

### Debates:

The average participation of Karnataka MPs on debates is 23 (Source: [www.loksabha.nic.in](http://www.loksabha.nic.in))

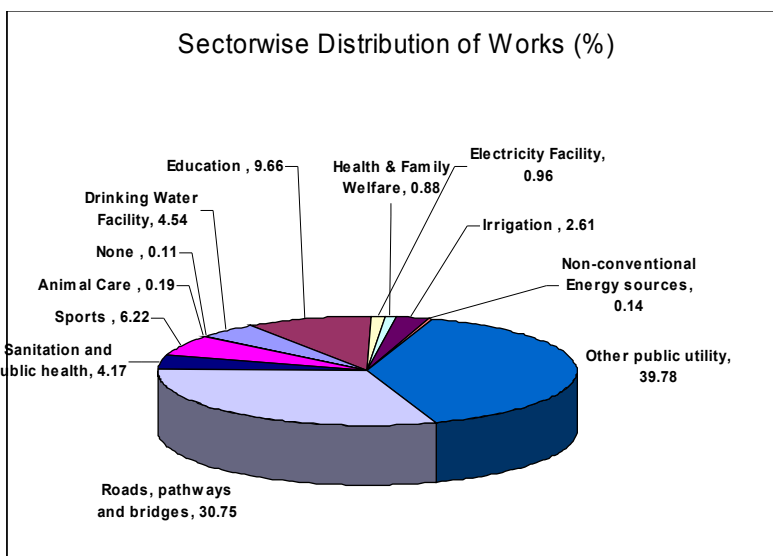
### Attendance: (Source: <http://www.prsindia.org>)

Total valid days are calculated from the 'actually sitting days' of the session rather than from the total days for the session. The scheduled days were 630. The actual sitting days for 14<sup>th</sup> Lok Sabha were 322 i.e. a little over 50% of the scheduled days. Almost half the time was lost on interruption and other closure. The average attendance days of Karnataka MP's are little over 50% and average session attendance is around 30%.

### MPLAD Expenditure: (Source: [www.mplads.nic.in](http://www.mplads.nic.in) and from MPLAD Annual Reports 2007-08)

During the year 2007-08, Rs. 71.00 crores has been released and expenditure of Rs. 70.73 crores has been occurred upto 31-0-3-2008. The percent utilization over release is 99.61%.

Out of the 3373 works sanctioned, maximum works sanctioned for other public facilities like community hall, bus shelter etc (39.78%) followed by Roads, Pathways and Bridges (30.75%), Education (9.66%)



### Questions raised (Source: [www.loksabha.nic.in](http://www.loksabha.nic.in))

Sl No	Party	Total Questions	Child Centred Question	%
1	B.J.P.	2767	140	5.05
2	Congress	1327	46	3.4
3	JDS	429	17	3.9
4	SP	0	0	0
	<b>TOTAL</b>	<b>4523</b>	<b>203</b>	<b>4.4</b>

Compiled by: Child Rights Trust, # 4606, High Point IV, Palace Road, Bangalore.



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## ಕರ್ನಾಟಕದಲ್ಲಿ ಮಕ್ಕಳ ಹಕ್ಕುಗಳ ಸ್ಥಿತಿಗತಿ

- ಡಾ. ಪದ್ಮಿನಿ

ಕರ್ನಾಟಕ ರಾಜ್ಯವು, ಅಭಿವೃದ್ಧಿ ಹೊಂದಿದ ರಾಜ್ಯ ಎಂದು ಗುರುತಿಸಲ್ಪಟ್ಟಿದ್ದರೂ, ರಾಜ್ಯದ ಮಕ್ಕಳ ಹಕ್ಕುಗಳ ಕುರಿತ ಬಹುತೇಕ ಸೂಚ್ಯಂಕಗಳು ಅತ್ಯಪ್ತಿದಾಯಕ ರಾಷ್ಟ್ರೀಯ ಸರಾಸರಿಯ ಆಸುಪಾಸಿನಲ್ಲಿದೆ. ದಕ್ಷಿಣ ಭಾರತದ ಇತರೆ ರಾಜ್ಯಗಳಿಗೆ ಹೋಲಿಸಿದರೂ ಸಹ ಕರ್ನಾಟಕದ ಸಾಧನೆ ಅಷ್ಟೇನು ಗಣನೀಯವಾಗಿಲ್ಲ.

ಅಲ್ಲದೆ ಕಳೆದ ದಶಕದಲ್ಲಿ ರಾಷ್ಟ್ರ ಮತ್ತು ರಾಜ್ಯದಲ್ಲಾದ ಸುಧಾರಣೆಗಳು, ರಾಷ್ಟ್ರ ಮತ್ತು ರಾಜ್ಯಗಳಲ್ಲಿ ತುರ್ತು ಸುಧಾರಣೆಗೆ ನೀಡಿದ್ದ ಹಲವಾರು ಸಹಸ್ರಮಾನದ ಅಭಿವೃದ್ಧಿ ಗುರಿಗಳನ್ನು ಮುಟ್ಟಲು ಸೂಕ್ತವಾಗಿಲ್ಲ. ಹಲವಾರು ಸೂಚ್ಯಂಕಗಳಲ್ಲಿ ಪರಿಸ್ಥಿತಿ ಇನ್ನೂ ಆಧೋಗತಿಗಳಿದಿದೆ. ಜಿಲ್ಲಾವಾರು ಸೂಚಕಗಳಲ್ಲೂ ಅಗಾಧವಾದ ವೈರುಧ್ಯಗಳಿವೆ, ಅದರಲ್ಲೂ ಮುಖ್ಯವಾಗಿ ಉತ್ತರ ಕರ್ನಾಟಕದ ಜಿಲ್ಲೆಗಳು ಸಾಮಾನ್ಯವಾಗಿ ಕಡೇ ಸ್ಥಾನಗಳಲ್ಲಿದ್ದರೆ, ಹಲವಾರು ಸೂಚಕಗಳಲ್ಲಿ ಇತರೆ ಜಿಲ್ಲೆಗಳ ಪರಿಸ್ಥಿತಿ ಹದಗೆಟ್ಟಿದೆ.

### ಮುಖ್ಯವಾಗಿ ಗಮನಿಸಬೇಕಿರುವುದು

ಶಿಶುಮರಣ ಪ್ರಮಾಣ 43 (ರಾಜ್ಯದ ಗುರಿ 30), ವಿಶೇಷವಾಗಿ ಒಂದು ತಿಂಗಳೊಳಗೆ ಮರಣ ಹೊಂದುವ ಮಕ್ಕಳ ಮರಣ ಪ್ರಮಾಣ 29 (ರಾಜ್ಯದ ಗುರಿ 18); ತಾಯಂದಿರ ಮರಣ ಪ್ರಮಾಣ; ಅಪೌಷ್ಟಿಕತೆ - ಅದರಲ್ಲೂ ಮೂರು ವರ್ಷದೊಳಗಿನ ಮಕ್ಕಳಲ್ಲಿ (ಕಡಿಮೆ ತೂಕ ಹೊಂದಿರುವ ಮಕ್ಕಳು = 41% ; ವಯಸ್ಸಿಗೆ ತಕ್ಕ ಎತ್ತರವಿಲ್ಲದ ಮಕ್ಕಳು = 38% ; ಎತ್ತರಕ್ಕೆ ತಕ್ಕ ದಪ್ಪವಿಲ್ಲದ ಮಕ್ಕಳು = 18%); ರಕ್ತಹೀನತೆ (ಮಹಿಳೆಯರು = 50% ಮತ್ತು ಮಕ್ಕಳು = 83%); ಸುರಕ್ಷಿತ ಹೆರಿಗೆ = 68% (ರಾಜ್ಯದ ಗುರಿ 100%); ಹಾಲುಣಿಸುವಿಕೆ : ತಕ್ಷಣ ಹಾಲುಣಿಸಿದವರು = 45% ಮತ್ತು ಯಥೇಚ್ಛವಾಗಿ ಹಾಲುಣಿಸಿದವರು 36% (ರಾಜ್ಯದ ಗುರಿ ಎರಡರಲ್ಲೂ 100%); ಸಂಪೂರ್ಣ ರೋಗನಿರೋಧಕಗಳನ್ನು ಪಡೆದವರು = 80% (ರಾಜ್ಯದ ಗುರಿ 100%); 8ನೇ ತರಗತಿಯ ಒಳಗೆ ಶಾಲೆ ತೊರೆದವರು = 50%; ಕನಿಷ್ಠ ಕಲಿಕೆಯ ಸಾಧನೆ: ಓದುವುದು = 56% (ಕೆಳಗಿನಿಂದ 4ನೇ ಸ್ಥಾನ), ಗುಣಾಕಾರ = 46% (ಕೊನೆ ಸ್ಥಾನ) ಮತ್ತು ಗೈರುಹಾಜರಿ. ಮಕ್ಕಳ ರಕ್ಷಣೆ ಕುರಿತು ಇನ್ನೂ ಹಲವಾರು ವಿಷಯಗಳನ್ನು ಗಮನಿಸಬೇಕಿದೆ.

### ಜಿಲ್ಲಾ ವೈರುಧ್ಯಗಳು

ಬಡತನ; ಸಾಂಸ್ಥಿಕ ಹೆರಿಗೆ, ಲಿಂಗ ಪ್ರಮಾಣ, ಕಾಣೆಯಾದ ಮಕ್ಕಳು, ಬಾಲ್ಯ ವಿವಾಹ, ಶುದ್ಧ ಕುಡಿಯುವ ನೀರು, ಶೌಚಾಲಯ ಮತ್ತು ವಿದ್ಯುತ್ ಸೌಲಭ್ಯಗಳು.

## Status of Children's Rights in Karnataka

- Dr. Padmini

Karnataka, noted as a developed state, is at about the same level as the unsatisfactory national averages for most indicators of children's rights. In

general, it fares poorly compared with the other southern states. Moreover, in both the country and the state, the improvements over the past decade have not been commensurate with various Millennium Development Goals (MDGs), national and/or state goals that call for rapid rates of improvement. For some indicators, a worsening has also occurred. There is wide disparity even among the districts, with those in North Karnataka being at the bottom generally, though for some aspects, other districts have worse status.

**Major Concerns:** Infant Mortality Rate [43 vs. State goal of 30], especially Neonatal Mortality Rate [29 vs. Goal of 18]; Maternal Mortality Rate; Malnutrition – Especially among under threes [41% underweight, 18% wasted, 38% stunted]; Anaemia (Woman -50% and Children -83%); Safe Delivery [68% vs. Goal - 100%]; Breast Feeding [45% immediate & 36% exclusive vs. Goals - 100% each] ; Immunization [80% full vs. Goal -100%] ; School Dropouts [50% by class 8]; Minimum Learning Achievements [56% reading [4<sup>th</sup> from bottom], 46% [worst state] subtraction]; Absenteeism. There are also several concerns regarding child protection that are not quantified.

**District Disparities:** Poverty; Institutional Delivery; Sex Ratio; Missing Children; Child Marriages; Safe Drinking Water, Sanitation & Electricity Facilities]

#### **Alternative Short form:**

**Para for press release – from Dr. Padmini**

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# **The Child Labour Policy 2010 - A Rehash of a Failed Plan**

## **THE NEW DRAFT KARNATAKA STATE CHILD LABOUR ACTION PLAN 2010**

While all right thinking individuals would welcome an initiative to help children to avoid and escape oppressive economic and social exploitation, the 2010-2017 Karnataka State Plan of Action for Child Labour (MATCH) is a damp squid. It needs to be reviewed urgently, and the funds allocated to it by the latest State budget should be meaningfully spent – this is the bare minimum we owe to our children.

In the draft plan, there is deficiency of analysis, refusal to learn from past mistakes and the total lack of participation from working children themselves in its formulation. It is vague and strategies are not spelled out except for the setting up of a data base and tracking system, though useful not a solution in itself. This Policy and Action Plan totally ignores the realities of working children, their exposure to new and increasing modes of exploitation resulting in deprivations that are becoming increasingly acute. The implications of **criminalising** children's work have not been given the serious reflection and deliberation necessary.

This policy offers the '**raid and rescue**' operations as the only concrete strategy - all other interventions are dependent on the schemes and policies of departments of government other than labour. Though its stated 'mantra' is comprehensive convergence, it is neither, as how these varied and numerous schemes of myriad departments will be made to converge is not outlined. There is no attempt in this Action Plan to ensure the compliance of employers/principle employers to implement mandatory requirements such as Anganwadis, Mobile Schools, health care and nutrition.

Though this policy does identify **poverty as a cause**, it does not analyse or address the causes of poverty. It is often the case that a child facing one problem such as child labour is also a subject of other economic and social ills and one cannot be mitigated without resolving the others. In the Plan, the families are referred to as *families affected by child labour* and not as families that are forced to resort to this measure and the policy response to these families are within this flawed frame.

The Plan **contravenes several articles of the UN Convention on the Rights of the Child**. It lacks a comprehensive view of children's rights that includes their Rights to survival, family, education, privacy, protection from abuse from the State as well as by the vested interests, to name a few. The only tangible enforcement mechanism in the Policy and Action Plan to strengthen implementation mechanisms are the raids and enforcement drives. The only glimmer of hope is that the new guidelines will be developed for the revised 'Rescue and Rehabilitation' that will not contravene children's rights – through how this will be achieved is not spelt out.

This Plan works on the **simplistic equation** that work can be simply replaced by school and the problem is solved. The policy fails to critique the present education system and its contribution to the creation and perpetuation of child labour. This plan also does not critique the move by the State Government to close down 'non performing' schools or the new Right to Education Act that unashamedly advocates for privatisation of education that will gravely affect the access of education to marginalised children.

Many children combine work and schooling - this policy and action plan pays little heed to these children. The plight of children above 14 years of age, their need for protective

legislation and enabling schemes to further their career, their health and education requirements are also totally absent from this policy and action plan.

The policy states that it will address the **'supply side'** of child labour rather than the 'demand side'. This would require a real convergence of interventions on a case to case basis that can only be effectively and practically addressed by local governments through a bottom up plan and can be achieved through both decentralisation of power and resources.

However, instead of strengthening the role of Local Governments, the policy seeks to bypass them, merely mentioning them as another body to work with. The role of the 'Panchayat Raj' institutions does not figure in developing, implementing or monitoring the programmes and no authority nor have funds been given to formulate their own plans. Another glaring omission in this strategy is that it does not envisage a mechanism for urban areas.

Another conspicuous omission is a critique of the impacts of Corporate Globalisation, the deliberate attempts to undermine decentralisation and participatory democracy in this state; and the encroachment on fundamental and civil rights by vested and political interests, all which impact directly on children of marginalised communities.

**Concerned for Working Children, Bangalore.**

## Communal Harmony in Karnataka

The challenge to building a communally harmonious society is neither an option nor a luxury. It is a question of survival.

### The situation

However the state of Karnataka seems absolutely negligent of the fact. Critical observers remark that the 'the state is on the brink of a communal disaster'. Notable among the various facts that are available are Justice Saldhana's finding that there have been 1000 attacks on Christian churches since September 2008. Media regularly carry reports of communal attacks. However, the Indian Express (April 1, 2010) pointed out that nobody knows who is keeping track of communal incidents in the state. The Union Home Ministry had said that between 2004-2008, there were 341 cases of communal incidents in Karnataka; 108 cases, most of them related to church attacks, were reported in 2008 alone.

### Analysis

The most obvious and immediate reason for the communal conflict seems to be the concerted and persistent efforts of the communal forces to create a divide among the various communities for a political purpose. The communal forces seem to be on the look out for even the slightest provocation to break out in the violence. A case in point is the unruly and violence response to a Kannada translation of the Bangladeshi author Taslima Nasrin's article on purdah. There was widespread rioting in the smaller town and but for the timely intervention of the police even Bangalore would have had trouble. 'It is interesting to note that 'the protests are a sign that the Muslim leadership in the State had failed to control the more extremist members of the community at a time when a sober response discussing the quality of the article was required' (V.A. Sayed in Frontline, March 26, 2010). The agenda of the Majoritarian Communal forces add to the woes. 'Undoubtedly the political and the cultural strategies undertaken by the Sangh Parivar for several decades is the reason for the state's increasing fascist nature' (The Karnataka Communal Harmony Form, 2006).

### The Future

The scene does not look promising at all. On the one hand aggressive and cunning communal and fascist forces do consistent work. On the other, the larger group, are

fearful and hesitate to get involved. What is the role of civil society groups in this scenario? An aggressive and prolonged effort to make people aware of the situation, awake them from their slumber and help them to get involved is a must

#### Response

Every one needs to get involved. Perhaps, most important in our efforts, and probably the most difficult is an effort to build the inner resources of the warring communities, the identification of the divisions that occur within the community and those which come from outside. Collective action alone can wipe away the feelings of helplessness and re-establish the people's self image, self-respect and identity

M.K.George, ISI, Bangalore.

## 1. Press Release

### Police Reforms

#### 1. Non compliance of Karnataka to the Supreme Court Directives\*

##### 1. Introduction

The HRW report “Broken System: Dysfunction, abuse and Impunity in the Indian Police” is a document that points out to the unholy police system in our country whose demonic practices have led to the christening of our jails as “Torture Chambers”

In their elaborate study on the police system covering more than 80 police officers of varying ranks, 60 victims of police abuses have opened an already silent truth about the system.

##### 2.The Supreme Court directives

The seven directives provide practical mechanisms to kick-start reform. They include recommendations from many of the commissions and committees on police reform that have sat in India over the last 25 years. In a nutshell, governments are directed to:

1. Constitute a State Security Commission to (i) ensure that the state government does not exercise unwarranted influence or pressure on the police, (ii) lay down broad policy guidelines, and (iii) evaluate the performance of the state police;
- 2.Ensure that the Director General of Police is appointed through a merit based, transparent process and enjoys a minimum tenure of two years;
- 3.Ensure that other police officers on operational duties (including Superintendents of Police in-charge of a district and Station House Officers in-charge of a police station) also have a minimum tenure of two years;
- 4.Set up a Police Establishment Board, which will decide all transfers, postings, promotions and other service related matters of police officers of and below the rank of Deputy Superintendent of Police and make recommendations on postings and transfers of officers above the rank of Deputy Superintendent of Police;
- 5.Set up a National Security Commission at the Union level to prepare a panel for selection and placement of Chiefs of the Central Police Organisations (CPO), who should also be given a minimum tenure of two years;
- 6.Set up independent Police Complaints Authorities at the state and district levels to look into public complaints against police officers in cases of serious misconduct, including custodial death, grievous hurt or rape in police custody; and
- 7.Separate the investigation and law and order functions of the police.

The Supreme Court directives have also highlighted significantly the presence and participation of Civil Society Representatives in many of the above mechanisms recommended.

##### 3.Karnataka’s Compliance to the seven Supreme Court directives:

Almost two years after the 2006 Supreme Court judgement, a monitoring committee appointed by the Supreme Court headed by the Retired justice K T Thomas met in Bangalore to discuss and examine the compliance of three states with the orders. One of the states was Karnataka. Its analysis of Karnataka’s affidavits, executive orders and draft bill, have indicated that the state at present is non compliant with most of the courts directives.

Though Karnataka's present level of compliance with the courts directives are far from satisfactory, what is equally worrisome is the failure of the Karnataka Draft Police Bill to take sufficient steps to bring the state in line with the directives. This draft bill subverts several of the courts direction, particularly with regard to the Police Complaints Authority, State Security Commission and police establishment board. There is complete uncertainty on if and when the bill will be introduced in the legislature.

## **2. Conclusion:**

Critical analyses of the above points suggest the compliance of Karnataka state to the Supreme Court directives is abysmal. The reasons given by the state government are further infused with a lack of will to bring change in the archaic police system. Each directive of the Supreme Court has been taken with a spirit of lethargy and negativity. It highlights not only the Lack of Respect to the Supreme Court directives but also the authoritarian attitude of the Government.

\* Nirmal Joseph Das, Program Coordinator, District Human Rights Centre's, SICHREM

### **Reference:**

# Common Wealth Human Rights Initiative- Karnataka actual compliance with Supreme Court directives on Police Reforms

## **1 Press Release**

### **State Human Rights Commission (SHRC)**

#### 2.1 Is the Government of Karnataka Committed to an effective (SHRC)? \*

The month of December 2006 is a high point for human rights in Karnataka. The High Court of Karnataka, while passing an order on a case of custodial death, directed the State Government to set up a state human rights commission within six months. This marked the successful conclusion of a decade long campaign to force the State Government to act. SICHREM played an active role along with Peoples Union for Civil liberties (PUCL) and Citizens Forum for Democracy (CFD) by organising petitions, meetings and workshops and ultimately helping to file a Public Interest Litigation.

#### 2.2 Independence and Transparency - No role for Civil Society

The Paris Principles point out that a human rights institution should be established in such a way so as to ensure pluralism and independence among other requirements. The current appointment procedure to the Commission, as set out in the PHRA 1993, does not have adequate safeguards to ensure that these goals are met. The SHRC consists of a Chairperson and a Member. Must both be former members of the judiciary, and one member who has knowledge or practical experience of human rights.

#### 2.3 An independent cadre?

The Paris Principles require that a human rights institution should have its own staff. This is essential because without staff who are independent, both objectively and in the eyes of the public, a human rights institution cannot function effectively. The Commission is not free to hire staff with the requisite qualifications according to its needs. If the Commission were to have its own budget to recruit staff, it could simply hire any staff. But under the current system, the Commission has to spend time and effort lobbying the recalcitrant State Government.

#### 2.4 A lack of transparency

The appointment process to the Commission is not the only aspect of its activity that lacks transparency. The failure on the part of the Commission to make proper information readily available to the public, either in its annual reports or elsewhere, about compliance with its recommendations and about the issues to which complaints relate also makes it difficult to make the State Government and other authorities accountable. Despite being located in the technology capital of India, the Commission has not made the minimal outlay necessary to make a basic website.

#### 2.5 Dealing with Complaints -The growing backlog

Complainants are being forced to wait too long to have their cases dealt with and disposed of. This delay undermines public confidence in the abilities of the Commission. During July 2007 and March 2008, the Commission received 1872 complaints and this figure increased to 5579 in the period between April 2008 and March 2009 . However, the Commission has failed to keep up with the pace.

At the end of March 2009, there were 3907 cases pending as compared to 905 in March 2008.

#### 2.6 Investigatory capabilities

The Commission has a duty to inquire into reports of human rights violations both on the basis of complaints by victims and NGOs, and on a suo moto basis. Out of the 5,579 cases registered during 2008-2009, 1,264 suo moto cases have been taken up. This is a significant improvement from the 92 cases that were taken up suo moto in 2007-2008.

#### 2.7 An independent investigation?

With an Investigation division which consists of only 25 people, the Commission does not have the capacity to investigate most complaints using its own staff. It is common practice that when complaints against the police need to be investigated, such complaints are referred to the same jurisdiction police officers against whom complaints are made, by the authority directed to investigate by the Commission.

#### 2.8 Encouraging the efforts of NGOs?

The PHRA 1993 obliges the Commission to encourage the efforts of NGOs and institutions working in the field of human rights. The Commission is not adequately discharging this duty and, by doing so, is failing to draw upon a vital resource. Civil society groups could offer the Commission the required monitoring especially in remote areas.

#### 2.9 Relationship with the State Government

In its Second Annual Report, the Commission describes the State Government's response to its recommendations as "quite encouraging". In contrast, SICHREM sees the State Government's attitude as being characterized by neglect and, at times, outright hostility.

#### 2.10 Conclusion

The Commission has made significant progress and its work has improved the situation for victims of human rights violations in Karnataka. The Commission does have failings that are solely its own, many of the factors which inhibit its performance are due to the constraints imposed upon it by the PHRA 1993 and the State Government. Much of the good work that has been done has depended upon the talent, independence and integrity of the commissioners and, in particular, upon the Chairperson.

**Mr. Manohar, Head-Programmes, SICHREM, Bangalore.**