

NATIONAL HUMAN RIGHTS COMMISSION



SPEECH

BY

JUSTICE K G BALAKRISHNAN

(FORMER CHIEF JUSTICE OF INDIA)

HON'BLE CHAIRPERSON

NATIONAL HUMAN RIGHTS

COMMISSION

ON

HUMAN RIGHTS DAY 2012 FUNCTION

(10TH DECEMBER 2012)

AT

VIGYAN BHAWAN, NEW DELHI

Hon'ble President of India, Sri Pranab Kumar Mukherjee, Members of the NHRC, Chairpersons and Members of other National Commissions, Ms Lise GRANDE, UN Resident Coordinator & UNDP Representative, Nancy Powell, US Ambassador to India, Representatives of the UN, Diplomats, Members of the Media and Civil Society, Distinguished invitees, Officers and Staff of the Ministries and NHRC, Ladies and Gentlemen.

I am grateful to the Honorable President for having kindly spared his precious time to grace this occasion. In the course of his illustrious career, he has been instrumental in bringing to fruition a range of concerns of vital public significance including the Right to Information, Right to Employment and Food Security. These have bolstered the steady process of empowerment of vulnerable sections. His presence, therefore, is indicative of his concern for and commitment to human rights.

On behalf of NHRC, I extend a warm welcome to all of you on this solemn occasion. The *Human Rights Day*, as we know, commemorates the adoption of Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly in 1948. That particular event itself was an embodiment of the aspirations of people across the world for ensuring prosperity, dignity and

peaceful coexistence. The NHRC has been observing this Day every year with a view to renew and reiterate its unflinching commitment to the Universal Declaration and the principles it sets forth to realize a more just future for the people of India.

Right from its inception in 1993, the Commission has made significant strides in mainstreaming a human rights approach in legislation, policies and programmes as also inculcating and sustaining human rights awareness and sensitization. It has actively striven to broaden the scope and ambit of its work, thus, not only seeking to ensure protection of civil and political rights but also economic, social and cultural rights, in keeping with its faith in the indivisibility of these rights.

Our vibrant and active Commission uses full range of its instrumentalities to monitor issues, such as, custodial violence and torture, living conditions of inmates across the country's prisons and detention centers, bonded and child labour, right to physical and mental health, right to food and the rights of marginalized, such as, women, children, scheduled castes and scheduled tribes, the elderly and persons with disabilities, among a host of other human rights concerns.

The belief and confidence reposed by the common man in the Commission in general and a growing human rights awareness in particular, have led to a phenomenal increase in the number of complaints. With a sense of pride, I may say that their number has steadily grown from 496 in 1993-94 to 95,174 fresh cases in the year 2011-12, with action having been completed in nearly 94,942 cases. Till date, therefore, with full cooperation of my colleagues, the Commission has been in a position to decide an estimated 11 lakh cases. Coming to interim relief, during 2011-12, the Commission had recommended such payment in 592 cases, amounting to a total of about Rs.15.59 crores.

Ladies and Gentlemen, the wide-ranging powers of the NHRC have enabled it to recommend to the concerned governments and public authorities the payment of immediate interim relief and compensation to victims of human rights violations as also the initiation of proceedings for prosecution against errant officials. It has been our experience that nearly 98 per cent of our recommendations are readily accepted, thus, earning it the trust of not only civil society but also governments of the day.

Apart from investigating and deciding individual complaints, the Commission employs various other mechanisms for better human

rights protection. It has constituted for instance, a number of expert **Core Groups** and appointed **Special Rapporteurs**, whom it consults on key human rights issues, such as, disability, healthcare, mental health, right to food, protection and welfare of elderly persons and Silicosis, among others. The NHRC, India also has a **Focal Point for Human Rights Defenders**, who can be approached round the clock in the event of potential or extant threats to their personal life or liberty in the discharge of their work.

While human rights is an arena where new challenges continue to emerge, there are certain inhuman practices which are centuries old and have continued to the present day. 'Bonded' or 'forced' labour is one such practice. To monitor the plight of child and bonded labour more effectively, the Commission has been conducting spot enquiries and surprise visits through its specialized **Cell**. It has helped in emancipation of hundreds of innocent individuals from the clutches of bonded labour system. Most recently, on the intervention of the NHRC, the customary '**bartan**' system in Odisha was officially recognized as debt bondage and subsequently, abolished by the State Government through a public notification.

Members and Officers of the Commission also undertake regular visits to get a first-hand account of ground-level human rights concerns and provide further fillip to human rights awareness, most notably under the Commission's flagship **28-district programme**.

The NHRC has also been holding **Camp Commission Sitings** across states to ensure speedy disposal of pending cases and interact with the senior civil and police officials of the state, members of NGOs, civil society and the media to understand the key human rights concerns within a state as also the efforts made by the government to address these. Most recently, such sittings were held in Assam and Meghalaya.

The Commission has also initiated **Open Hearings** across various States based on complaints regarding atrocities committed against persons belonging to the Scheduled Castes. This is in keeping with the recommendations made in the K. B. Saxena Report, commissioned by the NHRC to study the problems faced by the Scheduled Castes. We have had successful open hearings in Odisha, Gujarat, Tamil Nadu and Rajasthan. We propose to hold shortly the next open hearing in Maharashtra. During these hearings, the Commission hears the complaints and concerns of

aggrieved parties and the problems they face in redressal from the government agencies, in the presence of the senior government functionaries. These hearings have provided a decisive platform to the common man and have thus, witnessed a large turnout.

Apart from discharging its mandated functions, the Commission also interacts regularly with **other National Commissions** with a view to deliberate on issues of mutual concern. The NHRC has also taken numerous initiatives for the strengthening of **State Human Rights Commissions**, including writing to state governments to set up SHRCs where they do not exist as yet.

The NHRC has also been making concerted efforts for the promotion of **human rights awareness**. In 2011-12 alone, it conducted 149 training programmes for government officials, representatives of NGOs and civil society. In addition, it continues to organize its month-long Summer and Winter Internship programmes for university students. During 2011-12, training, workshops and conferences on important human rights issues were organized, which included a **National Conference on Silicosis**. The NHRC, being particularly concerned about the high incidence of Silicosis, a life-threatening disease contracted by workers employed in stone quarries, mines and stone crushing

factories, prepared a ***Special Report on Silicosis***. It has been sent to be placed before the Parliament to draw its kind attention to this silent human rights emergency.

Additionally, the Commission organized a *Seminar on Human Rights and Mental Health Care* to highlight the challenges relating to mental health issues, a *National Seminar on Prison Reforms*, and a *National Colloquium on the Right to Health with special reference to Women's right to Reproductive Health*. The Commission also organised for the very first time, a human rights awareness and training programme for the Presidents of *Gram Panchayats* of Solan district in Himachal Pradesh in 2011.

At the International level too, the Commission has been continuously playing vital role in promotion and protection of human rights. The NHRC, India is an **'A' grade Accredited** member of International Coordinating Committee (ICC) of National Institutions. NHRC, India is a founder member of the Asia Pacific Forum of National Human Rights Institutions (APF), established for the protection of Human Rights in this region. During the year, the Commission actively participated in the annual meetings of these bodies and shared its best practices with other NHRIs of the region.

Hon'ble President, I may add that in addition to the NHRC at the national level, State Human Rights Commissions (SHRCs) have been set up in 23 states. Yet, wherever they exist, they face considerable challenges in functioning to their full capacity due to considerable financial, manpower and other constraints. It is therefore, vital that the Central and State Governments provide these Commissions with the necessary resources to enable them function effectively. Thus, strengthening of the overall human right protection framework in the country would be possible.

All citizens of the country have an equal right to be included in the decision-making process, to participate unhindered in public life, to be heard patiently and their concerns respected by the governments concerned. The Commission, therefore, re-iterates that one of the cornerstones of any democracy is the right to freedom of speech and expression, the protection of which is the paramount concern of the Commission. It is only through an informed public discourse on deepening and widening the ambit of human rights that a rights culture can be ushered in.

The Commission regards the government and civil society as indispensable partners in the fight against human rights violations

and key to building an energetic and vibrant democracy. Governments must ensure that the policies and programmes devised by them have a strong human rights component, thus, ensuring a truly beneficial and equitable utilization of national and human resources. As for members of the civil society, it is the duty of each individual to respect the rights of the 'other', particularly those most vulnerable to the vagaries of social and economic forces.

It is only when we join hands and synchronize our efforts towards protecting the inalienable rights of the people of this country, will the realization of a 'secure present' and 'just future' for all, become an actuality.

Thank you.
