

Inauguration of Manav Adhikar Bhawan



Speech of NHRC Chairperson Justice Shri K. G. Balakrishnan on the occasion of inauguration of Manav Adhikar Bhawan

My esteemed colleagues, former Members of NHRC, distinguished invitees, officers and staff of the Commission. It is always reassuring to have one's own space, the NHRC is having the same feeling today by having its own building now after nearly 20 years of its inception and it is nice to share this feeling with you all. It started functioning from the Sardar Patel Bhavan on the 12th October, 1993. But in its quest for an independent space, the Commission shifted to the heritage building, Faridkot House in 2005. Due to shortage of space some officers and staff needed to operate from the nearby Jaisalmer House.

Now, I must point also out that this new office is part of an inter linked group of identical buildings, which have various government offices. As this is not an independent building, there may be confusions and needless aspersions about the status of the Commission as it is located in a government complex. The Commission was set up in consonance with the Paris Principles which also required that NHRI's should have financial and operational independence and an independent building, easily accessible to public.

We wished that the National Human Rights Commission had an independent building and we would endeavor to have that. However , we can assure that despite all this, NHRC would be completely independent and autonomous in its functioning.

The Commission has traveled a long journey in its endeavour towards protection and promotion of human rights in a short span of time. It has received nearly 12 lakh 80 thousand complaints so far on various issues of human rights violations including among others socio-economic, cultural and political rights. Out of this, more than 12 lakh 50 thousand complaints have been disposed of. Apart from punitive action against the guilty public servants, crores of Rupees have been recommended as relief to several victims and their next of kin. It is very satisfying to say that in almost all the cases, the Government authorities complied with the NHRC recommendations. The confidence of the people in the functioning of the NHRC reflects in ever-increasing number of complaints it has been receiving

each year, despite the fact that there are now 23 State Human Rights Commissions.

The NHRC has registered its presence at international fora with its work and is recognized as an important National Human Rights Institution having retained 'A' grade status as per the International Coordination Committee of the National Human Rights Institutions. Our experience says that the structure of the NHRC is unparalleled in the World and no human rights institution has dealt with so many cases recommending huge monetary relief, which is paid by the Governments. But, I sincerely feel that being such a huge democracy, our country may still have several issues to be addressed which impact the human rights and quality of life. I also feel that violations of human rights can always be checked by practicing and promoting human rights culture and giving due space to each other's dignity and existence.

The NHRC, with its limited work-force, always looks for support from the civil society in its endeavour towards developing awareness and respect towards human rights. The constructive role of the civil society and NGOs in this regard cannot be overlooked. It is heartening to know that by the enactment of new Company Law, corporate-social responsibility will also now receive more impetus. The NHRC is already working on developing a code of business ethics by involving the stakeholders, especially from the corporate sector.

I must congratulate the ever-vigilant media of our country for reporting and raising the voice against human rights violations in far-flung areas in different parts of the country. The NHRC has taken cognizance of several issues of human rights violations based on media reports and given reprieve to victims. It is because of the media that the NHRC could reach to so many people, in terms of building awareness about human rights, their protection mechanism and justice. NHRC takes cognizance of almost all the issues under different Ministries, which impact the rights of people and hence, in terms of the media functioning, I must say, the NHRC beat has the widest scope for reporting on different issues. The NHRC has its Media Outreach Policy and organized workshop for giving an orientation to media persons for reporting on all such issues with a human rights perspective. It

is open to collaborate further with media education institutions and news organisations in this regard. I would request the media to continue its cooperation with the Commission by having a collaborative approach because we are equal partners in protection and promotion of human rights.

The NHRC is deeply concerned over rising cases of sexual assault and crime against women. These are not good signs for a healthy society. We made a number of measures for effective remedial measures which needed to be put in place to address the problem. The continuance of bonded and child labour system is a blot on our society. The Commission has been taking several initiatives to root out this problem, including creating awareness among State and District level functionaries regarding the legal provisions prohibiting this practice and rehabilitation of bonded labourers .

Development and economic growth would not make any sense in a society if its moral quotient goes down. Laws may have a deterrent value but reform has to come from within. We all must strive to ensure that in the cog mire of materialistic progress, social and moral values are not sacrificed, sight of our rich cultural and social traditions embodying the principle of live and let live is not lost. We also need to remember the basic feature of our Constitution namely, equality and non-discrimination. However, during the course of our Open Hearings, held during the last one and a half year in different parts of the country, it was a painful realization that the instances of atrocities against Scheduled Castes have not come down despite effective Laws.

The increasing number of complaints received in the NHRC does indicate the growing awareness about human rights but also about the increasing violations thereof. And we are concerned about it. Number of complaints against police remains very high. The NHRC would urge the Center and the State Governments to continue to make efforts to train and guide the policemen, especially at Chowki and Thana level, who directly come in contact with public, to respect human rights and stand up for them. At the same time, the Government must pay attention to improve their working conditions.

The NHRC is concerned about the high number of under-trial prisoners who constitute 65.7% of prison population. Overcrowding of jails is resulting in pressure on amenities. Tendency to arrest is needed to be curbed in small offences to ensure that under-trial prisoners do not crowd prisons. The right to fair trial must be upheld for all individuals but the criminal justice system can work to its full potential in the country only by speedy trial and for this, the Government must ensure that our courts are appropriately equipped in terms of man-power and other resources.

I am happy to state that concerted efforts of the NHRC in monitoring the conditions of prisons has brought in some improvement but a lot still needs to be done. Same is the case with the health care and particularly the mental health care system in the country, which appears to be the most neglected area in the health sector. The number of mental health care centers in the country in Government sector is not more than 43 and barring a few exceptions, almost all these centers are short of psychiatrists, trained paramedical staff and other resources. I am afraid that if the Government does not pay attention timely, we may be facing a difficult situation given the increase in mental health problems due to changing life style. The NHRC has taken several initiatives in this area and has been monitoring mental care hospitals on a regular basis. We have filed an application in the Supreme Court for consideration of giving directions to all concerned for improving the situation. Hopefully, with the passage of the Mental Health Care Bill 2013, pending before the Rajya Sabha, many concerns relating to this sector will be addressed.

The NHRC is also concerned about several instances of illegal clinical drug trials in the country which are being widely reported by the media. The Commission has come out with some guidelines suggested by its Expert Group and sent the same to the Union Health Ministry for deliberating upon them with their State counterparts. The Commission has also decided to intervene in the proceedings on the matter in the Supreme Court.

I must say that despite good intent, the implementation of social welfare schemes like NREGA, ICDS, mid-day meal has not been able to meet the expectations and many loopholes have

been exposed, which I am sure, with experience, will be plugged in. The spending on the quality and quantity of nutritious food to be served under mid-day meal scheme needs to be realistically reviewed for improvement.

I am a firm believer in the saying – “If there is a will, there is a way”. The country has been debating for a long time for social security cover for its citizens. The rising cost of living has made the issue all the more relevant. The enactment of Food Security Bill is a milestone in that direction. Poverty is the greatest violation of human rights and the law made in this regard is most welcome and the law is the means through which practical application of human rights aspirations are made real. I am sure with the ongoing debate on the issue, all the pre-requisites and requisites related to the effective implementation of the Food Security Law will be taken care of so as to ensure that nobody sleeps hungry and dies hungry in a country, which has been producing food grains sufficient to feed its people. We must also build sufficient storage capacity to ensure that produce by our hard working farmers does not go waste.

And finally, I would emphasize that the NHRC does not have an adversarial role to the Governments, it only helps them in good governance and it would continue this policy. We see human rights as a lively and progressive feature of our democratic polity rather than something outside it.

Thank you.