

SPEECH FOR FOUNDATION DAY, 2022

Hon'ble Vice President, Shri Jagdeep Dhankhar Ji,

Members of the Commission,

Respected Judges of the Supreme Court,

Former and present Chairpersons and Members of various National Commissions and State Human Rights Commissions.

Lord R. Lumba, Member House of Lords.

Officers of the Central & State Governments and Commissions,

Representatives of the UN Organisations, Diplomats,

Members of the Media, Civil Society Organisations,

Distinguished Invitees, Ladies and Gentlemen.

On the occasion of the 30th Foundation Day of the National Human Rights Commission, we are delighted to have none other than Vice President

of India, Hon'ble Shri Jagdeep Dhankhar, as the Chief Guest.

I also welcome all of you present here and those connected online. It is a proud privilege to extend a warm welcome to the second-highest constitutional head of the largest successful democracy in the world. Because of his hard work, he made his mark in the field of law and was designated as Senior Advocate on completion of mere 11 years of practice which is a rare achievement. His perseverance, humility, grit and determination were unmatched. He was appointed as Governor of West Bengal. He is a proactive and ardent protector of human rights and has never been a silent spectator.

The celebration of Foundation Day is an opportunity to remember the pioneering work of the

past and an occasion to introspect about what more can be done. It reminds us of "Human dignity" and "equality". All are born equal. The National Human Rights Commission has to support the weak against the mighty, poor, specially-abled, and other vulnerable sections of society. The Commission addresses inaction and arbitrary exercise of power by ensuring that benefits of social welfare schemes trickle down to the needy and poorest of the poor. It is a voice of the voiceless.

Protection and promotion of Human Rights in the country is a shared responsibility of the National Human Rights Commission and State Human Rights Commissions. Besides exclusive jurisdiction in respect of subjects in the Union List, the National Human Rights Commission has concurrent jurisdiction with the subjects of State Commissions.

Constitution is our Dharma; in ongoing "Mahayagya" of expansion of human rights, we respectfully remember the contribution of the past forever better future.

Human Rights find expression in Indian tradition and philosophy. Rights and duties go together. Indian culture has assimilated all Dharmas like Buddhism, Jainism, Judaism, Sikhism, Christianity and Islam. Bhakti and Sufi traditions brought a reform movement in India.

Violence is unproductive. Gautam Buddha and Mahavir Swami gave the world a message of non-violence, i.e. Ahimsa. Buddhism preached democratic practices. Lord Rama refrained Laxman from using weapons of mass destruction during the war. Mahabharata has instances where rivals used to visit wounded in the enemy camp during the evening to

take care of them and discuss a means to end the war. The Right to Food was a recognized practice, and the service of Langars in Gurudwaras manifests the same.

The Foundation of culture prevalent in India is based on cosmic balance. Sun and Moon are essential for life on earth. Sun spreads light equal to all without discrimination. The Commission logo borrows the same and reminds us of our responsibility to ensure equality and that nobody is deprived of human rights, irrespective of place of birth.

The Constitution is of the people, by the people and for the people. Unity in diversity of cultures and religions is our Dharma. The Commission has zealously preserved human rights and liberties. To fulfil the socio-economic aspirations of the diverse,

multicultural society, the betterment of individuals as an integral part of society is necessary. We have to strike a balance between the distribution of benefits and distributive justice.

Several steps have been taken for the socio-economic and political upliftment of the marginalized sections of society. More affirmative action is needed. The time has come to clarify that unrepresented classes in services are provided reservations within the reserved category to ensure overall development. India has many socio-economic welfare schemes.

We must achieve gender equality and equal rights for all, particularly for women. They cannot be discriminated against and deprived of civil liberties and rights under the guise of Dharma or customary practices. Without gender equality in all

respect realization of human rights would remain a distant dream.

In the world, several such religious practices/customs prevail, which deprive half of the population of equal dignity and gender justice which is against the Universal Declaration of Human Rights. The world is increasingly recognizing equality as a parameter of human rights; it is desirable to move in the direction of a Uniform Civil Code as envisaged in Article 44 of the Constitution of India. Several Countries, like America, France, U.K, etc., already have Common Civil codes.

India cares for flora and fauna, and biodiversity. The Supreme Court has extended the reach and ambit of human rights and recognized the right to food, even for animals. Such precedents are

stepping stones, not halting places. The Commission has to take human rights to its logical end.

A growing concern is the deprivation of the fruits of globalization and the financial exploitation of a large section of the global community. Every invention is for the common good, and an attempt at ever-greening has to be frowned upon. In the wake of world trade, preventing the economic exploitation of the country and its resources is a significant challenge. Products of particular brands are earning unrealistic returns disproportionate to their worth. Life-saving medicines are to be made affordable to the poorest of the poor. Intellectual property rights of a patent should give way to the right to life. We still see the patents of vaccines for Covid-19 at the cost of colossal loss of human life and the economy world over.

Due to technological advancements, new trends for violating human rights are being noticed. Cyberspace has invaded human rights, including individuals' privacy, resulting in the infringement of civil and human rights. Due to the advent of e-commerce, cross-border transactions take place. Cases of fraud in e-commerce, hacking data and demand for ransom in cryptocurrency multiply the difficulty of identifying and tracking offenders.

Human Trafficking is prevalent in the entire world. 96% of the dark web of cyberspace has emerged as the most potent human and sex trafficking medium. Trafficking of Women and Children, Tribals and Vulnerable Sections must stop. Poverty is to be eradicated, and we have to tackle the social and economic factors responsible for this scenario at the local level. Trafficking is a matter of

concern, and the Commission and its Investigation Wing are working on it.

The world faces challenges of transborder movement of hazardous waste, degradation of the environment, global warming and scarcity of potable water. No country has the right to dump waste in other countries. We have to think globally and act locally to protect the environment. Every winter, Delhi chokes due to the burning of stubble (Parali) in neighbouring States. It must stop at once. The same is a grave violation of the right to clean air and endangers life. Ambient air in several cities, including the capital city of Delhi, does not meet prescribed quality standards for most of the year. The water quality in most rivers and streams also does not meet the specified parameters.

To encourage affirmative action, the Commission has issued an Advisory to Prevent, Minimize and Mitigate the Impacts of Environmental Pollution and Degradation to punish polluters and violators of environmental laws.

Local Self Governments are duty-bound to implement statutory obligations towards the public. Many do not even arrange garbage disposal and sewage treatment plants and do not care for manholes on roads.

To ensure timely identification, treatment and elimination of discrimination against the persons affected by leprosy, the Commission, in its Advisory, recommended amending 99 laws.

It is a matter of satisfaction that the Government of India has accepted Advisory 2.0

issued by the Commission in 2021 to take care of Bonded Labour.

In the field of business and human rights, the Commission has issued an advisory to improve working conditions of truck drivers inter alia to provide insurance cover of Rs. 15 lacs, halting places, proper food, regulation of working hours, for least interface by law enforcement agencies on roads for the well-being of physical and mental health.

Yesterday, an Advisory was issued to prevent, minimize and mitigate ocular trauma and rehabilitate low-vision persons. Various measures, including proper storage of chemicals, such as slaked lime used in betel, which cause irreparable visual loss, use of pointed toys and the kind of firecrackers which are being currently used is also a common cause of loss

of vision, same needs to be regulated and banned in crowded places.

The Commission recently visited the mental hospitals at Gwalior, Agra and Ranchi, and Special Rapporteurs are visiting 39 other hospitals in the country. The condition of the hospitals is required to be improved drastically. Most State governments have not complied with the mandate of the Mental Health Care Act of 2017. Thousands of persons are kept in such hospitals even after they have been cured on flimsy pretexts against the provisions of the Act. Once cured, they cannot be kept in the hospital and have the right to return to the community. Society and NGOs have to play an essential role in community healing.

Jails are places to reform criminals. Unfortunately, they have become places where

crimes are often committed. Urgent jail reforms are required to get rid of such acts. Crimes in jail need to be dealt with sternly. Since the State is responsible for the lives and health of the inmates in jails, the Commission has recommended States formulate a policy prescribing compensation in cases of death in custody by suicide or negligence, etc.

The condition of correction homes, homes for juveniles, destitute, women, widows, elderly persons and suffering from Henson disease must be looked into by stakeholders and improved wherever necessary.

The Commission is aware of the problems faced by persons engaged in hazardous cleaning. The intent of the advisory dated 24/09/2021 is to ensure proper protective gear and safety equipment for sanitary workers' use of suitable and worker-friendly

technology, including robotic machines. We still see the apathy of local authorities. The Commission has issued notices in many cases to fix the criminal liability of officers at the local level for not providing such amenities.

The Commission, during the pandemic, has issued 20 Advisories regarding Human Trafficking, Informal Workers, Disabled persons, Prisoners-Police Personnel, particularly Vulnerable Tribal Groups (PVTGs), Dignity and Protecting the Rights of Dead, Mental Health and Food security and nutrition, ect.

During the last year, the Commission received more than 1.21 lakh complaints and decided on more than 1.28 lakh complaints and recommended a monetary compensation of approximately Rs. 100 million in 250 cases. In 30 years, the Commission has recommended compensation of Rs. 2.3 Billion.

The Commission has recently engaged 28 Special Rapporteurs, which include 15 Zonal Rapporteurs and 13 Thematic Monitors.

In June, in collaboration with the Indira Gandhi National Centre for the Arts, the Commission organized a two Days National Conference on Human Rights in Indian Culture and Philosophy and is publishing a book on the subject.

Online Internship Programmes of 15 days organised alternative month are most popular among students of higher studies. Besides various seminars, annual events and competition such as short films, debates, quizzes photography, drawing and poetry are also organized.

We work in cooperation with HRDs and Civil Societies and interact with them regularly. Recently, the Commission held Camp Sitzings at

Ranchi, Gauhati and Shillong. All the Core Groups to advise the Commission on various issues have representatives of Civil Societies. The media also plays a vital role in highlighting human rights violations, enabling the Commission to take suo-moto cognizance.

The Commission has expanded its international footprint by strengthening cooperation with various stakeholders. The Commission is proactive in promoting Human Rights at APF, GANHRI, member of the governing body of Asia Pacific Forum and the Global Alliance of National Human Rights institutes and UNHRC. The Commission proactively engages the Diplomats based in India to understand their perspective to promote Human Rights. Going forward, the Commission recently held training for the Chairperson and Members of NHRC of Maldives. Human rights day is another important annual event.

Regardless of setbacks along the way of monumental tasks, we must pick ourselves up and begin again to make the world peaceful, beautiful and boundary-less one family.

Indus valley civilization reflects the long-cherished philosophy of Upanishad 'VasudhevaKutumbakam,' i.e. *'the entire world is one family.* We are on a threshold of an ever-better future. We have to act today for a better tomorrow.

Dharma is to protect and promote Human Rights, for which we have to profess our culture and constitutional values to fulfil the philosophy of Vedanta.

"YatoDharmastato Jai"

I quote Buddha-

You are community now. Be a lamp for yourselves. Be your own refuge, seek for no other. All

things must pass. Strive on diligently. Don't give up.

On behalf of the Commission, I assure the Hon'ble Vice-President that the Commission will continue to protect and promote human rights.

I may be permitted to end with a Salutation to Mother India.

Thank You.

Jai Hind

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