

**KEYNOTE ADDRESS IN FIRST SESSION OF JUSTICE ARUN
MISHRA, HON'BLE CHAIRPERSON, NHRC**
AT
28TH ANNUAL GENERAL MEETING AND BIENNIAL
CONFERENCE OF APF
ON
21ST SEPTEMBER, 2023 AT VIGYAN BHAVAN

India is a founding member of the Asia Pacific Forum. When it was formed, there were only 5 NHRIs in the region. Now we have 26, and others are structuring compliant NHRIs to the expectations of the United Nations Assembly.

Establishing this kind of forum marks a significant stride towards fostering cooperation, dialogue, and solidarity among our nations in a world where challenges know no borders.

As we embark on this shared journey, let us remain committed to fairness and equality.

Let us remember human is entitled to live a life with dignity and enjoy rights in a free atmosphere. We must protect civil, political, economic, social and cultural rights.

In a world grappling with various challenges ranging from social inequality to environmental degradation, from discrimination to political unrest, our role as NHRIs becomes ever more critical. We can amplify our impact by collectively addressing the issues that transcend borders. The cooperation of NHRI and GANHRI mechanisms is the key to promoting human rights at the grassroots level.

NHRC India made a humble beginning and has carved out the path of realising the rights of dignity and freedom. We are completing 30 years of journey when we look back. With immense pride, I would also put forward the resolution of more than 22 lakh cases and the compensation of more than 2.3 billion dollars—numerous spot investigations, open hearings, and camp sittings. Reviews of innumerable bills and laws, conferences, and research projects, as well as more than 100 publications, including monthly newsletters, thousands of media reports, and engagements in

international forums, all attest to the NHRC India has been untiringly doing.

Online Complaint lodging system has been integrated with 5 lakh Common Service Centres (CSCs) nationwide without charging any fees. We receive more than 1 lac complaints every year.

During COVID-19, the functioning of the Commission was not halted. Inter alia, the issues of migrant workers and the digital divide of students were taken up. Intervention in the Supreme Court was made to ensure that the human rights of stranded migrant labourers are not violated.

The Commission supervises different forms of bonded labourers. Labour working in stone quarries suffers from silicosis. Through the consistent efforts of the Commission, policies have been framed by the State Governments to provide them compensation, pension and social security benefits.

Environment and climate change have emerged as a challenge for the very survival of human life.

Emphasis is on renewable energy and low carbon economy. Increasing the development of solar energy is imperative.

To ensure that developing countries follow the same emission standard, we must prioritise technological transfer at low cost, capacity building and spreading strategic knowledge regarding climate change.

The convention of biological diversity is equally significant—as well as minimising/banning single-use plastic.

We have to care for sustainable ecosystems, habitat and agriculture. Equally important is providing additional forest and tree cover by 2030. Temperature rise requires a skill development programme to help people develop green skills and find work in the environment and forest sector.

Commitment to the climatic financing given to developing countries by the wealthier nations requiring equitable distribution will go a long way to achieving Strategic

Development Goals. Green hydrogen, non-fossil energy, and energy conservation are needed for faster decarbonisation.

NHRIs are jointly committed to Human Rights action on climatic change to support communities and, at the same time, preserve the environment, promote social and policy measures, support individuals adversely impacted and protect the environment HRDs.

NHRC India has decided on 8,735 cases relating to the environment, and 46 are pending today. We have taken suo motu cognisance of air pollution in 2022. In order to ensure the implementation of norms, the closure of several polluting industries has been secured through Pollution Control Boards. The Commission has issued an Advisory to reduce vehicular pollution, develop cost-effective, innovative measures and punish violators.

Industries have an impact on human rights. The concept of corporate social responsibility has been inserted in Section 135 of the Companies Act, requiring big business houses to spend 2% of their net profit.

While switching over to non-fossil fuel to reduce greenhouse gases, there is a need to prepare in advance a provision for alternative employment to those involved in the existing mining operations.

Democratic space is to be transparent with the free flow of information. Policies are to be compliant with human rights and justiciable.

Justice cannot be denied due to economic and other disabilities. A lawyer is provided at the cost of the Government. The right to life and liberty can be dealt with only by reasonable, fair and due process of law.

Delay in trial violates human rights. The Commission enforces the right against illegal detention and torture. The death sentence, directed in the rarest of rare cases, can be commuted due to delay in execution.

The Commission has adopted the principle of compensatory justice in case of excess exercise of police power during an investigation/encounter.

Women are to be provided safety, security and dignity in the workplace. The Commission has issued notice to various sports bodies to establish Cells to deal with cases of harassment.

The right to shelter is a basic human right. The Commission issues directions daily to provide free housing as per the Government scheme to thousands of homeless persons. Victims of communal riots and internal conflicts are compensated. Displaced persons must be rehabilitated due to natural disasters, land acquisition and other causes; the Commission constantly endeavours to resettle them. In the cases of suicide by debt-ridden farmers, the Commission successfully intervened. Even drought relief is to be equitably distributed.

There is a right to sexual freedom/orientation, family life, marriage and reproductive rights. Such rights are protected.

The specially-abled are provided with a friendly atmosphere. The Commission supervises the implementation of the Welfare Act.

The Commission cares for marginalised classes and tribals. They require the wholehearted support of NHRIs. They are entitled to basic amenities, i.e. food, shelter and need-based distributive justice.

Children and childhood must be protected from all abuses and arduous labour. They have the right to be brought up in a healthy environment and educated to succeed in life and have the privilege of free education from 6 to 14 years of age. Commission has recently recommended a hybrid form of education considering the scarcity of teachers in far-flung areas, and directions have also been issued to address the digital divide.

There is a right to health, mental health and medical treatment. The Commission ensures health insurance benefits. Even prisoners have the right to be treated appropriately; negligence results in compensation.

The Commission ensures timely payment of pensionary and other retiral dues to employees: old-age pensions and key benefits under various social security schemes.

The Commission ensures a fair investigation where the police have failed, take up an investigation by itself or direct a special investigation.

During COVID, the Commission issued 21 Advisories covering the rights.

During the last two years, to ensure responsible business behaviour, issued advisory regarding truck drivers - to provide them insurance coverage, halting places, health check-up facilities, adequate remuneration and reasonable working hours.

An advisory took care of workers involved in hazardous cleaning to provide them with safety equipment and mechanised cleaning.

In advisory regarding preventing ocular trauma, prevention, rehabilitation of victims and creating a database in industries with a high potential for ocular trauma to provide personal insurance cover for workers has been recommended.

Amendment of 97 laws, which are discriminatory to the person with Hansen's disease, has been ordered by the Commission.

The Government has enhanced compensation for bonded labour on our advisory at the pre-trial stage.

An advisory on food security and the benefit of food to migrant workers has been issued.

Advisory has been issued to prevent self-harm by prisoners and take care of their mental health. Compensation is awarded in case of suicides.

Lastly, an Advisory was issued last week to provide benefits to transgender to be treated at par with daughters, to receive pensionary benefits, to inherit agricultural land skill development, and to include expenditure on their upliftment in Corporate Social Responsibility.

The Commission is actively caring for all 47 Government mental health hospitals across the country, rights of

destitute widows, the criminal justice system, disability, seafarers, LGBTQI, National Conference of CSAM and Mental Health has been organised in the last few months.

The Commission directed food distribution to Chakmas in the village of Vasni. Investigated post-poll violence on the order of the High Court, and 4500 complaints were received. The Commission investigated the Hooch tragedy in Bihar; ultimately, the State issued an order to provide compensation of Rs. 4 lakhs to each who died after 2016.

The Commission helped rescue stranded seafarers in the high sea.

In the cases of Manipur ethnic violence in recent times, the Commission has directed compensation to be paid further to rehabilitate the victims, offer compensatory employment to the next of kin of the deceased, promote harmony, prevent the communities from resorting to violence and maintain peace.

On the order of the Supreme Court, the NHRC team visited the Naxaliate area to report on atrocities by Salwa Judum and Naxalites in Chhattisgarh. Several groups attacked the team during the visit. The recommendations of the Commission to protect the tribal population were implemented.

To spread awareness, the Commission is committed to action. It holds workshops, seminars, quiz competitions, short film competitions, Police training, training sessions for trainers, student internship courses, debates and moot courts, research projects, camp sittings, open hearings, and NGO interaction.

We have 15 Special Rapporteurs and 15 Special Monitors on thematic subjects. We appointed transgender as Special Rapporteur for LGBTQI. They visit various parts of the country and submit reports to the Commission on which we take appropriate action. We have Core Groups on 16 subjects, having academia and domain experts. We have a Core Group of HRDs.

Let our deliberations reinforce our conviction that human rights are not merely abstract concepts but are the cornerstones upon which societies respecting human values are built. Let us work towards a future where our next generation inherits a world which protects diversity, safeguards freedoms, and ensures the wellbeing of all.

In the spirit of collaboration, let us use this platform to drive positive change to develop a better tomorrow. Let us ensure that our National Human Rights Institutions serve as beacons of hope, where victims find refuge and voices are amplified.
