



# 75<sup>th</sup> Human Rights Day

**10<sup>th</sup> December 2022**  
**Vigyan Bhawan, New Delhi**

Address of  
**Mr. Justice Arun Mishra**  
Hon'ble Chairperson  
National Human Rights Commission



## ADDRESS

Hon'ble President of India, esteemed Members of the Commission, present and former Judges of the Supreme Court, Judges of the High Court of Delhi, Chairpersons and Members of Tribunals, National Commissions and State Commissions, Officers of the Central & State Governments, Office bearer and Representatives of the UN Organizations, Diplomats, Ld. Members of the Bar, Media persons, Civil Society members, Distinguished Invitees, students, Ladies and Gentlemen.

Universal declaration of Human Rights is entering the 75<sup>th</sup> year of Amrit Kaal. It is a proud privilege to have women President on occasion adorning the highest constitutional post of the world's largest thriving democracy; it shows India's supreme commitment to human rights and social order providing justice and dignity to the all sections of society. It also manifests fragrance of our Constitutional democracy. Her journey from being a School teacher to becoming the



President has been a source of inspiration. Her inimitable and undeterred pursuit of social service for the welfare and upliftment of the poor and underprivileged is laudatory.

I am honoured to welcome dignitaries on the dais and off the dais joining us today to celebrate shared human values. Their presence indicates the commitment to protecting, preserving and promoting human rights. I welcome the young generation, whose future depends on our affirmative action to keep intergenerational equity in mind. Finally, I welcome everyone here carrying individuality and dignity, a rich part of our cultural ethos.

India is a multilingual and multicultural society. Unity in diversity is our strength. We assimilated all the religions into “Sanatan Dharma”. Hence, we have the concept of “*Manav Dharma*”. Our culture and philosophy aim at transforming humans into *karma yogi*, as enunciated in “*Gita*”, and to attain the highest spiritual gain and ultimately *moksha*, *this entails process of character building for the welfare of the Universe*.

The fundamental right to live with human dignity carries responsibility and discipline constitutionally envisaged in Article 51A. Performing duties is a prerequisite for claiming rights - every right springs from a commitment to duty. Gandhi Ji wrote to the UN Human Rights committee:

***“All rights to be deserved and preserved come from duty well done. Thus the very right to***



***live accrues to us only when we do the duty of citizenship of the world. From this fundamental statement, perhaps it is easy enough to define the duties of man and woman and correlate every right to some corresponding duty to be first performed. Every other right can be shown to be usurpation hardly worth fighting for. I wonder if it is too late to revise the idea of defining the rights of man apart from his duty.”***

Decline and fall of civilization occur due to a lack of discipline when only rights are demanded and duties are forgotten. To succeed in his life a person has responsibility to discharge his duties.

To protect our right to life, we have to perform the duty to protect the environment and prevent Climate Change. More so while achieving Sustainable Development Goals. We cannot keep cutting trees and claim the right to live in a healthy environment. Human Rights Day reminds us of love and affection for all fellow humans and other living creatures. We cannot exist alone. We need to co-exist, different rights interact. Respect for each one's rights is the day's mandate for the survival of the human race.

The theme of U.N. slogan for the year is “Dignity, Freedom and Justice for all”. It reminds us of Rigveda sloka “संगच्छ्वं संवदध्वं सं वो मनांसि जानताम् । देवा भागं यथा पूर्वे सञ्जानाना उपासते ।

Meaning thereby take everyone together in human progress. Our basic tenet is “*Bahujan Sukhaya - Bahujan Hitaya*”.

While celebrating Human Rights Day, we must look back at the history of evolution and emancipation and build upon that for a better future.

The vulnerable groups suffer from slavery, servitude, forced labour, compulsory labour, human trafficking for illegal purposes and forced prostitution. Many children are forced to traffic drugs and work in drug factories. Trafficking for forced gambling and begging is also taking place. There are millions of victims of human trafficking the world over.

Human Rights are inalienable. They take place in public discourse. Courts, while interpreting the provisions, remedies violation of rights in accordance with procedure established by law. Freedom from fear, suppression and oppression is essential. The freedom of speech and expression are supreme, which has to be exercised with responsibilities while protecting the dignity of others. Fulfilment of a promise of justice on the ground level is necessary for inclusive growth. To ensure justice to all, the system has to build a homogenous and productive society. We have to create trust in institutions. Spread awareness of available legal tools even to vulnerable section.

Childhood is required to be protected. Article 31 of the Convention on Rights of the Child provides that they have the right to:



- Adequate rest and leisure,
- Engage in play and recreational activities appropriate to age,
- Active participation in culture and arts

Today we violate these rights with impunity taking false pride in putting a disproportionate burden of education during childhood. We have to get rid of child labour, child trafficking and child sexual abuse material. Commercialization of education is also a cause for concern.

We see discrimination against women worldwide due to social, customary and religious practices. The time has come to take care of the same by enacting legislative provisions to remove discrimination in inheritance, property rights, parental rights, domicile of married women, and legal capacity. Improving the condition of women in vulnerable sections and in rural areas is needed. To ensure equality, empowerment of women through development and proper education is essential. They cannot be made to suffer discrimination and gender violence for eternity. Without providing dignity and equal right to them, a celebration of the day is meaningless. The Supreme Court has shown the way for equality by progressive interpretations. Article 44 of the Constitution, enabling equality by enacting a Common Civil Code should not remain a dead letter.

The globalization has brought foreign investment; one outfall is the concentration of wealth in the hands of transnational enterprises and a few countries. Globalization has created centres of power even in competition with the power of states. Free movement of capital causes money laundering. The challenge is ensuring the right to livelihood from aggregator platforms with no investment. The majority of them are distributors. Their monopoly disrupts the global supply chain. They can change shape and location easily and are involved in anti-labour practices of hire and fire, predatory pricing and dodging taxes in gross violation of human rights. Hence, new approach should be adopted by judiciary, legislative, executive and Human Rights Institutions. Even civil society has to be vigilant.

It is necessary that safeguards in domestic regulations should be anchored in International Legal Obligations towards victims of business-related human rights violations. The terms and licensing conditions to operate must include provision for protection of human rights. We must ensure respect for human rights by multinational corporations and guard against superior bargaining power within the national legal framework. Licensing regulations must protect the interest of the national industries/businesses.

For calamities caused by Industrial Disasters, Transnational Enterprises' responsibility has to be well defined. For example, the world's worst disaster, the "Bhopal gas Tragedy", occurred



in 1984. Approximately 3000 people died. Around 336 tonnes of hazardous waste is still lying on the premises. The property changed hands. Delay in the disposal of such hazardous waste by a multinational company contaminates the groundwater and soil and is a direct abuse of the right to health of the survivors and residents of the area.

Large businesses are statutory liable under section 135 of the Companies Act to discharge Corporate Social Responsibility by contributing 2% of the average net profit every year whereby companies, contribute to a better society. Judicious use of these funds need to be channelized by the Government.

Protecting human rights is necessary while safeguarding against climate change. In the process, justice for those adversely affected has to be ensured . Alternative employment has to be planned to meet the fallout of climatic protection and the gradual reduction of greenhouse gases. Environmental and other human right activist also requires protection in various countries.

Respect for nature, flora and fauna, biodiversity, environment and ecology is our fundamental duty incorporated under Article 51A of the Constitution of India. It is well reflected in our culture and philosophy. We find the principle of sustainable development goals deeply embedded in Vedic culture.



For example, the *Prithvi Sukta* of *Atharva Veda* contains sustainable development principles that we must respect Mother Earth, its soil, sand, rocks, plants, vegetation, etc.

शिला भूमिरश्मा पांसुः सा भूमिः संधृता धृता ।  
तस्यै हिरण्यवक्षसे पृथिव्या अकरं नमः ॥

(अथर्ववेद 12, 1, 26)

यस्यां वृक्षा वानस्पत्या ध्रुवास्तिष्ठन्ति विश्वहा ।  
पृथिवीं विश्वधायसं धृतामच्छावंदामसि ॥

(अथर्ववेद 12, 1, 27)

Our philosophy goes to the cosmic balance. Sun and moon, essential for life on Earth, are preached in India. We live in harmony with the *Pancha Bhoota* - क्षिति, जल, पावक, गगन, समीरा । Our scriptures indicate that they have to be preserved and protected. We have the primitive concept of protection of Tapovan, Abhyaraya (Wildlife Sanctuary), Aranya (Forest), Shreevan (Beautiful Forest) & Vanshree (Forest which provides livelihood).

To ensure dignity and justice for all, we have to develop social order where a person can grow and fulfil his desires. *Pratyaksha* (direct intent) or *Paroksh* (as per perception), i.e. sense of knowledge by striving towards excellence and in pursuit of his choice, he has to be afforded full opportunity to achieve the goal.

Moral and intellectual property rights are to be protected in invention and original work, but such rights must not apply for the purpose of education and protection of the right to life. At war footing, we have to fight manufacturing of spurious drugs. It is a criminal act that should receive strictest punishment. No one should be allowed to play with human life.

The development of nations is judged by human dignity, not by economic growth devoid of morals. Technological advancements should benefit human kind. Individual freedom cannot go against morality of society. This would disturb the very fabric of our society. Cyberspace is being blatantly used for criminal and immoral purposes. It is fundamental to the right to life that we live with dignity and provide the same equally to others.

India has tradition of treating शरणागत i.e. refugee with compassion. Human Rights of Refugees are sometimes criticized for being overreaching; the exercise of sovereign power and balancing is required to preserve and protect both. Though Refugees have human rights, they are to be protected as per sovereign policy.

Humanity suffers from terrorism; September 11 and November 26 are remembered as dreaded days. To combat terrorism, the Security Council adopted a resolution that it is the international obligation of the States to take measures

and to cooperate against terrorism. The measures include criminalizing the collection of funds for terrorist acts and support to the terrorist. In addition, the International Convention for Suppression of Financing of Terrorism of 1999, provides for action against financing terrorism directly or indirectly through groups under the guise of charitable, social or collateral goals. The international community must unite to take all possible measures to wipe out this scourge.

The Commission last year received 1.21 lakh complaints and decided 1.28 lakh cases including carry forward cases. The Commission recommended compensation of Rs. 11.69 crore in 356 cases.

In addition to 21 Advisories issued during Covid Period, the Commission has recently issued advisories on bonded labour, food security, protection of environment, commercial truck drivers, discrimination against persons with Hansen's disease, for mechanised cleaning and providing safety gears to workers involved in cleaning of sewers and septic tanks, prevention of ocular trauma and rehabilitation of people with low vision.

The Commission in its endeavour to do justice for all is committed to ensure that the benefit of social welfare schemes of free housing, health, food, pension and other similar schemes trickle down to the needy. In such cases directions are issued immediately for fulfilling objective of socio-economic equity. The distributive justice is a tool to fulfil basic needs, which is



pivotal constitutional obligation of a welfare state.

We have to work untiringly to protect, preserve and promote human rights. The protection of individual's human right is *sine qua non* for flourishing of democracy.

The welfare of the people is the welfare of the State:

**प्रजासुखे सुखं राज्ञः प्रजानां तु हिते हितम्**

*Abhigyan Shakuntalam* by Kalidasa mentions that when it is the call of public duty, it has to be performed even at the cost of rest. There is no right to rest when it is the call of public duty.

**“अविश्रमोऽयं लोकतन्त्राधिकारः**

Our ancient literature speaks of working together for achieving larger goals.

**समानी व आकूतिः समाना हृदयानि वः ।  
समानवस्तु वो मनो यथा वः सुसहासति ॥**

We are united in purpose, harmonious in feelings and together in mind. The Universe exists in harmony and balance.

Today on Human Rights Day, we remind ourselves of our duties. By hard work, sincerity, perseverance, clarity of vision and dedication to the cause, one day we will surely achieve goal of dignity, freedom and justice for all. We will try and do what we can for that each one of us needs to contribute towards happiness of humanity.

Jai Hind !





# **National Human Rights Commission**

**Manav Adhikar Bhawan, C-Block, GPO Complex,  
INA, New Delhi - 110023**