

Presidential Address delivered by Justice R.C. Lahoti on Human Right Day on
‘Human Rights: Commitment and Practice’ (10.12.2015), organized by
IIHRS.

Under the banner of International Institute of Human Rights Society we have assembled to celebrate this Human Rights Day with the theme of ‘Human Rights, Commitment and Practice’. We feel honored and privileged to find His Excellency Hon’ble Shri M. Hamid Ansari, Vice-President of India amongst us, who would be speaking on this theme. I take a few minutes to make some introductory observations and also to briefly touch an aspect of Human Rights of everyday significance, especially in the context of our own country.

The concept of Human Rights is as old as the civilization itself. Conceptually, wherever a human being is wronged, whenever a human being is denied what is just and due to him, his human right is violated. The primary source of human rights is not any constitution or any law as such; it is the immutable law of nature which is the principal source of human rights. Having witnessed two world wars, the Universal Declaration made on 10.12.1948 by the General Assembly of the United Nations has gone on to say that ‘Human Rights’ is the recognition of the inherent dignity and of the equal and inalienable rights of all members of the Human Family; It is the foundation of freedom, justice and peace in the world.

Let us be honest to ourselves and have courage to admit and own the truth that 67 years of the Universal Declaration, 22 years of the enactment of Protection of Human Rights Act by the Indian Parliament, it is a travesty that human rights continue to be honored more in their violation rather than in their protection and observance. Let us confine ourselves to our own country and its polity; for, the violation of Human Rights in the world seems to be at its peak as the world is threatened with terrorism; safety and security of human beings, the survival of peace in the universe itself are under threat.

On 26th day of November, 1949, the People of India gave unto themselves a Constitution. The Constitution promised to all its citizens justice, liberty, equality and fraternity, the 4 pillars on which possibly rests the whole

expanse of human rights. The governments have changed but majority of people of India continue to be deprived of food, clean drinking water, and now even clean air, not to talk of clothing and shelter. Judiciary, the prime protector of human rights, continues to expand the concept of human rights to its full dimensions as is clear from a very recent pronouncement of the apex court which has declared that even right to property is part of human rights by coining a phrase that to be compensated for loss of land is a “prized privilege” of the land owner. Where do these pronouncements carry us? In a country where even a living is not assured to human beings, does it serve any real purpose to say that living means – living with dignity?

I regularly receive the news letter published by National Human Rights Commission of India. I find compensation running into crores being awarded every year by the Commission to the numberless victims for violation of their human rights mostly at the hands of law enforcing agencies regularly indulging into torturing the citizens in custody and even causing custodial deaths of hapless people taken into custody who may possibly have been innocent too! We elect our representatives who form the Government and they, to say the least fail in controlling - the governmental forces and agencies from violating the human rights of their own voters, the citizens ; and, at the same time they sanction budget for awarding compensation to victims of their own violence in a way! All the three – our elected representatives, their agencies or forces and the budgetary compensations – are fed from the taxes which we pay. This contradiction in terms which I have not been able to comprehend has been aptly picturised by Krishn Behari ‘Noor’ of Lucknow. He says-

*Main jis ke hathon mein ek phool de ke aaya thaa,
Usi ke haath ka patthar, meri talash mein hai.*

Why this paradox? It is because of lack of commitment, both at the level of individuals and more importantly, at the level of the Government. There is a wide gap between words and deeds. We do not practice what we preach. The primary aim of establishing the Human Rights Commissions is, and , if not, it should have been, preventive, by educating the masses and law enforcing agencies to see that the protection of human rights is taken care of before they are threatened by violation. Awarding of compensation is symbolic of

sympathy with rolling tears; but the question remains- does it cure the causes which force the tears to flow from the eyes of the victims? We are searching for the answer and therein lies the significance of the subject of the day - ‘*commitment and practice*’. We have to commit, dedicate ourselves, and, act. ‘Commitment’ is a term stronger than ‘dedication’.

*Ishque kar to ishque ki tauheen na kar,
Ya to behosh na ho, gar ho to hosh mein na aa !*

That is ‘commitment’. The need of the day is a ‘*ready hand*’ rather than a ‘*ready tongue*’. Time has come to read again with emphasis the Universal Declaration which calls upon every individual and every organ of society to promote respect for their rights by striving to “teach and educate”. How many Human Rights Commissions, at the Centre or in States are conscious of this obligation of theirs? Do they teach and educate?

I am very hopeful that the address by Hon’ble the Vice-President of India who has firm belief in protection of Human Rights would go a long way in bringing about, strengthening and reinforcing our commitment to protection of Human Rights enabling translation of our principles into practice.
