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SC asks Centre to respond to allegation that it is delaying SHRC in Delhi

The Supreme Court, on Friday, gave the Centre a week's time to respond to allegations that it is delaying the establishment of a State Human Rights Commission (SHRC) in the National Capital despite recommendation being sent by the Delhi government to the Lieutenant Governor. A bench headed by Chief Justice of India T.S. Thakur asked Solicitor General Ranjit Kumar to seek instructions from the Centre on a contempt petition filed by Indu Prakash Singh.

Senior advocate Colin Gonsalves, appearing for the petitioner, said the delay was on the part of Centre. In July 2015, the Supreme Court, in a judgment, had pulled up the Delhi government for not moving a muscle to set up an SHRC for its citizens and ordered it to establish one in the next six months. The judgment, also by Chief Justice Thakur's Bench, had said the Delhi government was not bothered to set up the SHRC even 22 years after the Parliament enacted the Protection of Human Rights Act in 1993. It had said the inaction on the part of Delhi government was despite the National Capital accounting for the second largest human rights violation cases, after Uttar Pradesh, with the National Human Rights Commission. "NHRC Curtain Raiser published on its 20th Foundation Day show that out of a total number of 94,985 fresh cases registered in the NHRC, the largest number of cases (46,187) came from the State of Uttar Pradesh followed by Delhi, which reported 7,988 cases and Haryana, which reported 6,921 cases," Chief Justice Thakur, who authored the judgment, observed.

The judgment was on the basis of a series of petitions filed for protection of human rights against police custody, torture. The apex court agreed that custodial torture violates basic human dignity and ordered State governments to strictly comply with the legislative intention behind the 1993 Human Rights Act. "Despite a large number of complaints alleging violation of human rights from the Delhi region, the Delhi Government has not set-up a State Human Rights Commission so far," the court held. Other than Delhi, the Supreme Court directs governments of the States of Himachal Pradesh, Mizoram, Arunachal Pradesh, Meghalaya, Tripura and Nagaland to set up SHRCs within a period of next six months. The Supreme Court had also given focus to human rights violations in the North Eastern States, noting how difficult it is for citizens, especially the tribals, of these States to access justice. "North-Eastern parts of the country are mostly inhabited by the tribals. Such regions cannot be deprived of the beneficial provisions of the 1993 Act simply because the States are small and the setting-up of commissions in those states would mean financial burden for the exchequer," the court had held.

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