

# Business Standard

## SC quizzes Centre over setting up of SHRC in national capital

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The Supreme Court has expressed concern over the delay in setting up a State Human Rights Commission (SHRC) in the national capital and asked the government why it was taking so long. A bench headed by Chief Justice T S Thakur asked Solicitor General Ranjit Kumar to seek instructions from the Centre on a contempt petition filed by Indu Prakash Singh. The petitioner contended that despite Delhi government completing the formalities and sending recommendation to the Lieutenant Governor, the Centre has not done anything till date.

Senior advocate Colin Gonsalves, appearing for the petitioner, said the delay was on the part of Centre as the recommendation to set up the SHRC has already been sent by Delhi government to the LG. The apex court last year had questioned why the SHRC had not been set up in Delhi and also directed Arunachal Pradesh, Mizoram, Meghalaya, Tripura and Nagaland to set up SHRCs.

During the hearing, the bench enquired whether the northeastern states have complied with the direction to set up SHRCs. To this, Gonsalves said he was not aware of the situation there, to which the bench said "you must not neglect the northeastern states". The court in July last year had rejected the state governments' plea that setting up SHRCs was not mandatory for them. It had said, "The significance of human rights and the need for their protection and enforcement is beyond the pale of any debate. On the Delhi government's endeavour to set up the rights

body, the Attorney General said it has not followed the proper procedure on the issue and before setting up the commission, it has appointed officials for it including retired Chief Justice of Meghalaya High Court Shambhu Nath Singh as the chairman. He said there are other disputes pending on the issue. However, the bench said, "We are happy that the Delhi government has selected and recommended the names of members." The Attorney General said, "We can ask the NHRC what can be done, qua Delhi."

The bench said, "It is obligatory for you to set up the commission. If Tripura which has 20 lakh population can have state human rights commission why can't Delhi." When the bench said Attorney General was complaining that Delhi government has jumped the guns in appointing the chairman before setting up the commission, senior advocate Chander Uday Singh, appearing for the AAP regime, said, "They never told us about the jurisdiction since January."

"Now they are raising the issue," he said referring to the need of state commission to look after the concern of grave police action. Singh said Delhi government would go by the judgement and stated that the Centre by its present application was seeking review of the judgement. The Attorney General responded to his submission by saying that the bench should treat the application as a review petition.

The bench, which posted the matter for July 20, said larger issues are required to be addressed and asked the Centre "whether Delhi government has any objection if the Centre sets up the Human Right Commission". The Centre in its application said despite having an elected government, Delhi remains a Union Territory administered by the President through the lieutenant governor.

"Inclusion of Delhi in the direction as State of Delhi may be due to an oversight of the fact that the Delhi government continued to be Union Territory despite having an elected government," it said. "Since the NCT of Delhi is a Union Territory, it is administered by the President through an administrator (Lieutenant Governor) appointed by him under Article 239(1) of the Constitution," it said.

"Thus, the administration of UT of Delhi falls under the jurisdiction of the central government and there is no separate independent entity called 'state government' in the National Capital Territory," it said. (Reopens LGD 29) The Centre further said, "For all intent and purpose, state government for NCT of Delhi would imply the President acting through LG."

AAP government has been demanding administrative control over police and Delhi Development Authority.

The apex court had on April 18 disagreed with the Centre that the national capital does not need a State Human Rights Commission (SHRC) as it was a UT, asking whether UTs were 'Utopian ideals' where these rights were not violated. The court was hearing contempt petition filed by social activist Indu Prakash Singh contending that despite Delhi government completing the formalities and sending the recommendation to the LG, the Centre has not done anything till date.

Last year, the apex court had expressed concern over the fact that there was no SHRC in Delhi for the last 22 years and asked the government to set up the same within six months. It had questioned why the SHRC had not been set up in Delhi and also directed Arunachal Pradesh, Mizoram, Meghalaya, Tripura and Nagaland to set up SHRCs.