

08– 08 – 2023

News: Kerala LoP objects to SHRC chief appointment

- Kerala Leader of the Opposition V.D. Satheesan has disagreed with the government's purported move to appoint retired Chief Justice S. Manikumar as State Human Rights Commission (SHRC) Chairperson.

Human Rights Commission

- National Human Rights Commission (NHRC) is constituted on 1993 under the Protection of Human Rights Act of 1993.
- NHRC is led by a **Chairman who has been a CJI, or a Judge of SC.**
- **One member who is, or has been, a Judge of the Supreme Court of India , or, One member who is, or has been, the Chief Justice of a High Court.**
- **The sitting Judge of the Supreme Court or sitting Chief Justice of any High Court can be appointed only after the consultation with the Chief Justice of Supreme Court.**
- **Three Members, out of which at least one shall be a woman to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.**

- Chairpersons of National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Minorities, National Commission for Women, National Commission for Backward Classes, National Commission for Protection of Child Rights and Chief Commissioner for Persons with Disabilities shall be ex – officio members of NHRC.
- NHRC members are appointed and removed by President on the recommendation of a committee consisting of PM as Chairperson, Home Minister, and Leader of Opposition in Lok Sabha, Leader of Opposition in Rajya Sabha, Speaker of Lok Sabha and Deputy Chairman of Rajya Sabha.
- They submit their reports to Union Government.
- SHRC members are appointed and removed by Governor and President respectively.
- Governor appoints the members of SHRC on the recommendation of a committee consisting of Chief Minister as its head, Speaker of the Legislative Assembly, State Home Minister and Leader of opposition in the Legislative Assembly.
- The members are appointed for 3 years or 70 years of age, whichever is earlier,
- Reappointment of the members is also possible.
- The members are removed only on the charges of proved misbehaviour or incapacity, if proved by an inquiry conducted by a Supreme Court Judge.

Powers

- NHRC investigates grievances regarding the violation of human rights either suo moto or after receiving a petition.
- It has the **powers of civil court**.
- The Commission also **studies treaties and international instruments on human rights and make recommendations for their effective implementation to the Government**.
- A **State Human Rights Commission can inquire into violation of human rights only in respect of subjects mentioned in the State List and the Concurrent List of the Constitution**.

Armed Forces and Human Rights Violation

- The **National Human Rights Commission (NHRC) either suo moto or after receiving a petition may seek a report from the central government with regards to violations of Human Rights by the Armed Forces**.
- After the receipt of the report, it **may either not proceed with the case or as the case may be makes its recommendation to that government**.
- The **government shall inform the commission of the action taken on the recommendations within the period of three months or such further time as the commission may allow. After that commission shall publish the report on**

recommendations given to the government and action taken by the government on the recommendations.

Ordinarily, complaints of the following nature are not entertained by the Commission:

- In regard to events which happened more than one year before the making of the complaints;
- With regard to matters which are sub-judice or pending before the court;
- Which are vague, anonymous or pseudonymous;
- Which are of frivolous nature;
- Which pertain to service matters.
- The NHRC is not empowered to punish the guilty or award the victim any financial emoluments.
- Protection of Human Rights Act of 1993 also provides for the establishment of Human Rights Court in every district for the speedy trial of violation of human rights.
- These courts can be set up by the state government only with the concurrence of the Chief Justice of the High Court of that state.
- For every Human Rights Court, the state government specifies a public prosecutor or appoints an advocate (who has practiced for seven years) as a special public prosecutor.

The various human rights issues taken up by the Commission are as follows:

- Abolition of Bonded Labour.
- Issues Concerning Right to Food.
- Protocols to the Convention on the Rights of the Child.
- Abolition of Child Labour.
- Trafficking in Women and Children.
- Maternal Anemia and Human Rights.
- Combating Sexual Harassment of Women at the Work Place.
- Abolition of Manual Scavenging.
- Dalits issues including Atrocities perpetrated on them.
- Problems faced by Denotified and Nomadic Tribes.
- Rights of the Disabled Persons.
- Issues related to Right to Health.
- Rights of persons affected by HIV / AIDS.

Limitations of Human Rights Commission

- The advices of Human Rights Commission are only advisory in nature.