

State Human Rights Commission's Compliance with International Norms for NHRIs and with its Founding Legislation

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I. Introduction

It is necessary of the human rights commissions in India, which were constituted in accordance with the terms of the Protection of Human Rights Act, 1993 (PHR Act), that they safeguard the human rights of the people. In order for these commissions to be effective and credible, they need to maintain their independence from the government, have a mandate that covers a wide range of human rights issues, have their independence protected by the legislation that established them, acquire pluralism through membership or effective cooperation, and possess adequate investigative powers along with the necessary amounts of human and financial resources. These six requirements are spelled out in a document called the Paris Principles, which serve as the bare minimum requirement for human rights commissions all around the world.

In addition to the National Human Rights Commission (NHRC) in New Delhi, India has a total of 25 State Human Rights Commissions (SHRCs), all of which are independent and operate in accordance with the terms of the Protection of Human Rights Act, 1993 (PHR Act). The United Nations Accreditation Service has given the National Human Rights Commission (NHRC) a grade of "A" for meeting all the requirements outlined in the Paris principles, and the NHRC generally adheres to the international standards that are outlined in those principles. On the other hand, the SHRCs have not moved forward with such accreditation, therefore it is unknown how they stack up against the standards established internationally. The Maharashtra State Human Rights Commission served as a test case, and its compliance with these requirements was analysed as part of that study. According to the findings of the study, the MSHRC conformed to 16 of the 39 criteria (principles / sub-principles) deduced from the Paris Principles, while the organisation did not comply with 23 of the criteria. In addition to this, compliance with the PHR Act, which is the national establishing legislation, was deciphered. According to section 12 of the Act, the MSHRC only complied with three of the nine functions that are required of Human Rights Commissions. Lack of assistance in the form of enough staff and financial resources can be linked to at least some of the causes for non-compliance. In order for the MSHRC to be in compliance with both the Paris Principles and the PHR Act, these are areas that need to be strengthened.

The principle of respect for human rights

A person is believed to have a certain set of rights that are referred to as human rights. They are present in the individual since the person is a human being and hence contains human characteristics. According to the concept of human rights, all human beings are born with the same amount of dignity and rights. There is no way that factors such as race, creed, class, place of birth, or gender can overturn this conclusion. These assertions are expressed and formulated in a document that is known as the Universal Declaration of Human Rights.

The concept's historical context and background

It is a relatively recent idea that every single human being is entitled to certain basic rights. Nonetheless, the numerous components that make up human rights have been a part of a variety of religions and civilizations for hundreds of years (Sen, Amartya. "Human Rights and Asian values.") People have, since the beginning of recorded history, been able to access both rights and obligations by virtue of their membership in a group, be it their family, their clan, their religion, or their original nation. The concepts of rights, responsibilities, and duties were discussed in some of the earliest religious writings, including the Vedas, the Babylonian Code of Hammurabi, the Bible, the Quran, and the teachings of Confucius. All of these works were written hundreds of years ago. Whether they were written down or passed down orally, every society had some kind of rules in place to ensure the health and safety of its people. In addition, data demonstrated that well-being

had been negatively impacted by a variety of social pressures, which resulted in deprivations such as exploitation, oppression, and persecution of individuals.

The ancient Greeks and Romans are credited with developing the idea of human rights in the Stoic beliefs. According to these doctrines, human behaviour was expected to be brought into line with the Law of Nature. Its philosophers believed that the rule of natural law was something that Nature, and not the state, was responsible for ensuring for all people. And the natural law was that which nature, and not the state, guaranteed to all human beings, regardless of whether or not they were citizens of the Roman empire. Due to factors such as opposition to theological dogmatism, political and social subjection, the incapacity of rulers to offer obligations within natural law, and the effects of the Renaissance, the understanding of natural law shifted from one of the duties to one of the rights. Evidence of this shift may be found in pivotal events that took place in England, including the Magna Carta (1215), the Charter of Forests (1217), the Petition of Rights (1628), and the Bill of Rights (1689).

The concept that individuals are endowed with some 'eternal rights' was gaining ground in Europe at that time. Hobbes, Descartes, Bacon, and Locke were among the thinkers of the 17th and 18th centuries who brought attention to the concept of natural law as implying natural rights. Montesquieu, Voltaire, and Rousseau were among others who supported this interpretation of natural law. Moreover, Locke contended for some rights for individuals, the most important of which were the rights to one's own life, liberty (the freedom from arbitrary control), and property. A movement that evolved on the supreme faith in Reason emerged, building on the work of Locke and others. This movement spawned literature that addressed the constrained constraints of religion and science, as well as intolerance, censorship, and social and economic restraints. These ideas were well received in the Americas, and on July 4, 1776, Thomas Jefferson proclaimed in the "Declaration of Independence" that "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness." In his endorsement of the thinkers who contributed to the Declaration of the Rights of Man and the Citizen on August 26, 1789, Lafayette stated that "Men are born and remain Free and Equal in Rights" and that "the aim of every political association is the preservation of the natural and imprescriptible Rights of man." Lafayette's statement was published in the Declaration of the Rights of Man and the Citizen.

Nonetheless, there are many who disagree with the concept that natural law eventually developed into rights. It was believed that the concept of real rights originated from actual law, but the concept of imaginary rights originated from imaginary laws, such as the law of nature (Jeremy Bentham). Even though there was controversy regarding the transition from natural rights to the rights of man, the idea of these rights became clearer over time. The concept of rights was advanced in a number of ways, including the end of slavery, the establishment of workplace regulations, the expansion of voting rights, and the promotion of education.

William Lloyd Garrison, an influential American thinker, and reformer wrote in the newspaper, *The Liberator*, in 1831, that he was trying to enlist his readers in "the great cause of human rights." Henry David Thoreau, another influential American thinker, wrote about human rights in his essay "On the Duty of Civil Disobedience" in 1849. Later on in the year 1869, while giving his opinion as one of the judges in the landmark U.S. Supreme Court judgments in the *Ex parte Milligan* case, Supreme Court Judge, Justice David Davis, wrote, "By the protection of the law, human rights are secured; withdraw that protection, and they are at the mercy of wicked rulers or the clamour of an excited people."

The atrocities committed during World War II, which included the murder of nearly six million Jews, Sinti and Romani (gypsies), homosexuals, and people with disabilities, appalled people all across the world. It brought the rules of Nazi Germany and the necessity of protecting citizens from their own governments into stark perspective. In addition to this, it bolstered the idea that all people possess fundamental rights, as well as the necessity for state regulations to be in harmony with these rights. The nations of the world worked together to form the United Nations with the goals of bolstering peace and reducing the likelihood of future warfare. There was progress made in the direction of making it impossible for anybody to arbitrarily deny someone life, food, shelter, freedom, or citizenship. These sentiments were eloquently expressed by US President Franklin D. Roosevelt in his State of the Union address on January 6, 1941. In that speech, he discussed the requirement for four fundamental freedoms, namely freedom of speech, freedom of religion, freedom from want, and freedom from fear. Franklin D. Roosevelt was the first President of the United States to deliver this address. Leaders and philosophers from all over the world advocated for human rights rules to protect citizens from the actions of their governments, as well as norms to hold governments accountable for the actions of their citizens. This had a significant impact on the formulation of the United Nations Charter in 1945, which took place in San Francisco.

Following the conclusion of World War II, representatives from fifty different countries gathered in San Francisco for the United Nations Conference on International Organization from 25 April to 26 June 1945. During this conference, they drafted and then signed the United Nations Charter in order to establish a new international organisation known as the United Nations. Four months after the summit, on October 24, 1945, the United Nations Organization (UNO) formally began operations after a majority of its signatory states, including China, France, the Soviet Union, the United Kingdom, and the United States of America, accepted the

organization's charter. In the preamble to the United Nations Charter, member states made a commitment to spare future generations of war and "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." With this, a new era of peace and dignity was born.

The Universal Declaration of Human Rights

As a result of the severe shocks that were caused by the Holocaust during World War II, painful introspection ensued, and the newly established United Nations Organization established a Committee to be led by Lady Eleanor Roosevelt to devise mechanisms for the protection of human beings from cruelty of this kind. From the beginning of 1947 to the end of 1948, the Committee conducted research on 55 different constitutions and also discussed with non-governmental organisations and private persons. The Committee, which included representatives from India, drafted the Universal Declaration of Human Rights (UDHR). On December 10th, 1948, the United Nations Organization (UNO) declared the UDHR. As a result, "International Human Rights Day" is observed every year on December 10th. The Universal Declaration of Human Rights (UDHR) includes thirty "articles of human rights," which can be thought of as ethical principles that span civil, political, economic, social, and cultural rights.

The advancement of these human rights has been divided into three "generations" (Vasak, K., 1979): (1) The protection of civil and political liberties, (2) Economic, Social & Cultural Rights, and (3) Collective Rights, also known as Group Rights.

(1) Civil and Political Rights — People are shielded from having their individual liberties restricted and from having their rights violated by the state by these rights. These rights protect political, civil, and constitutional rights, as well as the rights of citizens to participate in government. They are sometimes known as negative rights due to the fact that no resources, or very few resources, are required in the form of direct infusion. These are Articles 2 through to 21 of the Universal Declaration of Human Rights.

(2) Economic, Social, and Cultural Rights – These rights ensure social justice, freedom from want, and participation in social, economic, and cultural aspects of life; they address the notion of equality and access to essential social and economic goods, services, as well as opportunities. Because the state is required to contribute resources and take various legislative, judicial, and other procedures in order to achieve these rights, they are referred to as positive rights. These are articles 22 through 27 of the Universal Declaration of Human Rights.

(3) Collective or Group Rights - These rights are discussed in article 28, and they include the right to peace, the right to development, the right to a suitable environment, and the right to receive humanitarian assistance. They ensure that social and internal order is maintained, which is necessary for the rights and freedoms outlined in the UDHR to be fully realised.

It was advanced by B. Louis Sohn (1970) that there would be a fourth generation of Human Rights, which would incorporate the rights not found in the previous three generations of Human Rights as per the classification developed by Vasak. He suggested Subjective Rights, also known as 4th generation rights, which consisted of human rights that were linked to intergenerational justice (for example, rights related to genetic engineering). On the other hand, this categorization was not widely used, although Vasak's classification is the more common one.

In recent years, there has been discussion regarding a potential fourth generation of human rights. This generation would include human rights that cannot be included in the three generations, such as new rights that have emerged in relation to the development of digital and technological advancements.

It is necessary for the state to take responsibility for protecting the civil and political rights of its citizens. There are three responsibilities that fall on the state: (1) Respect the Human Rights - There should be no interference from the state that could obstruct or reduce the enjoyment of the Human Rights by the people. This is the first and most important principle. (2) Ensure the Protection of Human Rights The state should take measures to ensure that no third party infringes upon the enjoyment of human rights by other individuals. (3) Satisfy Human Rights The state ought to act in such a way that it gradually fulfils the human rights of the people it governs.

The Creation of State Level Human Rights Organizations

The Economic and Social Council of the United Nations first conceived the idea of NHRIs in 1946, calling them "National Institutes at National Level" that would uphold UN standards and improve communication between the UN and its Member States. Guidelines for the operation of human rights institutions were drafted at a seminar held in 1978 by the United Nations Committee on Human Rights. The UN General Assembly has urged member states to take the necessary measures to create such bodies where they do not already exist. The French capital, Paris, hosted the first ever International Workshop on "National Institutions for the Promotion and Protection of Human Rights" back in 1991.

From October 7th through 9th, 1991, a workshop was held at the UN Centre for Human Rights (now the OHCHR), which was organised by the French Commission *nationale consultative des droits de l'homme*. About 25 NHRIs at the time participated from various regions, together with government officials, UN agencies, international and regional courts, and non-governmental organisations. The major purpose of the meeting was to clarify the mandate, working methods, independence, and pluralism of NHRIs, as well as other issues related to their creation and maintenance. The workshop culminated in the creation of the "Principles related to the status and functioning of national institutions for the protection and promotion of human rights," more popularly known as the "Paris Principles". Many topics pertaining to NHRIs were discussed, such as their mandate and working procedures, as well as their independence and plurality. The participants outlined a series of suggestions for the structure, makeup, status, and responsibilities of NHRIs. They also mandated autonomy, a human rights-focused mandate, an open and transparent nomination procedure, and enough government funding. Participants were also able to build upon the work of the 1978 Seminar on "National and Local Institutions for the Promotion and Protection of Human Rights," which had been called by the Commission on Human Rights (now the Human Rights Council).

The international community has adopted these principles, known as the Paris Principles, as the minimal standards for NHRIs.

The Paris Principles laid out the minimal standards of an NHRI, which were as follows:

A) To provide counsel to any governing body, including the government, on the following: Human rights matters in the area of jurisdiction; need to introduce legislation/ procedures that conform to human rights; preparing reports on the national status with regard to human rights; advise on a specific situation of human rights; draw attention to a particular situation that could affect human rights of the people. B) To bring attention to and make it easier to comply with international human rights instruments within domestic law and practice; C) To persuade the government to ratify such human rights instruments and guarantee implementation, if this has not already occurred. D) To make independent contributions to human rights reports submitted by the State to the UN; E) To cooperate in matters of human rights protection/promotion with the UN bodies; F) To aid in human rights education and research through schools, colleges, and professional groups; G) And to use the media to focus on matters pertaining to human rights, and increase awareness to combat all forms of discrimination, especially against minorities.

Vienna hosted the International Conference on Human Rights in 1993. The Conference adopted a "Plan of Action" which reaffirmed the centrality of Human Rights Institutions to the Promotion and Protection of Human Rights and called for their creation and reinforcement. Since then, NHRIs have been seen as the backbone of the Human Rights Protection System, acting as a link between international human rights standards and the countries that have ratified them. Because they are created and governed by statute, they are considered to be a legitimate part of the state's institutional framework. Civil rights protection, commissioner, human rights commission, human rights institutions or centres, ombudsman, public defenders/protectors, and so on are all examples of NHRIs that may be found around the world. Human Rights Commission is the term used in India. New Delhi is the home of the National Human Rights Commission. Twenty-five states have established human rights commissions (SHRCs).

The following characteristics are shared by all of these Commissions.

They are state institutions with a mandate to promote and protect human rights; They are headed by a number of full-time members; They are able to receive and examine individual complaints; Investigation is one of their functions; They are authorized to make recommendations to concerned authorities, after due investigation. Human rights commissions are tasked with both advocacy and protection. OHCHR Information Sheet #19 elaborates on these functions in greater detail: I) Public education through awareness campaigns; II) General training; III) Specialized training for groups like NGOs, police, prison officials, armed forces, journalists, and the judiciary; IV) Publications on themes of human rights; V) Publication of Annual reports on the work done; VI) Organization of seminars and workshops. Participating in local projects (VIII) Working with educational institutions to create courses of study, Media events, press releases, and press conferences are all part of the plan. (B) Protector Functions: (i) Receiving individual complaints; (ii) Conducting public inquiries; (iii) Reviewing the conditions in detention facilities; (iv) Protecting human rights defenders; (v) Unannounced visits to facilities; (vi) Requesting interviews with detainees/detainees; and (vii) Visiting facilities without prior notice.

Human Rights in India.

Madam Hansa Mehta represented India on the Committee that wrote the UDHR. Several articles from the UDHR are included in the Indian Constitution; yet, for nearly four decades, India did not have a Human Rights Commission. In fact, the decades following independence were marked by strong actions taken by government authorities to ensure what was popularly dubbed "internal security," steps that were considered abuses of human rights by various organisations and, in some cases, by the Supreme Court of India. These

abuses of human rights were brought into stark relief during the Emergency (1975–1977). One significant change that occurred in the 1980s was the inclusion of human rights protections as a condition for receiving international economic aid to India. For these and other reasons, including reports of security force abuses, the Union Government had begun drafting the human rights law. As a result, in May of 1992, the Lok Sabha was presented with a Human Rights Bill. The House of Representatives Home Affairs Committee was given responsibility for reviewing this legislation.

However after international and internal pressure the National Human Rights Commission (NHRC) was formally founded on October 12, 1993, after an ordinance was issued in September 1993 to establish the commission. After amendments to the Ordinance, the Protection of Human Rights Bill, of 1993, was approved by both houses of parliament. After receiving presidential approval on January 8th, 1994, the bill officially entered into force. Nation-based human rights institutions (NHRIs) have been in operation in many nations for decades, governed by national legislation that was shaped by international human rights law. The number of NHRIs has increased dramatically since the mid-1990s, mostly as a result of the UN's encouragement of such organisations. In particular, the 1990s saw a rise in the number of NHRIs across the Americas, Africa, and the Asia-Pacific region, with Europe experiencing a similar rise beginning in the middle of that decade.

Democracy and respect for human rights

States (National Governments) have extensive obligations to respect, protect, and fulfil human rights under international human rights law and are so charged with this duty. In order to fulfil these commitments on a national scale, governments were required to take "all appropriate means," which included both legal and institutional measures. The creation of national human rights institutions (NHRIs) helped serve as a bridge between the international human rights framework and national human rights systems. The NHRIs established the International Coordination Committee of NHRIs (ICC) at the International Conference in Tunis in 1993 to manage the NHRI network's activities. In 1998, procedures were established, and the number of members was increased to 16 (four from each zone). The ICC also decided at that time to establish a method of institutional accreditation. The ICC's Rules of Procedure designate the OHCHR-affiliated Sub-Committee on Accreditation with the responsibility of reviewing and analysing accreditation applications received by the Chairman and making recommendations to ICC members on the compliance of applicants with the Paris Principles.

Information about the ICC: The ICC was founded in 1993 to serve as the central organisation for the NHRI network. In 1998, the ICC's membership was increased to 16, with four members representing each zone, and rules of procedure were established. The International Coordination Committee of NHRIs (ICC) is an international judicial body with headquarters in Geneva, Switzerland, and accreditation from more than a hundred national human rights institutions (NHRIs). It was reorganised under Swiss law in 2008 with a new Statute that takes into account the evolving nature of the international human rights system and the importance of NHRIs within it. Formed in 2007, the ICC has had a Geneva-based permanent representative since March 2016; it is now known as the Global Alliance of NHRIs (GANHRI); and currently includes 117 NHRIs.

A number of research works and studies have been done on the performance and effectiveness of NHRIs. Some of the notable works are stated below: (1) *Performance and Legitimacy of NHRIs*. Richard Carver first wrote this in 2000 for the International Council on Human Rights Policy (ICHRP), Versoix. In 2004 he updated it for publication. Extensive interviews with staff members at the Human Rights Commissions of Ghana, Indonesia, and Mexico, as well as interviews with staff members at 6 other NHRIs, including the NHRC in India, formed the basis of the study. Leadership from the investigated NHRIs took part as well. This paper is significant since it examined the functioning and efficiency of the NHRIs in question. This study sheds light on actionable suggestions to improve NHRIs' operations.

(2) *Assessing the Effectiveness of NHRIs* edited by Richard Carver (2005) for the ICHR and the Office of the United Nations' High Commission for Human Rights. This study is based on in-depth conversations and interviews with NHRI Members, as well as a questionnaire about the NHRIs' approaches to planning and evaluating their work that was administered by OHCHR. The research examines the criteria outlined in the Paris Principles and identifies the factors that contribute to the success of NHRIs. According to the data presented in the report, a study of NHRI evaluations can be conducted using benchmarks and indicators. The benchmarks were the bare minimum that needed to be in place in order to accomplish the goals. Conversely, indicators reveal data about how they were doing in relation to these targets and standards. All three categories of Indicators—those measuring output, performance, and impact—were considered during the course of an Activity.

(3) A civil society umbrella group called AINNI (All India Network of NGOs and Individuals) filed a "Shadow Report on the working of the NHRC", to the Sub Committee on Accreditation (SCA) of the International Coordinating Committee of National Institutes for Promotion and Protection of Human Rights (ICC; now GANHRI). in January 2011. More than three hundred non-governmental organisations and private citizens signed a report criticising the National Human Rights Commission (NHRC), India for being insensitive to

victims and for not seeing cases through to their logical conclusions. It argued that the ICC should reduce the NHRC's A-level accreditation.

(4) Jensen L B Steven (2018) from the Danish Institute of Human Rights had analyzed 190 research publications, from 1997 to 2017, in “**Lessons from Research on NHRIs- A Desk Review on findings related to NHRI Effectiveness.**” The study informs that research pertaining to India, Malaysia and Uganda NHRIs have maximum research papers, 7 each. Ghana and South Africa have 6 each. They concluded that the most significant theme of research was **Effectiveness**. The report also presents a theoretical model for assessing the Effectiveness of NHRIs, which was developed by Katerina Linos and Thomas Pegram in November, 2017. This model contains 18 safeguards in 4 broad categories. The study cites four elements that are particularly important for effectiveness of an NHRI :

- A. Public Legitimacy
- B. The Complaint Handling
- C. National Inquiries (including the mandate to investigate and publish reports), and
- D. Formal Institutional Safeguards to protect from external pressures and threats.

State Human Rights Commission of Maharashtra

The Maharashtra State Human Rights Commission (MSHRC) was formed in 2000 and went into operation in March 2001. It, like the other State Human Rights Commissions (there are 25 of them), was founded in accordance with the stipulations of the Protection of Human Rights Act of 1993, Chapter V, sections 21 to 29. The MSHRC's creation was delayed due to objections from the State Home Department. However, the People's Union for Civil Liberties (PUCL) filed a petition with the Bombay High Court. Following that, the state government took action and founded the MSHRC. The MSHRC initially had one Chairperson position and three Member positions. However, as a result of the amendment to the PHR Act 1993, in 2006, the number of Members was reduced from three to two. The MSHRC, like most other SHRCs, has had vacant Chairperson/Membership positions from time to time. This has had an adverse influence on overall performance. During 2001/02, the MSHRC received around 73000 cases of human rights/alleged human rights breaches from residents. As per the Act, complaints against state government employees are only considered. The annual number of cases received ranged from 1454 in 2001/02 to 7208 in 2008/09. On average, 5500 cases are submitted each year, but the number jumped to 7208 in 2008-09. At the end of 2017, there were over 15000 complaints awaiting resolution. The MSHRC has hosted a number of trainings, seminars, and workshops to educate state authorities and other stakeholders on human rights concerns related to the PHR Act, 1993, which have been summarised below :

On February 9, 2003, a seminar on "Rights Protection" was organised in partnership with Tata Institute of Social Science and India Centre for Human Rights and Law. In 2002-2003, a number of publications for human rights literacy were prepared, including a Fact Folder containing basic information about the types of complaints heard by the MSHRC, the procedure and format for submitting complaints, the PHR Act, 1993 in Marathi, and a booklet on Human Rights and Development in accordance with the Kyoto Protocol. On April 4th, 2007, MSHRC and Yashwantrao Chavan Open University, Nashik, hosted two enlightening seminars on human rights for police personnel, and on April 5th, 2007, for revenue and other Nashik Revenue Commission officials in Nashik. On November 15, 2006, the MSHRC convened a meeting with the Principal Secretary (Planning), Executive Director, YASHADA, Tata Institute of Social Science, and Nirmala Niketan in Mumbai, in order to cooperate closely with NGOs in accordance with the stipulations of Section 12(i) of the PHR Act, 1993. The state administration had authorised YASHADA to select reputable non-governmental organisations (NGOs) in several disciplines in the state that were eager to collaborate with the government. The MSHRC asked YASHADA to identify such Organizations operating in various elements of human rights and notify the MSHRC so that the matter could be pursued further. The MSHRC in partnership with the NHRC hosted a National level Conference on the subject of, 'Human Rights Education' on the 12th of August, 2010. The Hon Governor, Hon Chief Minister, Hon Chairman, NHRC, and other dignitaries attended the opening session. High-level authorities were also present. The participants were placed into three groups based on their level of education: higher education, secondary education, and primary education. The MSHRC reviewed the recommendations of the groups and issued recommendations to the Hon Governor, the Department of Higher and Technical Education, and the Department of School Education. Many of the recommendations have since been followed by the state government's universities as well as the state's school boards.

Coming back to MSHRC's compliance to the Paris Principles, it was assessed that Out of **39 matters** (principles/sub-principles), **MSHRC complied with 16** and **did not comply with 23**. As the MSHRC is an independent and autonomous Commission within the ambit of the PHR Act, 1993, it has been interpreted that it is required to follow all norms as well as fulfil all responsibilities of a Human Rights Commission (NHRI). Hence the above areas of non compliance to the Paris Principles , can be construed to severely restrict its capability to function as a Human Rights Commission within the minimal standards as envisaged in the Paris Principles. Some important areas of non compliance/ partial compliance which may be looked into for

improving its effectiveness are clarity in the processing of the commissions recommendations by the government, lack of jurisdiction over security forces in its area of operation, need for more staff and trainings, need for financial autonomy, advocacy to complainants, better linkages with civil society and introduction of consultative process and due procedure in selection of Chairperson and Members.

With regard to compliance to section 12 of the PHR Act, 1993, MSHRC complies with 3 out of 9 functions that is mandated. It is necessary that the commission conforms to all the mandate recorded in its founding legislation.

II. CONCLUSION

MSHRC is the state human rights commission of the state of Maharashtra, one of the more advanced states in terms of various development criteria, in India. It has the highest GDP amongst all states, at rupees 35.81 lakh crores(2022-2023 est), and Mumbai continues to be the financial capital of the nation. Maharashtra attracts people from all over the country for jobs of various levels. It also attracts people from abroad for business, travel and health care. Hence it has been known for better governance over the last many years. It thus requires matching institutions that keep checks and balances on the executive, institutions which have proper operational reach. The human rights commission is one such institution that attracts victims because of ease of procedure , no costs and quick relief. In order to allow the MSHRC to have proper operational reach, there is urgent need to increase the manpower support and finances. It is also necessary to look at other non conforming aspects for it to meet the challenges. And the initial challenges are to reach international norms, and comply with its mandated functions as provided in the PHR Act, 1993. That is the only way forward.

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