



# The Indian Journal for Research in Law and Management

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## STATE HUMAN RIGHTS COMMISSIONS: TOOTHLESS TIGER OR WATCHDOGS WITH A BITE

*KARUNASRI. K<sup>1</sup>*

### INTRODUCTION

Under India's Protection of Human Rights Act, 1993 each state may create a State Human Rights Commission (SHRC). These commissions are meant to protect citizens' rights against abuse by public authorities. Legally, an SHRC can investigate only violations involving state action – specifically, issues in the State List or Concurrent List of the Constitution. In practice this means only complaints involving government or public officials fall under an SHRC's purview.

### MANDATE AND JURISDICTION

The Act gives SHRCs a broad mandate: they can probe any alleged human-rights violation (or abetment) by a public servant, or negligence by an official in preventing a violation. Commissions can also inspect prisons, review detention conditions, and promote rights awareness. However, Section 21 of the Act confines SHRC jurisdiction to state and concurrent subjects. Thus an SHRC cannot hear purely private disputes or crimes by individuals – unless a state official's misconduct or neglect is implicated.

### COMMON MISCONCEPTIONS

**Many citizens misunderstand the SHRC's role:** They assume it will handle any rights grievance, but in reality complaints outside its legal scope must be dismissed, often leaving

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<sup>1</sup> 4th Year, School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University

petitioners puzzled. For example, a mother's petition about her daughter's suicide due to school bullying could not be taken up by the SHRC, since no official was involved. Likewise, cases of domestic violence or other family disputes (private affairs) fall outside SHRC authority – victims must seek relief in ordinary courts or by writ petition. After their complaints fail, petitioners now find themselves without any available solution.

**Misplaced complaints:** Citizens file SHRC complaints regarding private abuses such as domestic quarrels and neighborhood disputes. These are routinely rejected for lack of any state actor, leaving victims frustrated. Case example: One report described a father's petition to an SHRC after her son committed suicide following school bullying. The SHRC noted it involved no government official and dismissed it – leaving the family with no clear path to justice.

**Where to file:** Violations involving state agencies (police brutality, illegal detention, denial of government benefits, etc.) belong at the SHRC. Other wrongs (involving only private parties) should go to civil/criminal courts or be raised by writ petition (High Court or Supreme Court).

**Awareness gap:** Public awareness is low. Kerala's Chief Justice Ashish Desai noted that “many people are ignorant of basic rights,” stressing the need to educate citizens about their rights and where to seek enforcement.

Under the Protection of Human Rights Act of 1993, custodial deaths – the violent deaths of persons in police or prison custody – squarely fall within the mandate of the State Human Rights Commissions. The Act defines “human rights” to include the right to life and dignity and authorizes each SHRC to investigate violations of those rights by state actors. In practice, state commissions have on occasion intervened in high-profile cases. For example, in 2024, the Maharashtra SHRC directed the government to pay ₹10 lakh to the family of a man who died after police beatings. The Assam commission (AHRC) ordered a magisterial inquiry into a suspicious jail death. Such interventions occur rarely. Most custodial deaths go unreported or unacknowledged. Victims' families do not know about SHRC remedies and they also fear reprisal while media and official oversight remains weak. As a result, official tallies dramatically undercount the problem. NCRB statistics show only 38 in-custody deaths nationwide in 2012. Yet, activists have documented approximately 14,231 deaths between 2001–2010 and NHRC case records show more than 17,000 deaths in custody during 2010–2020. The significant difference between reported custodial deaths and actual fatal outcomes

reveals the true extent of deaths in custody. SHRCs hold legal authority to act but they only deal with visible cases and they fail to reveal the true extent of rights violations in custody.

### **PRACTICAL LIMITATIONS**

Even within its domain, SHRC's power is weak. By law it can only recommend remedies (e.g. compensation or advising disciplinary action); it cannot enforce orders. In practice, governments often ignore or delay SHRC recommendations. A rights-report bluntly notes SHRC decisions are “only recommendations...without the power to enforce,” allowing authorities to reject or postpone compliance. This enforcement gap makes SHRCs appear largely toothless.

Resource constraints compound the problem. Many SHRCs are understaffed and underfunded. For example, the Andhra Pradesh SHRC (established 2021) has no dedicated investigation wing, no functional website, and as of 2025 had recorded no jail inspections – despite prison visits being a key statutory duty. Such shortfalls cause case backlogs and undermine public confidence.

### **WATCHDOG ROLE**

Nevertheless, SHRCs have sometimes produced real impact. They have exposed abuses, helped victims win relief, and prompted policy changes. The Supreme Court has underscored their importance. In May 2025 it called the PHRA “the primary statutory instrument” for rights protection in India and praised rights commissions as key “protectors, advisers, [and] monitors” of human rights. The Court emphasized that state and national commissions provide an “essential form of accountability, transparency, and remedy” against abuses.

### **TOOTHLESS OR WATCHDOGS?**

The evidence is mixed. Without enforcement powers or broad visibility, many SHRCs struggle to bite effectively – critics thus dub them “toothless.” Commissions successfully obtain substantial relief for victims through documentation of abuses alongside public and media pressure. The effectiveness of SHRCs differs among states because some such as Kerala and Maharashtra maintain their active status while Andhra Pradesh’s SHRC operates with minimal functionality. SHRCs currently function predominantly as advisory monitors instead of having direct authority to enforce changes.

## CONCLUSION

State Human Rights Commissions were conceived as guardians of citizens' dignity against official abuse. In practice they often act like paws rather than fangs: useful for highlighting rights violations and recommending remedies, but unable to enforce justice on their own. Strengthening SHRCs – by filling vacancies, granting genuine enforcement powers, improving resources, and educating the public on their proper role – would give them the bite intended by law. With such reforms, SHRCs could more fully protect rights and fulfill their watchdog mandate.

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