

State Human Rights Commission, Objectives, Composition, Functions

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The State Human Rights Commission (SHRC) is a statutory body in India which plays a crucial role in safeguarding, protecting, and promoting human rights at the state level. It works to uphold individual liberties, ensure justice, and promote a culture of dignity and respect, thereby reinforcing the very foundations of democracy. Beyond offering protection to individuals, the SHRC also acts as a guardian against human rights violations and helps bridge the gap between the state and citizens.

State Human Rights Commission (SHRC)

The State Human Rights Commission (SHRC) is a statutory body established under the Protection of Human Rights Act, 1993. Unlike constitutional bodies, it derives its authority from legislation. The SHRC works to safeguard the rights relating to life, liberty, equality, and dignity of individuals, as discussed in the Constitution of India and reinforced by international treaties. The headquarters of the SHRC is determined by the respective State Government through official notification.

What are Human Rights?

According to the United Nations, human rights are inherent to every individual, regardless of race, gender, nationality, ethnicity, language, religion, or any other identity. These rights belong to all people equally and cannot be denied on grounds of discrimination.

Human rights cover a wide range of fundamental freedoms and protections. They include the right to life and liberty, protection from slavery and torture, freedom of opinion and expression, and the right to work and education, among others. Together, they form the foundation of human dignity and equality.

To highlight their universal importance, Human Rights Day is observed globally on 10 December each year, marking the anniversary of the adoption of the Universal Declaration of Human Rights in 1948.

State Human Rights Commission Objectives

- To strengthen institutional arrangements for addressing human rights issues in a comprehensive and focused manner.
- To investigate allegations of human rights violations independently of the government, ensuring accountability and reinforcing the government's commitment to protect rights.
- To complement and strengthen the existing efforts taken for the protection and promotion of human rights.

State Human Rights Commission Composition

The State Human Right Commission Composition has multi members which consists:

- A Chairperson, and
- Two other members

State Human Rights Commission Member Qualifications

The full time State Human Rights Commission Member Qualifications is as follow:

- A retired Chief Justice or a Judge of a High Court is eligible for the position of Chairperson.
- A serving or retired Judge of a High Court or a District Judge in the State with a minimum of 7 years experience as a District Judge can be recruited for the position of 1st member.
- A person having knowledge or practical experience with respect to human rights is eligible for the position of 2nd member.

State Human Rights Commission Member Appointment

The State Human Rights Commission Member Appointment of Chairperson and the members is directly by the Governor on the recommendation of a committee which consists of:

- The Chief Minister as its head,
- The Speaker of the Legislative Assembly,
- The Chairperson of the Legislative Council (if it exists),
- The Leader of the Opposition in the Legislative Assembly.

- The Leader of the Opposition in the Legislative Council (if it exists), and
- The State Home Minister

Term of Members of State Human Rights Commission

- The Chairperson and members serve for 3 years or until the age of 70 years, whichever comes first.
- They are eligible for re-appointment.
- After completing their tenure, they are barred from any further employment under the Central or State Government.

Removal of Members of SHRC

- **Appointing Authority:** Governor of the State.
- **Removing Authority:** Only the President of India can remove them.
- **Grounds for Removal (same as NHRC):**
 - Adjudged insolvent.
 - Engages in paid employment during tenure.
 - Unfit to continue due to infirmity of mind or body.
 - Declared of unsound mind by a competent court.
 - Convicted and sentenced to imprisonment for an offense.
- **Additional Grounds:**
 - Proven misbehavior or incapacity.
 - In such cases, the President must refer the matter to the Supreme Court.
 - If the Supreme Court, after inquiry, upholds the charge and advises removal, the President can proceed.

Salaries of Members of SHRC

- The salaries, allowances, and service conditions of the Chairperson and Members are decided by the State Government.
- These conditions cannot be altered to their disadvantage after appointment.

State Human Rights Commission Jurisdiction

- The State Human Rights Commission can inquire into human rights violations related only to subjects in the State List and Concurrent List of the Seventh Schedule.
- If a case is already under inquiry by the NHRC or any other Statutory Commission, the State Human Rights Commission cannot take it up.

State Human Rights Commission Functions

- To investigate cases of human rights violations or negligence in preventing such violations by public servants, either on its own (suo motu), on a petition, or through court orders.
- To intervene in cases pending before courts where human rights violations are alleged.
- To visit prisons and detention facilities to examine living conditions of inmates and suggest improvements.
- To evaluate constitutional and legal safeguards meant for the protection of human rights and recommend better implementation measures.
- To examine factors, including terrorism, that hinder the enjoyment of human rights and suggest remedial actions.
- To study human rights treaties and international instruments and advise on their effective enforcement.
- To undertake and encourage research in the field of human rights.
- To spread awareness about human rights and the safeguard available for their protection.
- To encourage and assist the efforts of NGOs working in the human rights domain.
- To perform any additional functions it considers necessary to advance the cause of human rights.

Nature of Functions of SHRC

- The State Human Rights Commission Functions are primarily advisory in nature.
- It does not have the authority to punish violators of human rights or to grant relief, including monetary compensation, to victims.
- The Commission can only make recommendations, and these are not legally binding on the State Government or any other authority.

State Human Rights Commission Powers

- The SHRC has the authority to regulate its own procedure.
- It enjoys all the powers of a Civil Court, and its proceedings carry a judicial character.
- It may demand information or reports from the State Government or any subordinate authority.
- The Commission cannot inquire into matters after one year from the date of the alleged human rights violation.
- In short, cases must be taken up within one year of their occurrence.
- During or after an inquiry, the Commission may:
 - Recommend compensation or damages to the victim.
 - Recommend prosecution or action against the guilty public servant.
 - Recommend immediate interim relief to the victim.
 - Approach the Supreme Court or the High Court for necessary directions, orders, or writs.

State Human Rights Commission Report

- The State Human Rights Commission submits its annual or special reports to the concerned State Government.
- These reports are then placed before the State Legislature, accompanied by a memorandum outlining the action taken on the Commission's recommendations and explaining the reasons for any recommendations not accepted.

Issues Addressed by State Human Rights Commission

The State Human Rights Commission (SHRC) addresses a wide range of human rights violations within a State.

Some key issues taken up by SHRC include:

- Arbitrary arrest and detention
- Custodial torture
- Child labour and exploitation
- Violence and discrimination against women and children
- Extra-judicial killings
- Sexual violence and abuse
- Rights of the LGBTQ community
- Concerns of SCs, STs, disabled persons, and religious minorities
- Labour rights and the right to work
- Conflict-induced internal displacement
- Manual scavenging and related injustices

State Human Rights Commission Challenges

The State Human Rights Commission has faced various challenges which affect the efficiency of the functioning of the committee which includes:

- Recommendations are not binding, reducing the Commission's effectiveness.
- Inadequate funding, staff, and infrastructure hamper efficient functioning.
- Many citizens are unaware of SHRC's role, leading to underreporting of violations.
- Pressure from governments undermines independence and impartiality.
- Rising complaints with limited capacity result in delays and pendency.
- Systemic and multi-dimensional violations require expertise often lacking with SHRCs.
- The existing law has gaps and has not evolved with emerging human rights challenges.

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