

## State Human Rights Commission

The State Human Rights Commission is charged with the protection of Human Rights or investigating any violations that occur within their respective state.

This article will give details about the State Human Rights Commission within the context of the IAS Exam.

### Overview of the State Human Rights Commission

The Protection of Human Rights Act of 1993 provides for the creation of not only the National Human Rights Commission but also a State Human Rights Commission at the State Level.

About 26 states have constituted the State Human Rights Commission through official Notification.

A State Human Rights Commission can inquire into violation of human rights only in respect of subjects mentioned in the State List (List-II) and the Concurrent List (List-III) of the Seventh Schedule of the Constitution of India.

The Central Government may confer upon the State Human Rights Commissions the functions relating to Human Rights except the Union Territory of Delhi. Such functions for New Delhi are dealt by the National Human Rights Commission.

### Composition of the States Human Rights Commission

The State Human Rights Commission is a multi-member body consisting of a chairperson and two members. The chairperson should be a retired Chief Justice or a Judge of a High Court and members should be serving or retired judge of a High Court or a District Judge with a minimum of seven years experience as District Judge and a person having knowledge or practical experience with respect to human rights.

- The Chairperson and members are appointed by the Governor on the recommendations of a committee consisting of the chief ministers as its head, the speaker of the Legislative Assembly
- The chairperson and members hold office for a term of three years or until they attain the age of 70 years, whichever comes first.
- Although the chairperson and members of a State Human Rights Commission are appointed by the governor they can only be removed by the President (and not by the Governor).

The Salaries, allowances and other conditions of service of the chairperson or a member are determined by the state government. But they cannot be varied to his disadvantage after his appointment.

## Functions of the States Human Rights Commission

The functions of the States Human Rights Commission are as follows:

- (a) To inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, either *suo motu* or on a petition presented to it or on an order of a court.
- (b) To intervene in any proceedings involve allegations of violation of human rights pending before a court.
- (c) To visit jails and detention places to study the living condition of inmates and make recommendations thereon.
- (d) To review the constitutional and other legal safeguards for the protection of human rights and recommend measures for their effective implementation.
- (e) To review the factors including acts of terrorism that inhibit the enjoyment of human rights and recommend remedial measures.
- (f) To undertake and promote research in the field of human rights.
- (g) To spread human rights literacy among the people and promote awareness of the safeguards available for the protection of these rights.

## Working of the States Human Rights Commission

The Commission is vested with the power to regulate its own procedure. It has all the powers of a civil court and its proceedings have a judicial character. It may call for information or report from the state government or any other authority subordinate hitherto.

The Commission is not empowered to inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed. In other words, it can look into a matter within one year of its occurrence.

The Commission may take any of the following steps during or upon the completion of an inquiry:

- (a) It may recommend the state government or authority to make payment of compensation or damages to the victim.
- (b) It may recommend to the state government or authority the initiation of proceedings for prosecution or any other action against the state government.
- (c) It may recommend the state government or authority for the grant of immediate interim relief to the victim.

(d) It may approach the Supreme Court or state high court for the necessary direction, order or writs.

The Commission submits its annual or special reports to the state government. These reports are laid before the state legislature, along with a memorandum of action taken on the recommendations of the Commission and the reasons for non-acceptance of any of such recommendations.

### **Human Rights Courts**

The Protection of Human Rights Act (1993) also provides for the establishment of a 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 as a special prosecutor)