

State Human Rights Commission

Introduction:

In addition to the National Human Rights Commission (NHRC), India has State Human Rights Commissions (SHRCs) at the state level. These commissions are established to safeguard and promote human rights within their respective states. This detailed note provides an overview of the composition of State Human Rights Commissions in India, including their members, appointment process, and significance.

Members of State Human Rights Commissions:

a) Chairperson:

The SHRC is headed by a chairperson who is a retired Chief Justice of a High Court or a serving or retired judge of a High Court. The Chairperson brings judicial experience and knowledge to the commission.

b) Members:

The SHRC consists of several members, including:

- i) Judicial Members:** The commission includes one or more members who are either serving or retired judges of the High Court. Their judicial expertise strengthens the commission's understanding of legal aspects related to human rights.
- ii) Non-Judicial Members:** The SHRC also comprises non-judicial members with expertise in human rights. These members can be individuals with a background in human rights, social work, or public administration. Their diverse knowledge and experience contribute to a comprehensive examination of human rights issues.

Appointment Process:

a) Chairperson: The Chairperson of the SHRC is appointed by the Governor of the state on the recommendation of a committee. The committee typically includes the Chief Minister, the Speaker of the Legislative Assembly, the Leader of the Opposition in the Legislative Assembly, and others, as prescribed by the state government.

b) Members: The appointment of members of the SHRC follows a similar process. The committee, constituted for the appointment of members, recommends suitable candidates to the Governor. The specific composition of the committee may vary from state to state.

Function:

The State Human Rights Commission (SHRC) in India is an important institution established to protect and promote human rights at the state level. Created under the Protection of Human Rights Act, 1993, these commissions play a vital role in ensuring the safeguarding of human rights and the prevention of their violations within their respective states. In this note, we will delve into the functions and responsibilities of the State Human Rights Commission of India.

- **Investigation of Complaints:** The primary function of the State Human Rights Commission is to investigate complaints related to human rights violations. It has the power to inquire into allegations of violations committed by state government authorities, public servants, or any person acting in an official capacity within the state. The SHRC can summon witnesses, examine documents, and take necessary steps to ensure a fair investigation.
- **Human Rights Education:** The SHRC is responsible for creating awareness and promoting human rights education within its jurisdiction. It organizes seminars, workshops, and training programs to educate people about their rights and the mechanisms available to address grievances. By fostering a culture of human rights, the commission aims to prevent violations and empower individuals to assert their rights.
- **Public Hearings:** The commission has the authority to conduct public hearings on matters related to human rights violations. These hearings provide a platform for victims, witnesses, and concerned individuals to present their grievances directly to the commission. Public hearings not only facilitate the redressal of complaints but also bring transparency and accountability to the process.
- **Recommendations and Reports:** The SHRC prepares reports and recommendations based on its investigations and findings. It can suggest measures to prevent human rights violations and provide redressal mechanisms. The commission's recommendations may cover issues such as legal reforms, policy changes, compensation for victims, and disciplinary actions against those responsible for

violations. These reports serve as important guidelines for the state government to take appropriate actions.

- **Interaction with Government and NGOs:** The commission acts as a bridge between the government and non-governmental organizations (NGOs) working in the field of human rights. It engages in dialogue and cooperation with various stakeholders to address human rights concerns effectively. By collaborating with NGOs, the SHRC can enhance its knowledge base, gain broader perspectives, and ensure a more comprehensive approach to human rights protection.
- **Monitoring and Compliance:** The SHRC plays a crucial role in monitoring the implementation of its recommendations and ensuring compliance by relevant authorities. It periodically assesses the progress made by the government in addressing human rights issues and takes appropriate action if there is a failure to comply. This monitoring function helps maintain accountability and keeps the spotlight on human rights violations.
- **Advisory Role:** The commission serves as an advisory body to the government on matters related to human rights. It can provide expert opinions, suggestions, and guidance to the government, helping shape policies and legislation to align with international human rights standards. The advisory role of the SHRC contributes to the development of a human rights-sensitive environment in the state.

c) Transparency and Accountability:

The appointment process aims to ensure transparency and prevent undue influence. The inclusion of the Chief Minister, Speaker of the Legislative Assembly, and the Leader of the Opposition in the committee helps maintain a balance of power and ensures the independence of the SHRC.

Significance:

The composition of State Human Rights Commissions in India holds significant importance in upholding human rights at the state level: a) **Localized Protection:** SHRCs address human rights issues specific to a particular state, ensuring that the commission's work is closely aligned with the local context and challenges. This localized approach enhances the effectiveness of the commission in protecting and promoting human rights at the grassroots level.

b) Expertise and Diversity:

The inclusion of judicial members and non-judicial members with human rights expertise provides a balanced composition. Judicial members contribute legal knowledge and understanding, while non-judicial members bring diverse perspectives and specialized knowledge related to human rights issues, leading to a holistic examination of cases.

c) Accountability:

The presence of the SHRC ensures accountability within the state's administration by providing an avenue for redressal and investigation of human rights violations. It acts as a watchdog to monitor and hold the state government and its agencies accountable for their actions.

d) Accessibility:

The establishment of SHRCs brings human rights protection closer to the people at the state level. It allows individuals to seek justice and redressal for human rights violations without the need to approach national-level institutions, thus making the process more accessible and localized.