

# State Human Rights Commission

The State Human Rights Commission was created at the state level under the **Protection of Human Rights Act of 1993** which also brought the **National Human Rights Commission** into existence. Apart from protecting human rights, the SHRC is also supposed to probe the violation of human rights, but it can only deal with those subjects that are mentioned in the List II of the State List and List III of the Concurrent List.

The subjects to which the State Human Rights Commission needs to conform are mentioned in the Seventh Schedule of the Indian Constitution. The respective State Governments are given the power to create a Human Rights Commission for their particular state if the need arises.

## State Human Rights Commission Members

The State Human Rights Commission or SHRC comprises two members and one chairperson who heads the commission. Here are other details about State Human Rights Commission Composition.

- **Appointment of SHRC Members:** The members of the State Human Rights Commission are appointed by the Governor. They can only be removed by the President though.
- **Tenure of State Human Rights Commission Members:** The Chairperson and the members of the State Human Rights Commission are appointed for a term of three years or till they reach the age of 70 years.
- **Salary of SHRC Members:** As per the recent change in the salary & allowances of the SHRC Chairperson & members, the Tamil Nadu govt. Has increased the salary by approx. 177%. The Chairperson now will receive a salary of Rs 2.5 lakh instead of Rs 90,000 & the members will receive around Rs 2.25 lakh as compared to Rs 80,000 a month.

## Qualification of SHRC Members

There are certain conditions under which a State Human Rights Chairman & the members need to be appointed.

- The SHRC chairman will be eligible on the condition that he/she is a retired High Court Judge or a retired Chief Justice.
- The members will also be eligible only if they have been serving or are retired as a Judge of the High Court or a District Judge with at least seven years of experience as a District Judge.
- The candidates should also possess prior experience or knowledge of human rights.
- The office to be held by the SHRC chairman & members has a term of three years or till they reach the age of 70, whichever is first.
- The Chairman and members of the State Human Rights Commission are only appointed by the Governor based on recommendations made by a specific Committee of Chief Ministers (head of the committee) & the Legislative Assembly speaker.

- Irrespective of the appointment of the Chairman & State Human Rights Commission members, made by the Governor, their tenure can only be terminated by the President of India.

## Functions of State Human Rights Commission

Having the protection of human rights as the major goal, the State Human Rights Commission has to perform various other functions and responsibilities in order to fulfill its main aim.

- To look into the violation of human rights in the given state, and especially prevent it from happening in the case of a public servant.
- To arbitrate in case of pending legal proceedings that include the claim of violations of human rights at any given time in the state.
- To assess the living conditions of prisoners & people who have been spending time in other detention centers.
- To advocate more research and development on the subject of human rights.
- To evaluate the conditions that hamper people's lives & rob them of their basic human rights and recommend solutions for the same.
- To raise general awareness of people with respect to human rights and make them aware of the various ways in which they can protect their rights from getting violated.

## Power of State Human Rights Commission

As discussed above, the State Human Rights Commission is responsible for the protection of human rights and preventing violations by adopting various measures. It has been given certain powers so that it may accomplish the given task easily.

- The State Human Rights Commission is given complete power to manage the whole process on its own.
- It possesses a complete set of powers similar to a civil court and conducts judicial proceedings in the same way as a court.
- The SHRC has been vested with the power to demand information from the Governor of the State or any other authority with respect to the case & can also ask for compensation to be paid to the victim.
- It can also reach out to the Supreme Court or the State High Court in case of a requirement of a direction or order.

Despite all the powers given to the State Human Rights Commission, it is required to take any action with respect to a case only within the year of its occurrence, or else it stays no more in its purview.

To this day, a total of 26 states have formed the State Human Rights Commission in their respective states and are successfully working towards the protection of human rights.