

CLASS- B.A. LL.B. IVSEMESTER
SUBJECT- HUMAN RIGHTS
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STATE HUMAN RIGHTS COMMISSION

CONSTITUTION OF SHRC is as follows: (Section 21)

A State Government may constitute a body to be known as the (name of the State) Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission .

(2) The State Commission shall consist of-

- (a) A Chairperson who has been a Chief Justice of a High Court;
- (b) one Member who is, or has been, a Judge of a High Court;
- (c) one Member who is, or has been, a district judge in that State;
- (d) two members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
- (e) one Secretary

Head Quarter: the state Commission shall be at such place as the State Government may, by notification, specify.

Section 4- Appointment of SHRC chairperson and members done by the Committee. Committee will consist of –

- a) the Chief Minister -chairperson;
- (b) Speaker of the Legislative Assembly -member.
- (c) Ministers in-charge of the Department of Home in that State -member;
- (d) Leader of the Opposition in the legislative Assembly – member

Provided further that where there is a Legislative Council in a State, the Chairman of that Council and the Leader of the opposition in that Council shall also be members of the Committee:

Section 26.Terms and conditions of service of Members of the state Commission.-The salaries and allowances payable to, and other terms and conditions of service of, the Members shall be such as may be prescribed by the State Government

FUNCTIONS OF SHRC: SECTION 10

The Commission shall, perform all or any of the following functions, namely:-

1. a) Inquire, on its own initiative or on a petition presented to it by a victim or any person on his behalf, into complaint of-
 - i) violation of human rights or abetment or
 - ii) negligence in the prevention of such violation, by a public servant;

- b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;

c) visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living condition of the inmates and make recommendations thereon ;

d) review the safeguards by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;

e) review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures;

f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;

g) undertake and promote research in the field of human rights;

h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;

i) encourage the efforts of non - Governmental organizations and institutions working in the field of human rights;

j) such other functions as it may consider necessary for the promotion of human rights.

SECTION 6.- Term of office of Members.-

(1) A person appointed as Chairperson shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.

(2) A person appointed as a Member shall hold a office for a term of five years from the date on which the enters upon his office and shall be eligible for re-appointment for another term of five years;

SECTION 29- Applications of certain provisions relating to National Human Rights Commission to State Commission.-

The provisions of sections 9, 10, 12, 13, 14, 15, 16, 17 and 18 shall apply to a State Commission.

Section 30.Human Rights Courts

For providing speedy trial of offences arising out of violation of human rights, the state Government may, with the concurrence of the Chief Justice of the High court, by notification, specify for each district a Court of session to be a Human Rights Court to try the said offences:

Provided that nothing in this section shall apply if-

(a) a Court of session is already specified as special court; or

(b) a special court is already constituted, for such offences under any other law of the time being in force.

SECTION 31- Special Public Prosecutor

The State Government shall by notification, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting a cases in Human Rights Court.

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