

NATIONAL HUMAN RIGHTS COMMISSION (PROCEDURE) REGULATIONS 1994

REGISTERED NO. DI-33004/94 the Gazette of EXTRAORDINARY PART II—section PUBE-TSKED BY AUTHORITY NEW DELHI, SATURDAY, FEBRUARY 26, 1994/PHALGUNA 7, 1915 *prate is given ibis Part in order that it may be filed a separate compilation. CTO be published' in the Gazette, Part II, Section I] NATIONAL TnJIVIAN RIGHTS COMMISSION New Delhi, the 17th February; 1994 29 Magha, 1915 saka NOTIFICATION National Human Rights Commission (Procedure) Regulations NO. A-11031 / 1/94-NHRC. In exercise of the powers conferred by sub- section (2) of Section 10 of the Protection of Human Rights Act, 1993 (NO- 10 Of 1994) , the National Human Rights Commission hereby makes the following regulations, namely:—

I Short title and commencement: (1) These Regulations may be called the National Human Rights Commission (Procedure) Regulations, 1994. (2) They shall come into force with effect from the day of March, Definition-v. these Regulations unless convexz otherwise requires— "Act" The means the Protection or Rights Act, 1993. "Chairperson" means the Chairperson of the Commission. 2 THE GAZETTE OF INDIA EXTRAORDINARY (d) 'Wlember" means a Member of the Commission. 3 Headquarters of the Commission; The Headquarters of the Commission shall be located 4 Venue of the meetings: [PART and includes Delhi. The Commission shall ordinarily hold its meetings and sittings in its office located at Delhi. However, it may, in its discretion, hold its meetings and sittings at any other place in India if it considers it necessary and expedient. 5 Periodicity of The shall normally have its regular sittings in the first and third weeks of every month, excepting holidays. However, The Chairperson by himself or the members may direct a special sitting of: Commission to be convened consider any special matter of urgency. 6 Secretariat. Assistance: The Secretary-General, along with such other officers of the Commission as may be directed by the Chairperson, or considered necessary, shall attend the meetings of, the Commission. 7 Agenda: The Secretary-General shall, in consultation with the Chairperson, prepare the agenda for each meeting of the Commission and shall cause notes thereon to be prepared by the Secretariat. Such notes shall, as far as possible, be self-contained. Specific files covering the agenda items shall be made readily available to the Commission for reference. The agenda papers shall ordinarily be circulated to the Members at least two clear days in advance of every meeting; but when matters are set down only for hearing, cause list of the day of sitting shall be prepared and circulated. 8 Procedure for dealing with complaints: (I) All complaints in whatever form received by the Commission shall be registered and placed for admission before each two Members constitute for the taking of receipt thereof. Ordinarily complaints of the following nature are not entertainable by the Commission: (a) in regard to events which happened more than one before the making of complaints; (b) with regard to matters which are still sub-judice; (c) which are vague: anonymous or pseudonymous; (R) which are of frivolous nature; or (e) those which are out of the purview of the Act. THE GAZETTE OF INDIA EXTRAORDINARY 3 (3) Every attempt should be made to disclose a complete picture of the matter leading to the complaint and the same may be made in English or Hindi to enable the Commission to take immediate action. To, facilitate the filing of complaints, the Commission shall, however, entertain complaints in any language included in Eighth Schedule of the Constitution. It shall be open to the Commission to ask for further information and affidavits to be filed in support of allegations whenever considered necessary. (4) The Commission may, in its discretion, accept telegraphic complaints and complaints conveyed through Fax. (5) The Commission shall have power to dismiss a complaint. in limine. (6) Upon receipt of a complaint shall direct whether the matter would be set down for inquiry by it or should be investigated into. (7) On every complaint on which decision is taken by the Chairperson, the Commission to either hold an inquiry or investigation, the Secretariat shall call for reports/comments from the concerned Government/ authority giving the latter a reasonable time therefor. (8) On receipt of the comments of the concerned authority, a detailed note on the merits of the case shall be prepared for consideration of the Commission. (9) The directions and recommendations of the Commission shall be communicated to the concerned Government/authority and the petitioner as provided for in section 18 and 19 of the Act. (10) The Commission may, in its discretion, afford a personal hearing to petitioner or any other person on his behalf and such other person or persons as in the opinion of the Commission should be heard for appropriate disposal of the matter before it and Where necessary, call records and examine witnesses in connection with it. The Commission shall afford a reasonable

hearing, including opportunity examining witnesses, if any, in support of the complaint and leading evidence in support his stand, to a person whose conduct enquired into by it or where in its opinion the reputation of such person is likely to be prejudicially (11) Where is undertaken by [the team Commission or by any other person under its discretion, the report shall be submitted within 2 week of its completion or such further time as the Commission may allow. The Commission may, in its discretion, direct further investigation in given case if it is of opinion has been proper the ter requires further ascertaining the truth or enabling it to properly dispose of. On receipt of the report: the Commission on its own motion, or it moved in [the quater, direct inquiry to be carried by it and receive evidence in of such inquiry. The any 13 or r: 4 THE GAZETTE OF INDIA EXTRAORDINARY 9. Minutes of the meetings: (a) The minutes of each meeting of the Commission shall be recorded during 'the meeting itself or immediately thereafter by the Secretary- General or by any other officer as directed. Such minutes shall be submitted to the Chairperson for his approval and, upon approval, be circulated to all the Members of the Commission at the earliest and in any case, sufficiently before the commencement Of the next meeting. (b) The conclusions of the Commission in every matter under- taken by it shall be recorded in the form of an opinion. Dissenting opinions, if given, shall also form part of and be kept on record. Action shall be taken on the basis Of (the majority opinion where there be any difference. (c) Follow-up action: Unless; specifically authorised, no action shall be taken by the Secretariat the Commission on the. minutes Of the meetings until the same are confirmed by the Chairperson. •10. Record of minutes: A master copy Of the minutes Of every meeting and opinions of the Commission shall be maintained duly authenticated' by the Secretary— General and a copy the minutes pertaining to each item shall be added to the relevant file for appropriate action. shall be kept in the respective records and for convenience, copies thereof with appropriate indexing shall be kept in guard files- 11. Report of Action taken: Report of follow-up action shall be submitted to the Commission at every subsequent sitting indicating the-rein the present stage of action each item on which the Commission had taken a decision in any of its earlier meetings, excepting the items on which no further action is called for

12. Transaction of business outside the Headquarters: The Commission or some of the Members may transact business at places outside its Headquarters as and when previously approved by the Chairperson, provided that if parties are to be heard in connection with any inquiry under the Act at least two Members shall constitute the bench Of [the Commission for such purpose

13. Authentication Of orders and decisions: (1) Orders decisions of the Commission Shall be authenticated by the Secretary. General or any officer of the Commission (authorised by the Chairperson) not below 'the rank of an Under Secretary. (2) Copies of enquiry reports or orders passed finally disposing of matters by the Commission shall be furnished free of cost to the representative. (3) Unless any communication is General, available to the parties in the on SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY payment of a reasonable fee raised to meet the cost. Every should be made to provide the copies with and, case, not later than one week of [the date Of request

14. Annual report: The Commission shall furnish its annual report for the 5 years in any period commencing from 1st April Of the year (0 31st March of the succeeding year to the Central Government and to the State Governments concerned as provided in Section 2C(1) of the Act. The original report shall be signed by the Chairperson and members of the Commission and appropriately preserved and duly authenticated copy shall be sent to the appropriate Government by end of May of every year. 15 Reports. The Commission may furnish such Special Reports on specific matters as may be considered necessary in terms of Section 20 (1) of the Act

16. Reports on Complaints and Inquiries: Every report to which Section 18 or 19 of the Act applies shall be sent to the concerned Government, authority or person, as the case may be, within one week of completion of the proceedings before the Commission and on receipt of the comments Of the concerned Government or authority, the Commission shall publish the report in the manner provided in Section 18(6) or 19(3) of the Act, as the case may be, within one week of the receipt of the appropriate intimation

17. Printing of the reports: The Secretariat of the Commission shall be responsible for the printing of the Annual Report and Special Reports with utmost expedition and in any case, not later than one month of finalisation of the same

18. Investigation Team: The Commission shall have its own team of investigation to be headed by a person not below the rank Of a Director General of Police appointed by it and such team shall consist of one Deputy Inspector General of Police, 2 Superintendents of Police, 6 Deputy Superintendents of Police and 24 Inspectors of Police and such other categories of officers as the Commission from time to time decides. The Commission may in any given case appoint an appropriate number of outsiders to be associated with the investigation either as investigators or Observers

19. As and when any matter which is covered these Regulations arises, it shall be to appropriate directions and The Commission delene. . *Inend these Regulations;

