

STATE HUMAN RIGHTS COMMISSION,
TAMIL NADU (PROCEDURE) REGULATION, 1997
(7TH June 1997)

SRO C-20(a) 97.

In exercise of the powers conferred by sub-section (2) of Section 10 read with Section 29 of the Protection of Human Rights Act, 1993 (Act 10 of 1994), the State Human Rights Commission, Tamil Nadu hereby makes the following REGULATIONS, namely:-

1. **Short title and commencement** – These Regulations may be called the State Human Rights Commission, Tamil Nadu (Procedure Regulations, 1997.
- (a) They shall come into force with effect from 25th June 1997.

CHAPTER – I

PRELIMINARY

2. **Definitions** – In these regulations, unless the context otherwise requires:-
 - (a) “Act” means the Protection of Human Rights Act, 1993 as amended from time to time.
 - (b) “Code” means the Code of Civil Procedure 1908 as amended from time to time.
 - (c) “Complaint” means all petitions or communications, received by the Commission from a victim or any other person on his behalf, in person or by post or by telegram or by Fax or by any other means whatsoever, alleging violation or abetment thereof or negligence in the prevention of such violation, by a public servant, of all or any of the human rights defined in section 2(d) read with section 21(5) of the Act.
 - (d) “Commission” means the State Human Rights Commission, Tamil Nadu.
 - (e) “Chairperson” means the Chairperson of the Commission
 - (f) “Director (Investigation)” means the person designated by the Chairperson as the Director of the Investigation team of the Commission.
 - (g) “Division” means and includes Administration Division. Law Division, Investigation Division, Research Division and such the Divisions in the Commission as may be constituted by the Chairperson.
 - (h) “Division Bench” means a Bench consisting of two members of the Commission as constituted by the Chairperson.

- (i) “Full Bench” means a Bench consisting of three or more members of the Commission as constituted by the Chairperson.
 - (j) “Member” means a Member of the Commission and includes the Chairperson.
 - (k) “Registrar” means Registrar of the Commission.
 - (l) “Regulation” means Regulations framed by the Commission.
 - (m) “Secretary” means Secretary of the Commission.
 - (n) “Single Bench” means a Bench consisting of one Member of the Commission as constituted by the Chairperson.
- (A) Words and expressions not defined in the regulations shall, to the extent defined in the Act have the same meaning as assigned to them therein.

3. Head quarters of the Commission- The Headquarters of the Commission shall be as notified by the State Government at Chennai.

4. Venue of the Meetings - The Commission shall ordinarily hold its meetings and sittings in the office at Chennai. However, it may, in the discretion of the Chairperson, hold its meetings and sittings at any other place in Tamil Nadu, should he consider the same necessary and expedient.

5. Periodicity of Meetings – The Commission shall normally have its regular sittings in the first and second weeks of every month, excepting holidays. The Chairperson may however either *suo-motu* or at the request of one or more members direct a special sitting to be convened to consider any matter of urgency.

6. Secretarial Assistance – The Secretary along with such other officers of the Commission as may be directed by the Chairperson shall attend the meetings of the Commission.

7. Agenda – The Secretary 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 available to the Commission for reference. The Agenda papers shall ordinarily be circulated to the Members atleast two clear days in advance of every meetings, but when matters are set down only for hearing, cause list of the day of sitting shall be prepared and circulated. The Commission may, however, take up any matter for deliberation, which is not included in the agenda of the meeting.

CHAPTER – II**PROCEDURE OF DEALING WITH COMPLAINTS OR
SUO-MOTU ACTION**

- 8. General** – (a) Complaints may be made to the Commission in English or Tamil or Hindi or in any of the languages included in the Eighth Schedule of Constitution.
- (b) No fee shall be chargeable on complaints.
- (c) The complaints should disclose a complete picture of the matter complained against. The Commission may, if necessary call for further information and may direct affidavits to be filed in support of the allegations, whenever considered necessary.
- 9. Complaints not ordinarily entertainable** – The Commission may dismiss in limini complaints of the following nature:-
- (a) Vague, anonymous or pseudonymous or illegible, trivial or frivolous.
- (b) Barred under Section 36 (1) of the Act.
- (c) Barred under Section 36 (2) of the Act.
- (d) Related to civil dispute, such as property rights, contractual obligations.
- (e) Relates to Service matter or labour or industrial disputes.
- (f) Allegations do not make out any specific violation of human rights.
- (g) Matter is sub judice before a Court or tribunal.
- (h) Matter is covered by a Judicial verdict or decision of the Commission.
- (i) Where copy of the complaint addressed to some other authority is received by the Commission.
- (j) Matter is outside the purview of the Commission.

- 10. Procession of Complaints** – (a) Immediately on receipt of the tapals, the Section Officer in the Law Division shall sort out the fresh complaints and place them for scrutiny before the concerned Assistant Registrar.
- (b) Complaints and other communications requiring urgent action shall be shall be placed before the Registrar, who shall arrange for urgent processing.
- (c) Complaints not in English or Tamil shall be translated into English.
- (d) After completing the scrutiny, the Assistant Registrar shall, fill up Form A, in case of complaints found entertainable and fill up Form B, in case, the complaint as not entertainable for any of the reasons mentioned in Regulation 9. He shall then forward the complaint with the scrutiny report to the Registration Section.
- (e) If the communication is found to be not a complaint under Section 12 (a) of the Act, but relates to the other clauses of Section 12, the same shall be placed before the Secretary, who shall place it with a brief note before the Full commission as early as possible.
- 11. Classification** - Subject wise classification of the complaints shall be made as per the list in the Appendix-1, which may be modified or amended from time to time as per the orders of the Chairperson.
- 12. Registration** – (a) A common register shall be maintained in the Law Division for entering in serial order the case number with the District Code and year of registration, the corresponding diary number and the District to which the incident relates in respect of each complaint to be registered. After completion of the scrutiny, entry shall be made in the common register and the case number assigned to the complaint along with the District Code shall be entered in the complaint in red ink and also in the space provided in the Scrutiny Report.
- (b) Records relating to each complaint shall be kept separately and duly indexed and in separate file covers and the same shall be sent to the listing section, for placing the matter before the Commission.
- (c) All complaints registered as aforesaid shall be placed before the Commission for consideration as expeditiously as possible and at any rate not later than seven days from the date of its receipt. In case a longer time is required, specific orders shall be obtained from the Chairperson.

- (d) Complaints requiring urgent consideration shall be placed before the Commission, as far as possible within 24 hours of its receipt.

13. Constitution of Benches - (a) Subject to such special or general orders of the Chairperson, all complaints shall be dealt with by a Single Bench of the Commission. If the Single Bench dealing with the case, having regard to the importance of the issues involved, is of the opinion, that the case should be considered by a Division or a Full Bench, the papers shall be placed before the Chairperson for assigning the case to such a Division Bench or Full Bench, if the Chairperson also concurs with that opinion. If the Chairperson feels that having regard to the importance of the matter the case should be heard by a larger Bench, the case may be referred to such a larger Bench, constituted for that purpose.

14. Preparation of Cause List – Cause list shall be prepared listing the cases under the following heads,

(a) For Admission – Cases, which are *prima facie* not entertainable shall also be included in this head, so that the Bench shall pass order rejecting the complaint.

(b) For Directions – Cases in which information or report have not been received, for issue of summons, requiring interim and interlocutory orders will be included in this head.

(c) for Final Disposal.

(d) Cases awaiting compliance.

(e) Review applications.

15. Posting of Cases – (a) Cases shall be included in the Cause list of each Bench as per the direction of the Chairperson.

(b) The case files of the cases posted in the Cause List shall be circulated to the Bench two days in advance together with the Cause list.

16. Preliminary consideration and steps – (a) If a complaint is after consideration dismissed in limini, the said order shall be

communicated to the complainant in Form – F. The case is then treated as closed.

(b) If the complaint is admitted or taken cognizance suo-motu, the notice in Form – G shall be sent to the concerned authority enclosing a copy of the complaint.

(c) Such notice shall specify the time within which the information or the report has to be submitted.

17. Recording of orders – (a) Orders of the Commission shall be recorded in the Order Sheet. Lengthy orders shall be recorded on separate sheets and appended to the Order sheet, P.S. attached to the member shall enter in the relevant column of the Order Sheet the date of the order and the number of the pages.

(b) In cases requiring urgent action in pursuance of the order issued by the Commission, the concerned P.S. shall send the file at once to the Registrar, who shall arrange for the communication of the order either by fax or telephone or speed post or telegram and then transmit the records to the concerned section for further action.

18. District wise Information Register – A register in Form – H shall be maintained for each District and the relevant information shall be entered as and when available in the relevant columns.

19. Preparation of Synopsis – (a) Upon receipt of the report or information called for, a detailed note in the form of a synopsis shall be prepared by the Deputy Registrar in Form – I and the case becomes ready for being placed before the Commission for final disposal.

(b) After considering the report or information, if the Commission disposes of the case without any recommendation, the case is closed.

20. Summons - (a) Summon in Form – J, indicating the purpose of summoning such person shall be issued in the following cases:-

- (1) To the complainant or any other person on the behalf to afford him a personal hearing.
- (2) To any other person who, in the opinion of the Commission, should be heard for appropriate disposal of the case.
- (3) To any person to cause production of records required by the Commission.

- (4) To any person to be examined as witness.
- (5) To any person whose conduct is enquire into.
- (6) To any person, whose reputation, in the opinion of the commission is likely to be prejudicially affected.

(b) The case in which summons has been issued for personal appearance of a person, shall be placed before the Commission on the date noted in the summons for such personal appearance.

21. Ordering Investigation – (a) Whenever the Commission orders investigation by its investigation Division or by any other investigating agency of the Central or State Government as provided in Section 14 of the Act, a copy of such order along with copies of the papers relevant thereto shall be furnished forthwith to such Division or Agency, calling upon it to conduct the investigation and submit its report within the time specified in the order.

(b) If report is not received within the specified time, the matter shall be placed before the Commission forthwith for further directions.

22. Communication of recommendations – Whenever the Commission make any recommendation after considering the inquiry report, a copy of the inquiry report along with its recommendation shall be sent within seven days from the date of such recommendation to the concerned government or authority calling upon it to furnish its comments on the report including the action taken or proposed to be taken within one month or such further time as the Commission may allow.

23. Follow up action – (a) If no comments are received within the specified time, the case shall be placed before the Commission forthwith for further direction.

(b) If comments are received, the case shall be placed before the Commission with a brief not indicating whether the recommendation of the Commission has been accepted in full or part or not accepted at all, the reasons for such not acceptance or part acceptance and the action that may be taken or proposed to be taken.

(c) After considering the comment and the brief note on it, the Commission shall pass such order as it deems fit.

24. Procedure regarding Suo – Motu Action – The procedure contained in this Chapter shall mutatis; mutandis apply to suo-motu action taken by the Commission.

25. Opportunity to persons before the Commission – The Commission may in its discretion afford a personal hearing to the 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 the proper disposal of the matter before it and where necessary, call for records and examine witnesses in connection with it. The Commission shall afford a reasonable hearing including opportunity of cross examining witnesses, if any, in support of his stand to a person, whose conduct is enquired into by it or where in its opinion, the reputation of such person is likely to be prejudicially affected.

26. Publication – When the Commission passes order after inquiry under Section 17, the Registrar shall cause to –

(a) Prepare a list of such cases, furnishing particulars such as case number, name of the complainant, name of the Government or authority concerned and the date of the final order, with a further note that copy of the Inquiry report referred to in section 18 (6) of the Act are available for perusal in the library of the Commission;

(b) Publish the list so prepared on the Notice Board of the Commission on the first working day of every month;

(c) Send to the library of the Commission two sets of the documents referred to in Section 18 (6) of the Act and the further order if any passed by the Commission in each case; and

(d) Send simultaneously free or cost a copy of each of - (1) the documents referred to in clause (c) to the complainant or his representative and

(2) the order referred to in regulation 23 (c) to the concerned government or authority.

27. Mode of Communication – Unless otherwise ordered, all communications from the Commission shall be sent by ordinary post.

28. Review – (a) No party shall have a right to seek review of the order or proceedings of the Commission.

(b) If any application seeking review or modification of the order or proceedings passed by the Commission is received, the same shall be placed before the same Bench, which made the order along with the case file and the same shall be disposed of by such order as may be deemed proper.

29. Consignment of Records – Records of all cases finally disposed of shall be consigned to the Record Section after completing the entries in the register in Form – H.

30. Period of Retention of Records – (a) Unless otherwise ordered by the Chairperson, the entire records of disposed of complaints shall be destroyed after the expiry of a period of two years from the date of final disposal.

(b) the register in Form – H which contains detailed information regarding each complaint registered District wise shall be retained permanently.

31. Destruction of Records - (a) The record keeper shall identify the cases, - the records of which are ripe for destruction and ensure that appropriate entries are made in the Register in Form – H, regarding the date of destruction. A separate register shall also be maintained containing the list of cases taken up for destruction.

(b) Original documents shall be returned to the person, who produced the same on his application at any time before destruction.

(c) Destruction shall be carried out as per the direction of the Registrar in the month of August every year.

32. Periodical Statements – The Registrar shall arrange for the preparation of the following statements :-

(a) Weekly statement in form K

(b) District – wise monthly statement in Form – L

(c) District – wise Statement (Monthly) in Form – M

(d) Yearly Statement District – wise

CHAPTER – III

MISCELLANEOUS

33. Minutes of the Meeting – (a) Minutes of each meeting of the Commission shall be recorded during the meeting itself or immediately thereafter by the Secretary or by any other officer as directed. Such minutes shall be submitted to the Chairperson for his approval and upon his 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 undertaken by it shall be recorded in the form of an opinion. Dissenting opinions, if given, shall form part of and be kept on record. Action shall be taken on the basis of the majority opinion.

(c) Unless specially authorized no action shall be taken by the Secretariat of the Commission on the minutes of the meetings until the same are confirmed by the Chairperson.

34. 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 and a copy of the minutes pertaining to each item shall be added to the relevant file for appropriate action. Opinions shall be kept in the respective records and for convenience, copies thereof with appropriate indexing shall be kept in guard files.

35. Report of action taken – Report of follow up action shall be submitted to the Commission by the Secretary at every subsequent sitting indicating therein the present stage of action on 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.

36. Transaction of business outside the Headquarters – (a) 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 enquiry under the Act, at least two members shall constitute the Bench of the Commission for such purpose.

(b) The Commission or any of its Members, when requested by the Chairperson may undertake visits for an on the spot study and

where such study is undertaken by one or more Members a report thereon shall be furnished to the Commission as early as possible.

- 37. Authentication of orders and decisions** – Orders and decisions of the Commission shall be authenticated by the Secretary or any officer authorized by the Chairperson not below the rank of an Assistant Registrar.
- 38. Copies** – Unless any document is classified by the Commission as confidential, a copy of the same may be made available to the parties in the matter, on payment of copying charges fixed by the Commission from time to time, Copies shall be furnished as expeditiously as possible.
- 39. Representative** – Parties before the Commission shall appear either in person or through authorized representative, unless personal attendance is required by the Commission. Such a representative may be Member of the Bar or such other person authorized by the Commission to represent the parties.
- 40. Annual Report** – The Commission shall prepare an Annual Report for the period commencing from 1st April of the year to 31st March of succeeding year, signed by the Chairperson and all the Members and the same shall be preserved as a permanent record. Authenticated copies shall be sent to the State Government or the Central Government as the case may be by the end of May of every year.
- 41. Special Reports** – The Commission shall likewise prepare and forward Special Reports on specific matters as provided in Section 28 of the Act.
- 42. Printing of Reports** – The Secretariat of the Commission shall arrange for the printing of the Annual and Special Reports within a month after its finalization.
- 43. Reports on Complaints and Inquires** – Reports contemplated under Section 18 of the Act shall be sent to the concerned Government or authority or the person as the case may be within a week of completion of the proceedings before the Commission and on receipt of the comments of the concerned Government or authority or the person, the Commission shall publish the report in the manner provided in Section 18 of the Act, within 10 days of the receipt of the intimation.

- 44. Investigation Division** – The Commission shall have its own team of investigation headed by a person not below the rank of Inspector – General of Police. The team shall consist of two Superintendents of Police, four Deputy Superintendents of Police, ten Inspectors of Police, ten Sub-Inspectors of Police, ten Head Constables and thirty Constables. The State Government shall make available the personnel mentioned above and such increase in the cadre strength as the Commission may require from time to time. The Commission may also in its discretion appoint adequate number of outsiders to be associated with the investigation Team either as Investigators or Observers and fix their duties and remuneration.
- 45. Forms and Annexures** – The forms and annexures referred to in these regulations will be published separately.
- 46. Amendments and Additions** – It shall be competent for the Commission to add, delete and amend these Regulations from time to time and to make appropriate directions on any matter not covered by these Regulations.

Chennai,
7th August 1997

K. DHEENADHAYALAN, I.A.S.,
Secretary,
State Human Rights Commission,
Tamil Nadu.