

Regulations of the Commission

NOTIFICATION

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 (Central Act 10 of 1994) the Karnataka State Human Rights Commission hereby makes the following Regulations, namely:

1. Short title and commencement.- (1) These regulations may be called the Karnataka State Human Rights Commission (Procedure) Regulations, 2007.

(2) They shall come into force with immediate effect.

2. Definitions.- (1) In these regulations unless the context otherwise requires:-

- (a) "Act" means the Protection of Human Rights Act, 1993 (Central Act 10 of 1994);
- (b) "Code" means the Code of Civil Procedure, 1908 (Central Act 5 of 1908);
- (c) "Commission" means the Karnataka State Human Rights Commission;
- (d) "Complaint" means all petitions or communications received in the Commission from a victim or any other person on his behalf, in person, by post, by telegram, 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;
- (e) "Division" means and includes Administration Division, Law Division and Investigation Division and such other Division in the Commission as may be constituted by the Commission;
- (f) "Division Bench" means a Bench consisting of the Chairperson and a member or two Members of the Commission as constituted by the Chairperson;
- (g) "Full Bench" means a Bench consisting of the Chairperson and both the Members of the Commission as constituted by the Chairperson;
- (h) "Registrar" means Registrar of the Commission;
- (i) "Regulation" means regulations framed by the Commission under sub-section (2) of Section 10 read with Section 29 of the Act;
- (j) "Secretary" means Secretary of the Commission;
- (k) "Single Bench" means a Bench consisting of the Chairperson or a Member of the Commission as constituted by the Chairperson.

(2) Words and expressions not defined in these 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 Head Quarters of the Commission shall be, as notified by the State Government, at Bangalore.

4. Venue of the meetings.- The Commission shall ordinarily hold its meetings in its office located at Bangalore. However, it may, in the discretion of the Chairperson, hold its meetings at any other place in Karnataka, if he considers the same necessary and expedient.

5. Periodicity of meetings.- The Commission shall normally have its regular sittings on all working days in the first and third week of every month, excepting Saturdays and holidays. However, the Chairperson either *suo-moto* or at the instance of one or more members, may direct a special sitting of the Commission to be convened to consider any specific 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 related to the agenda items shall be made available to the Commission for reference. The agenda papers shall ordinarily be circulated to the Chairperson and Members at least two clear days in advance of every meeting. 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/consideration, which is not included in the agenda.

CHAPTER-II

PROCEDURE FOR DEALING WITH COMPLAINTS OR SUO-MOTU ACTION

8. Procedure for dealing with complaints.- (1) Complaints may be made to the Commission in Kannada or English. However, the Commission may entertain complaints in other language also in its discretion.

(2) No fee shall be chargeable on such complaints.

(3) The complaint 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 limine* complaints of the following nature:-

- (a) vague or anonymous or pseudonymous or illegible or trivial or frivolous;
- (b) barred Under Section 36 (1) of the Act;
- (c) barred Under Section 36(2) of the Act;
- (d) relates to civil dispute, such as property rights, contractual obligations;
- (e) relates to service matters or industrial disputes;
- (f) allegations are not against any public servant;
- (g) allegations do not make out any specific violation of human rights;
- (h) matter is *sub judice* before a court or tribunal;
- (i) matter is covered by a judicial verdict or decision of the Commission;
- (j) where copy of the complaint addressed to some other authority is received by the Commission and
- (k) matter is outside the purview of the Commission.

¹[(l) Any complaint unsigned by the sender

²[(m) Where the complaint does not disclose the full postal address of the sender or the full identity of the public officer against whom grievance is made.

10. Receipt and distribution of dak.- (1) All communications in writing by whatsoever mode they are received and addressed to the Commission, its Chairperson, Members or other

¹[Inserted vide amendment notification No.HRC.196.ADM.2009 dt. 16.01.2010

²[Inserted vide amendment notification No.HRC.196.ADM.2009 dt. 16.01.2010

officers of the Commission, either by name or designation, shall be received at the Receipt Counter of the Commission.

(2) The communications addressed by name to the Chairperson or a Member shall be delivered to the addressee forthwith by the Receipt Section.

(3) The dak shall be opened under the direct supervision of the officer in-charge of the Receipt and Despatch Section, who shall get the same sorted out and diarised in a register containing particulars such as, date of receipt, diary number, sender's name the revenue district to which the complaint belongs and then transmit the same to Law Division under acknowledgement.

11. Procedure regarding complaints.- (1) The complaints received will be placed forthwith before the officer in-charge of the Law Division who shall ensure that all complaints, which are not in Kannada or English language, shall be got translated into English so that they could be placed before the Commission expeditiously. The Complaints shall thereafter be entered in a Register in seriatum and a complaint receipt number shall be allotted to the same.

(2) A common register shall be maintained in the Law Division for entering in serial order the case number with the name of District and year of registration, the corresponding diary number and the district to which the incident relates in respect of each complaint ordered to be registered. The complaint number assigned to the complaint along with the name of the District shall be entered in red ink on the top right-hand corner of the complaint.

(3) Every complaint shall be put up before the Commission with utmost expedition. Subject to such special or general orders of the Chairperson, all complaints shall in the first proposal be dealt with by a Single Bench. But complaints involving vital or complex issues may be listed before a Division Bench, as directed by the Chairperson. The complaints, which require urgent consideration, shall be placed before the Commission as far as possible within three days of their receipt.

(4) All complaints relating to custodial death, custodial torture, custodial rape, illegal detention shall be normally heard by a Division Bench of the Commission, while the cases of other types shall go before a Single Bench unless otherwise directed by the Chairperson keeping in view the nature of a particular case. A Single or Division Bench, as the case may be refer a case pending before it to Division Bench or Full Bench respectively for the reasons to be recorded by it.

(5) The Commission may ask the parties to tender evidence on affidavits. The Commission may further orally examine the person whose evidence has been tendered on affidavit, if it so considers necessary by itself or on the request of the parties.

(6) File covers shall be got printed as in Form No. I. Records relating to each complaint shall be kept in a separate file cover arranging them chronologically in the following order namely:

- (i) Index in Form No.II
- (ii) Order sheet in Form No.III.
- (iii) Complaint with annexure, if any.

12. Constitution of Bench(es) and Placing of case Files.- (1) The case files in respect of cases shown in the cause-list of the day shall be placed at least two days in advance before the Benches to be constituted by the Chairperson, along with a copy of the cause-list.

(2) The number of cases to be included in the cause-list to be placed before each Bench per day shall be fixed according to the directions of the Chairperson from time to time.

(3) If any working day is declared as a holiday by the State Government, then the cases listed for that day should be taken up on the next working day.

13. Preliminary consideration, issue of notice, etc.- (1) If on consideration of the complaint, the Commission dismisses the complaint *in limine*, the said order shall be communicated to the complainant in form No. IV and the case shall be treated as closed.

(2) If on consideration of the complaint or *suo-moto* the Commission admits or takes cognizance and directs issue of notice to any authority calling upon it to furnish information or report, a notice in Form No. V shall be issued, enclosing a copy of the complaint thereto. The Registrar shall sign such notice.

14. Recording of orders or proceedings.- (1) Orders of the Commission shall be recorded in the order sheet. Orders, which are lengthy, may be recorded on separate sheets and appended to the order sheet. The Private Secretary or the Personal Assistant attached to the Chairperson or Member concerned shall make entry in the relevant column of the order sheet mentioning the page numbers and the date of the order. The order shall then be fed into the computer.

(2) In cases where urgent action is required to be taken pursuant to the order or proceeding issued by the Commission, the Private Secretary or Personal Assistant concerned shall forthwith send the file to the Registrar or the concerned Deputy Registrar who shall give suitable instructions in regard to the mode of communication by telephone or fax or speed post or telegram etc., and transmit the records to the concerned Section for taking further action.

15. Summons.- (a) Whenever the Commission directs to issue summons to,-

- (i) the complainant or any other person on his behalf to afford him a personal hearing; or
- (ii) any other person who, in the opinion of the Commission, should be heard for appropriate disposal of the matter before it; or
- (iii) any person to cause production of records required by the Commission; or
- (iv) any person to be examined as a witness; or
- (v) any person whose conduct is inquired into by it; or
- (vi) any person whose reputation, in the opinion of the Commission, is likely to be prejudicially affected, such summons shall be issued as is prescribed in the Civil Procedure Code indicating the purpose of summoning such person.

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

16. Calling for investigation report.- Whenever the Commission orders investigation to be undertaken 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 and if no time is specified, within one month from the date of receipt of the order.

17. Communication of Recommendations.- When the Commission, upon consideration of the inquiry report, makes any recommendation, a copy of the inquiry report along with a copy of the recommendation, shall be sent with utmost expedition, not later than seven days from the date of such recommendation, to the concerned authority calling upon it to furnish its comments on the report including the action taken or proposed to be taken, within a period of one month from the date of receipt of order or recommendations made by the Commission or within such time as the Commission may allow.

18. Steps after calling for comments.- (1) If no comments are received within the time allowed under regulation 17, the case shall be placed before the Commission forthwith for further direction.

(2) If comments are received, the case shall be placed by the Law Division before the Commission with a brief note containing the following particulars, namely,

- (i) Whether the recommendation is accepted by the Government or the concerned authority; if so, whether in full or in part;
- (ii) the action, if any taken or proposed to be taken by the Government or its concerned authority;
- (iii) the reasons, if any, given for not accepting the recommendation; and
- (iv) the action that may be taken pursuant to the comments received.

(3) On consideration of the comments received along with note referred to in Clause (2), the Commission may pass such order, as it deems just and proper.

19. Incorporation of other documents received.- (1) Whenever any document is received in the Commission relating to the complaint registered, the same shall be incorporated in the chronological order in the concerned case file, duly paginated by the Law Division. Appropriate entries shall be made in the order sheet. The Law Division shall make entries in the index.

(2) Data relating to each case as required to be provided in the register in form No. VI and also information relating to intermediary stages shall be fed into the computer at every stage as and when the information becomes available.

20. Publication.- When the Commission passes an order after inquiry under Section 17 of the Act, the Registrar shall cause to-

- (a) prepare, at the close of the each month, a list of such cases, furnishing particulars such as case number, name of the complainant, name of the authority concerned and the date of the final order. A Note shall be put up below the list to the effect that a copy of the inquiry report etc., referred to in Clause (6) of section 18 of the Act is 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 the second week of every month.

(c) make available simultaneously to the Library of the Commission two sets of the documents referred to in Clause (6) of section 18 of the Act, and further order, if any, passed by the Commission in each case.

(d) send simultaneously free of cost a copy each of,-

- (i) the documents referred to in Clause (c) to the complainant or his representative; and
- (ii) the order referred to in Clause (c) of regulation 18 to the concerned authority.

21. Mode of Communication.- 4[All communications from the commission to the Complainants and/or Respondents and other important matters should be sent by Registered Post with Acknowledgement Due. Any other ordinary and routine communications may be sent by ordinary post.

22. Review.-No party shall have a right to seek review of the order or proceedings of the Commission:

Provided that, if any application seeking modification or review 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 a brief note on the points made out in such application and the same shall be disposed of by such order as may be deemed proper by such Bench.

23. Consignment of records.- Records of all cases finally disposed of shall be transmitted to the Records Section in the Law Division after completing the entries in the register in Form No. VI with regard to each such case.

24. Period of preservation of Record.- (1)³[Unless otherwise ordered by special or general orders of the Chairperson, the entire records of cases disposed off under regulation-9 shall be destroyed after expiry of six months from the date of disposal and the records of other cases after the expiry of one year from the date of disposal, other than the records of files wherein the recommendations or orders of the Commission are challenged before any court or pending for Compliance of the recommendation of the Commission by Government or any other Public authority.

2) However, the register, in Form No: VI, which contains information regarding each complaint shall be preserved permanently.

25. Destruction of records.- (1) The officer in charge of the Record Section shall identify the cases, the records of which are due for destruction and ensure that appropriate entries are

³[Substituted vide amendment notification No.HRC.196.ADM.2009 dt. 16.01.2010

⁴[Substituted vide amendment notification No.HRC.8.ADM.2011 dt. 29.03.2011

made in the register in Form No. VI regarding the date of destruction. A list of such cases shall be maintained in a separate book in the section.

(2) Original documents produced by a party shall be returned to him if a request thereof is received in the Commission before the date of destruction.

(3) The officer in charge of Record Section shall cause to destroy the records subject to such general or special order or direction that may be given by the Registrar regarding the manner of destruction.

26. Procedure regarding suo-motu action.- The procedure contained in this Chapter shall *mutatis mutandis* apply to *suo moto* action taken by the Commission.

27. Preparation of Statements.- The Registrar shall cause to prepare such weekly, monthly, quarterly, half-yearly statements or returns or reports in such form as may be prescribed by the Commission of Chairperson from time to time.

CHAPTER-III

MISCELLANEOUS

28. Minutes of the Meeting.- (1) The 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 approval, be circulated to all the Members of the Commission at the earliest and in any case, before the commencement of the next meeting.

(2) The minutes of the previous meeting shall be put up before the Commission in its next meeting for confirmation.

(3) The conclusions of the Commission in every matter shall be recorded in the form of an opinion. Dissenting opinions, if any, shall also form part of the record and be kept on record. Action shall be taken on the basis of the majority opinion if there is any difference in opinions.

(4) Unless specifically authorized, no action shall be taken by the Secretariat of the Commission on the minutes of the meetings until the same are confirmed.

29. Record of minutes.- A master copy of the minutes of every meeting and decisions of the Commission shall be maintained in a Proceedings Book, 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, and authenticated copies thereof shall be kept in the respective Division and for convenience, copies thereof with appropriate indexing shall be kept in guard files.

30. Report of Action Taken.- Report of follow up action shall be submitted to the Commission 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.

31. Authentication of orders and decisions.- (1) Orders and decisions of the Commission shall be authenticated by the Secretary or any officer of the Commission as authorized by the Chairperson, who shall be not below the rank of an Assistant Registrar.

(2) Copies of enquiry reports or orders passed finally disposing of matters by the Commission shall be furnished free of cost to the petitioner or his representative.

(3) Unless any document is classified by the State Commission as confidential, copy thereof shall be made available to the parties in the matter on demand, on payment of cost as prescribed by the Commission from time to time unless the Commission decides otherwise. Every effort should be made to provide the copies with utmost expedition and in any case, not later than two weeks of the date of request.

32. Annual Report.- The Commission shall furnish its annual report for the period commencing from 1st April of the year to 31st March of the succeeding year to the State Government as provided in sub-section (1) of section 20 of the Act. The original report shall be signed by the Chairperson and Members of the Commission and appropriately preserved and a duly authenticated copy shall be sent to the Government by end of 5[September of every year.

33. Special Reports.- The Commission may furnish such special reports on specific matters as may be considered necessary in terms of sub-section (1) of section 20 of the Act.

34. 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 three months of finalization of the same.

35. Investigation Team.- The Commission shall have its own team of investigation to be headed by a person not below the rank of an Inspector General of Police and such team of officers as the Commission from time to time decides. The Commission may, in its discretion appoint adequate number of outsiders to be associated with the Investigation Team either as Investigators or Observers.

36. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of the Act or these Regulations, the Chairperson, by order, as occasion requires, do anything (not inconsistent with the provisions of the Act and these Regulations) which appears to him to be necessary for the purpose of removing the difficulty.

37. Amendments and Additions.- It shall be competent for the Commission to add, delete and amend these Regulations from time to time and to issue appropriate directions or orders on any matter not covered by these Regulations.

5[Substituted vide amendment notification No.HRC.8.ADM.2011 dt. 29.03.2011

* * * * *

FORM NO.I
{See regulation 12 (3)}

KARNATAKA STATE HUMAN RIGHTS COMMISSION
(LAW DIVISION)

Case No. _____

Classification:

Code No.

No. of connected cases

SECTION

If any:

Name of Complainant: _____

SINGLE BENCH

DIVISION BENCH

FULL BENCH

District: _____

Scrutiny Report: Form No.1
FORM NO. 2

Date & Nature of Disposal:

Other Information, if any:

FORM NO. - II

{See Regulation 12 (3) (i)}

KARNATAKA STATE HUMAN RIGHTS COMMISSION

(Law Division)

INDEX

Case No. _____

Name of the complainant

Sl. No.	Description of the document	Date of the document	Date of receipt	Page Nos.
---------	-----------------------------	----------------------	-----------------	-----------

FORM NO. - III

{See Regulation 12 (3) (ii)}

KARNATAKA STATE HUMAN RIGHTS COMMISSION

(Law Division)

ORDER SHEET

Case No. _____

Name of the Complainant:

Record of the steps taken (to be entered by the Office)	Orders/Proceedings of the Commission
--	---

Date Steps taken

FORM NO. - IV

{See Regulation 14 (1)}

Case No. _____/-LD

KARNATAKA STATE HUMAN RIGHTS COMMISSION

Dated.....

To

.....
.....
.....

Sir/Madam,

Ref: Your Complaint dated.....

Regarding.....

Your complaint referred to above was registered as case No..... and the commission, upon consideration of your complaint has passed the following order:

“.....
.....
.....”

Yours faithfully,

Asst. Registrar

FORM NO. -V

{See regulation 14(2)}

KARNATAKA STATE HUMAN RIGHTS COMMISSION

(Law Division)

Address of the Commission

.....
.....
.....

Case No.....

Section.....

NOTICE

To

.....
.....
.....

(Name/Designation and complete address of the authority to whom notice is directed to be issued).

WHEREAS the complaint received from (name and address of the complainant) was placed before the Commission on.....

AND WHEREAS upon perusing the complaint, a copy of which is herewith enclosed, the Commission has passed the following order:

.....
.....
.....

(here reproduce the order/direction)

KARNATAKA STATE HUMAN RIGHTS COMMISSION, BANGALORE

NOTIFICATION

NO.HRC:196:ADM:2009,Bangalore,DATE:16TH January.2010

In exercise of the powers conferred by sub-Section(2) of Section 10 and Section 29 of the Protection of Human Rights Act 1993 (Central Act 10 of 1994) read with Regulation 37 of the Karnataka State Human Rights Commission hereby makes the following Regulations namely:-

1. Short title and commencement : (1) These regulations may be called the Karnataka State Human Rights Commission (procedure) (Amendment) Regulations-2010

(2) They shall come into force with immediate effect

2. Amendment of Regulation 9: In Regulation 9 of the Karnataka State Human Rights Commission (Procedure) Regulations 200, after sub- regulation (k) the following shall be inserted namely:

(l) Any complaint unsigned by the sender.

(m) Where the complaint does not disclose the full postal address of the sender or the full identity of the public officer against whom grievance is made.

2. Amendment of Regulation 24(1): period of preservation of records:

In sub-regulations (1) of regulation 24 of the Karnataka State Human Rights Commission (procedure) Regulations 2007 shall be substituted by the following:

“Unless otherwise ordered by special or general orders of the chairperson the entire records of cases disposed off under regulation-9 shall be destroyed after expiry of six months from the date of disposal and the records of other cases after the expiry of one year from the date of disposal, other than the records of files wherein the recommendations or orders of the commission are challenged before any court or pending for compliance of the recommendation of the commission by Government or any other public authority”.

Justice S.R. Nayak

Chairperson

R.H. Raddi

Member

B. Parthasarathy

Member

KARNATAKA STATE HUMAN RIGHTS COMMISSION

3RD Floor, 5th Stage, M.S.Building, Dr.B.R.Ambedkar Veedhi, Bangalore-560001.

NOTIFICATION

No. HRC 8 ADM 2011, "Bangalore Dated:29.03.2011

In exercise of the powers conferred by sub-section (2) of section 10 and section 29 of the Protection of Human Rights Act, 1993 (Central Act 10 of 1964) read with Regulation 37 of the Karnataka State Human Rights Commission, hereby makes the following Regulations, namely:-

1. Short Title and Commencement.- (1) These Regulations may be called the Karnataka State Human Rights Commission (Procedure) (Amendment) Regulations, 2011.

(2) They shall come into force with immediate effect.

2. Amendment of Regulation 21.- In the Karnataka State Human Rights Commission (Procedure) Rules, 2007 (hereinafter referred to as the said Regulations), for Regulation 21, the following shall be substituted, namely:-

"21. Mode of Communication.- All Communications from the Commission to the Complainants and/or Respondents and other important matters should be sent by Registered Post with Acknowledgement Due. Any other ordinary and routine communications may be sent by ordinary post."

3. Amendment of Regulation 32.- In regulation 32 of the said regulations, for the word "June", the word "September" shall be substituted.

4. Substituted Form No.VI.- For Form No.VI of the said regulations, the following shall be substituted, namely:-

“FORM No. VI

[See Regulation 19(2)]

KARNATAKA STATE HUMAN RIGHTS COMMISSION

District-wise Information Register

Sl.No.	Case No. and Date of Registration	Name & Address of the Complainant	Name of Victim	Date of Incident	District relating to the Incident	Nature of Violation Complained	Disposed in Limine	Authority from which information report is called for	Date of Disposal	Disposed of	
										With direction	Without direction
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)”

Justice S.R. Nayak

Chairperson

R.H. Raddi

Member

B. Parthasarathy

Member

