

## **MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, (PROCEDURE) REGULATIONS, 2001**

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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 No. 10 of 1994), the Maharashtra State Human Rights Commission, hereby makes the following REGULATIONS.

### 1. Short title

- a) These Regulations may be called the Maharashtra State Human Rights Commission (Procedure) Regulations, 2001.
- b) They shall come into force with immediate effect.

## CHAPTER I – PRELIMINARY

### 2. Definitions

1. 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 telegram or fax or any other means whatsoever, alleging 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 Maharashtra State Human rights Commission.
- 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 other 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 Chairperson.
- k) "Registrar" means Registrar of the Commission.
- l) "Regulation" means the 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.

2. Words and expressions not defined in these regulations shall, to the extent they are defined in the Act, have the same meaning as assigned to them therein.

### 3. Venue of the Meetings

The Commission shall ordinarily hold its meetings and sittings in its office at Mumbai. However, it may, in the discretion of the Chairperson, hold its meetings and sittings at any other place in Maharashtra, if he considers the same necessary and expedient.

#### 4. Periodicity of Sittings

The Commission shall normally have its regular sittings on all working days of every month, excepting Saturdays and holidays. The Chairperson may, however either suo-motu or at the request of one or more members, directed a special sitting to be convened to consider any matter of urgency.

#### 5. Secretariat Assistance

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

#### 6. 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 file covering the agenda items shall be made 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. When matters are set down only for hearing, cause list of the day of sitting shall be prepared and circulated in advance. 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

#### 7. General

- a) Complaint may be made to the Commission in Marathi, Gujrathi, Hindi or English.
- b) No fee shall be chargeable on complaints.
- c) 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 allegation, whenever considered necessary.

## 8. Complaints not ordinarily entertainable

The Commission may dismiss, in limini, complaints of the following nature.

- a) vague anonymous, pseudonymous, illegible, 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 labour 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 subjudice 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 or
- k) matter is outside the purview of the Commission.

## 9. Processing of Complaints

- a) Immediately on receipt of applications / communications, the Section Officer in the Law Division shall sort out the complaints and place them for scrutiny before the concerned Assistant / Deputy Registrar;

- b) Complaints and other communications requiring urgent action shall be placed before the Registrar, who shall arrange for urgent processing;
- c) After completing the scrutiny, the Assistant Registrar shall fill up Form A, in case of complaint found entertainable and, fill up Form B in case the complaint found as not entertainable for any of the reasons mentioned in Regulation 8. He shall then forward the complaint with the scrutiny report to the Registration Section;
- d) 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 Chairperson as early as possible.

## 10. Classification

Subject wise classification of the complaints shall be made as per the list in Appendix – I, which may be modified or amended, from time to time as per the orders of the Chairperson.

## 11. 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 Chairperson as far as possible within 24 hours of its receipt.

## 12. Constitution of Benches

Subject to any 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.

## 13. Preparation of Cause List

Cause list shall be prepared listing the causes under the following heads:

- a) For admission

Cases, which are prima faice 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 has not been received, for issue of summons, requiring interim and interlocutory orders will be included in this head.

c) For final disposal.

d) Causes awaiting compliance.

e) Review application.

#### 14. Posting of Cases

a) Cases shall be included in the Cause List of each Bench as per the directions of the Chairperson.

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

#### 15. 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 - C The case is then treated as closed.

b) If the complaint is admitted or is taken cognizance suo-motu, the notice in Form – D shall be sent to the concerned authority enclosing a copy of the complaint. Such notice shall specify the time within which the information or the report has to be submitted.

#### 16. 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. Private Secretary 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 Private Secretary 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.

#### 17. 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.

#### 18. Preparation of Synopsis

- a) Upon receipt of the report or information called for, a detained 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 off the case without any recommendation, the case is closed.

#### 19. Summons

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

- i) to the complainant or any other person on his behalf to afford him a personal hearing;



- II) to any other person who, in the opinion of the Commission, should be heard for appropriate disposal of the case,
- III) to any person to cause production of records required by the Commission,
- iv) to any person to be examined as witness,
- v) to any person whose conduct is enquired into and
- vi) 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.

## 20. 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.

## 21. Communication of Recommendations

Whenever the Commission makes 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.

## 22. 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 note indicating whether the recommendation of the Commission has been accepted in full or part or not accepted at all, the reasons for such non acceptance or part acceptance and the action that may be taken or proposed to be taken.
- c) After considering the comments and the brief note on it, the Commission shall pass such order as it deems fit.

## 23. Procedure regarding Suo-Motu action

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

## 24. 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.

## 25. 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 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;
- d) send simultaneously, free of cost, a copy of each of;
  - (i) the documents referred to in clause (c) to the complainant or his representative and
  - (ii) the order referred to in regulation 23 (c) to the Government or the concerned authority.

## 26. Mode of communication

26(1) Unless other wise ordered, all communications from the Commission shall be sent by ordinary post.

26(2) Notwithstanding anything contained in Clause 1 of this Regulation, the notice of hearing to be sent to the parties, where the hearing is fixed outside the Head Quarters at Mumbai, shall be sent by R.P.A.D. sufficiently in advance to ensure that the Postal Acknowledgement is received back duly signed before the Chairperson / Member leaves the Head Quarters for the said sitting.

## 27. 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 off by such order as may be deemed proper. If, however, the same Bench is not available orders may be obtained from the Chairperson in that behalf.

## 28. Consignment of Records

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

## 29. Period of Retention of Records

- a) Unless otherwise ordered by the Chairperson, the entire records of disposed off complaints shall be weeded 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.

## 30. Weeding of Records

The record keeper shall identify the cases, the records of which are ripe for weeding and ensure that appropriate entries are made in the register in Form – H, regarding the date of weeding. a separate register shall also be maintained containing the list of cases taken up for weeding.

31. Periodical Statement
32. Minutes of the Meeting
33. Record of the minutes
34. Report of Action taken

Report of follow up action shall be submitted to the Commission by the Secretary at every subsequent meeting 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.

35. Transaction of business outside the Headquarters

- a) The Commission or some of the Members may transact business at places outside its headquarters under intimation to the Chairperson. However, every Member shall notify his programme not less than 15 days in advance for holding a sitting at Divisional Headquarters in the State and send the same to the Chairperson. The programme shall be made in such a manner that the date does not conflict with the dates fixed for headquarter's hearing of cases and periodical meetings. The outstation stay should not exceed more than three days excluding holidays and days of journey. Provided that, while holding the sitting outside the headquarters, a minimum of five cases shall be fixed for hearing after the notice of hearing has been served by RPAD well in advance as required in Regulation 26(2).
- b) The Commission, or any of its members, when requested by the Chairperson, may undertake visits for an on the spot study and when such study is undertaken by one or more Members a report thereon shall be furnished to the Commission as early as possible.

### 36. Authentication of orders and decisions

Orders and decisions of the Commission shall be authenticated by the Secretary or any officer authorised by the Chairperson not below the rank of an Assistant Registrar.

### 37. 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.

### 38. Representative

Parties before the Commission shall appear either in person or through authorised representative, unless personal attendance is required by the Commission. Such a representative may be a member of the Bar or such other person authorised by the Commission to represent the parties.

### 39. 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 by the end of June of every year.

### 40. Special Reports

The Commission shall likewise prepare and forward Special Reports on specific matters as provided in Section 28 of the Act.

#### 41. Printing of Reports

The Secretariat of the Commission shall arrange for the printing of the Annual and Special Reports within a month after its finalisation.

#### 42. Reports on complaints and inquires

Reports contemplated under Section 18 of the Act shall be sent to the Government or the concerned authority or the person, as the case may be, within a week of completion of the proceedings before the Commission. On receipt of the comments of the Government or the concerned 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.

#### 43. 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 police officers and subordinate staff as sanctioned by the State Government from time to time on the recommendation of the Commission. 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.

#### 44. 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.

(Gorekh Megh)  
Secretary

Mumbai  
Maharashtra State Human Rights Commission