

M.P. Human Rights Commission

Bhopal, Date: 29 August 1996

No. 2338-In exercise of the powers conferred by Section 29 read with sub-section (2) of Section 10 of the Protection of Human Rights Act, 1993 (No. 10 of 1994), State Human Rights Commission hereby makes the following regulations, namely:-

1. **Short title and Commencement** - (1) These Regulations may be called the State Human Rights Commission (Procedure) Regulations, 1996.
(2) They shall come into force with effect from the 1st day of September, 1996.
2. **Definitions** - In these regulations unless the context otherwise requires-
 - (a) 'Act' means the Protection of Human Rights Act, 1993.
 - (b) The 'Chairperson' means the Chairperson of the State Commission.
 - (c) The State 'Commission' means the M.P. Human Rights Commission.
 - (d) 'Member' means a Member of the State Commission and includes the Chairperson.
 - (e) ¹"Bench' means a bench comprising of one or more members
3. **Headquarters of the State Commission** -The Headquarters of the State Commission shall be located at Bhopal.
4. **Venue of the Meetings**-The State Commission shall ordinarily hold its meetings and sittings in its office located at Bhopal. However, it may, in its discretion, hold its meetings and sittings at any other place in Madhya Pradesh if it considers it necessary and expedient.
5. **Periodicity of Meetings**-The State Commission shall normally have its sittings in the first and third weeks of every month, excepting holidays. However, the Chairperson by himself or at the instance of one or more of the members may direct special sitting of the State Commission to be convened to consider any specific matter of urgency.
6. **Secretariat Assistance** - The Secretary along with such other officers of the State Commission as may be directed by the Chairperson or considered necessary shall attend the meetings of the State Commission.

¹ Inserted by The Madhya Pradesh Human Rights Commission (Procedure) Amendment Regulation, 2010 dt. 8th Dec 2010.

7. Agenda - The Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the State 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 State 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 -

- (1) All complaints in whatever form received by the State Commission shall be registered and assigned a number and ordinarily placed for admission before a Member² constituted for the purpose not later than two weeks of receipt thereof. Ordinarily complaints of the following nature are not entertainable by the State Commission:--
 - (a) In regard to events which happened more than one year before the making of complaints.
 - (b) With regard to matters which are sub-judice.
 - (c) Which are vague, anonymous or pseudonymous.
 - (d) Which are of frivolous nature; or
 - (e) Those which are outside the purview of the State Commission.
- (2) No fee is chargeable on Complaints.
- (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 Hindi or English to enable the State Commission to make immediate action. To facilitate the filing of complaints, the State Commission shall, however, entertain complaints in any language included in Eighth Schedule of the Constitution. It shall be open to the State Commission to ask for further information and affidavits to be filed in support of allegations whenever considered necessary.

² Inserted by The Madhya Pradesh Human Rights Commission (Procedure) Amendment Regulation, 2010. dt. 8th Dec 2010.

- (4) The State Commission may, in its discretion, accept telegraphic complaints and complaints conveyed through fax.
- (5) The State Commission shall have power to dismiss a complaint in limini.
- (6) Upon admission of a complaint, the Member³/State Commission shall direct whether the matter would be set down for inquiry by it or should be investigated into.
- (7) On every complaint on which a decision is taken by the Member⁴/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 therefore.
- (8)⁵ (a) 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 Member/State Commission or Bench in the following manner :-
 - i. Where cognizance is taken by the Member/State Commission, the case shall be placed before Member/ State Commission for further consideration;
 - ii. Where the Member, at any stage , is of the opinion that the case should be heard by a Bench, it shall be placed before the bench of one Member;
 - iii. Where the Member , at any stage ,is of the opinion that the case should be heard by the Bench of more than one member, the case shall be referred to the Chairperson and if the post of Chairperson is lying vacant, the case shall be placed before the state commission for orders and the case shall be placed for hearing before the bench in accordance with orders of Chairperson/State Commission;
 - iv. Where only one member is available on the date of hearing of the case and the case is to be heard by the Bench of more than one

³ Amended by The Madhya Pradesh Human Rights Commission (Procedure) Amendment Regulation, 2010. dt. 8th Dec 2010.

⁴ Amended by The Madhya Pradesh Human Rights Commission (Procedure) Amendment Regulation, 2010. dt. 8th Dec 2010.

⁵ Substituted by The Madhya Pradesh Human Rights Commission (Procedure) Amendment Regulation, 2010. dt. 8th Dec 2010.

Member, the case shall be heard by the Bench of one Member and the proceedings shall not vitiate only on the ground that the Bench of one Member considered the matter partially or finally

(b) Ordinarily the following cases shall be heard by the Bench of more than one member: -

I. The case in which an enquiry is supposed to be conducted u/s 176(1A) of the Code of Criminal Procedure, 1973,

ii. Any encounter of a person is alleged to have been taken Place,

lii. Any matter of public importance;

Provided that these matters shall be sent to the Bench of more than one Member only after report or enquiry report and relevant important papers have been received.

IV. Where, at any stage, a case is considered by the Bench of more than one Member;

(c) No case shall be placed before a Bench of one Member or more than one Member for hearing without the orders of Member/State Commission..

(9) The direction and recommendations of the State 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 State 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 State Commission should be heard for appropriate disposal of the matter before it and, where necessary, call for records and examine witnesses in connection with it. The State Commission shall afford a reasonable hearing, including opportunity of cross-examining witnesses, if any, in support of the complaint and leading of evidence 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.

(11) Where investigation is undertaken by the team of the State Commission or by any other person under its discretion, the report shall be submitted within a

week of its completion or such further time as the State Commission may allow. The State Commission may, in its discretion direct further investigation in a given case if it is of opinion that investigation has not been proper or the matter requires further investigation for ascertaining the truth or enabling it to properly dispose of the matter. On receipt of the report, the State Commission on its own motion, or if moved in the matter, may direct inquiry to be carried by it and receive evidence in course of such inquiry.

(12)⁶The State Commission or any of its members or any person/persons duly authorized by the commission may undertake visits for an on-the-spot study and where such a study is undertaken, a report thereon shall be furnished to the State Commission as early as possible.

(13)⁷ The State Commission may appoint Ayog Mitra Samitis and Ayog Mitra for advising the Commission on matters within its jurisdiction and for purpose of obtaining information and opinion thereupon. These Ayog Mitra Samitis and Ayog Mitra shall function under the directions and control of the Commission and necessary finance will be provided for organizing their activities from the grant received by the commission.

9. Minutes of the Meeting :-

- (a) The minutes of each meeting of the State 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 State Commission at the earliest and in any case, sufficiently before the commencement of the next meeting.
- (b) The conclusions of the State Commission in every matter undertaken by it shall be recorded in the form on 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.

⁶ Amended by The Madhya Pradesh Human Rights Commission (Procedure) Amendment Regulation, 2009.dt. 8th Jan2009

⁷ Inserted by The Madhya Pradesh Human Rights Commission (Procedure) Amendment Regulation, 2005.dt. 17th March 2005

- (c) Follow-up-Action :--Unless specifically authorized, no action shall be taken by the Secretariat of the State 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 State 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.
- 11. Report of Action Taken** - Report of follow-up action shall be submitted to the State Commission at every subsequent sitting indicating therein the present stage of action on each item on which the State 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 State 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 State Commission for such purpose.
- 13. Authentication of orders and decisions** -
- (1) ⁸Orders and decisions of the State Commission shall be authenticated by the Secretary or any officer of the State Commission authorized by the Chairperson.
 - (2) Copies of inquiry reports or orders passed finally disposing of matters by the State 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 would be available to the parties in the matter on payment of a reasonable fee raised to meet the cost. Every effort should be made to provide the copies with utmost expedition and, in any case, not later than one week of the date of request.
- 14. Annual Report** - The State Commission shall furnish its annual report for the period commencing from 1st April of the year to 31st March of the succeeding year

⁸ Amended by The Madhya Pradesh Human Rights Commission (Procedure) Amendment Regulation, 2009. dt. 8th Jan2009

to the State Government as provided in Section 20(1) of the Act, the original report shall be signed by the Chairperson and Members of the State Commission and appropriately preserved.

- 15. Special Reports** - The State 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 of the Act applies shall be sent to the concerned authority or person, as the case may be, within one week of completion of the proceedings before the State Commission and on receipt of the comments of the concerned Government or authority, the State 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 Report** - the Secretariat of the State Commission shall be responsible for the printing of the Annual Report and Special Report with utmost expedition and in any case not later than one month of finalization of the same.
 - 18. Investigation Team** - The State Commission shall have its own team of investigation to be headed by a person not below the rank of Inspector General of Police appointed by it and such other categories of officers as the State Commission from time to time decides. The State Commission may in any given case appoint an appropriate number of outsiders to be associated with the investigation either as Investigators or Observers.
- (A)⁹ Elimination of records** - The preservation and destruction of records of the commission will be as follows:-
- (a) Cases relating complaints dismissed during preliminary consideration - One year from the date of last order.
 - (b) Cases relating complaints dismissed after enquiry and without making recommendations Two years from the date of last order.
 - (c) Cases in which Commission has made recommendations Two years from the date of implementation of the recommendation.

⁹ Inserted by The Madhya Pradesh Human Rights Commission (Procedure) Amendment Regulation, 2001. dt. 30th May 2001

(d)¹⁰ Final recommendation passed by the State Commission in a case at any stage , shall be kept as permanent record and shall not be eliminated forever .It shall also be preserved in Computer.

19.As and when any matter which is not covered by these Regulations arises, it shall be competent for the State Commission to make appropriate direction and the State Commission may add, delete, amplify and amend these Regulations from time to time.

20.¹¹ For clarification , removal of doubts or proper functioning of the commission in accordance with the Rules and regulations, the Chairperson /State Commission shall be competent to issue directions from time to time.

¹⁰ Inserted by The Madhya Pradesh Human Rights Commission (Procedure) Amendment Regulation, 2010.

¹¹ Inserted by The Madhya Pradesh Human Rights Commission (Procedure) Amendment Regulation, 2010.