

Goa Human Rights Commission

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Notification

1/2011

**Goa Human Rights Commission
(Procedure) Regulations, 2011**

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 Goa Human Rights Commission hereby makes the following Regulations, namely:—

1. *Short title and commencement.*— (1) These Regulations may be called the Goa Human Rights Commission (Procedure) Regulations, 2011.

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

CHAPTER - I

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 Goa 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 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) “Single Bench” means a Bench consisting of the Chairperson or a Member of the Commission as constituted by the Chairperson.

(f) “Division Bench” means a Bench consisting of the Chairperson and member or two members of the Commission as constituted by Chairperson;

(g) “Full Bench” means a Bench consisting of the Chairperson and both the members of the Commission.

(h) “Regulation” means Regulations framed by the Commission under Section (2) of Section 10 read with Section 29 of the Act;

(i) "Secretary" means Secretary of the Commission;

(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 at Panaji-Goa.

4. *Venue of the meetings.*— The Commission shall ordinarily hold its meetings and sittings in its office located at Panaji. However, it may, in the discretion of the Chairperson, hold its sittings at any other place in Goa, if it considers the same necessary and expedient.

5. *Periodicity of meetings.*— Except during the vacations, the Commission shall normally have its regular sittings on all working days in the 2nd and 4th week of every month. However, the Chairperson either suo-motu 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, alongwith such other officers of the Commission, as may be directed by the Chairperson, shall attend the meetings and sittings 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 note 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 prior to 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 or in the cause list.

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 Konkani, Marathi, Hindi or English. However, the Commission may entertain complaints in other languages in its discretion.

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

(3) The complaint should disclose all facts relevant to 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.

(4) The Commission, may in its discretion, entertain complaints conveyed through email or fax, followed by confirmation by the complainant.

9. *Complaints not ordinarily entertainable.*— The Commission may not entertain complaints,—

(a) which are vague or anonymous or pseudonymous or trivial or frivolous in nature;

(b) which are pending before any other Commission;

(c) which raise dispute of civil nature, such as property rights or contractual obligations;

(d) which relate to service matters or industrial disputes; (e) which are not against any public servant;

(f) which do not make out any specific violation of human rights;

(g) which are covered by a judicial verdict or decision of the Commission; (h) which are outside the purview of the Commission.

10. *Procedure regarding complaints.*— (1) The complaints shall be entered in a Register in seriatim and a proceeding number shall be allotted to the same.

(2) Every complaint shall be placed before the Commission with utmost expedition. The complaints, which require urgent consideration, shall be placed before the Commission immediately.

(3) 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 be placed 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 reasons to be recorded by it. The Chairperson may place any matter before a Division Bench or Full Bench in his discretion.

(4) The Commission may ask the parties to tender evidence on affidavits. The Commission may allow further examination and cross- -examination of the person whose evidence has been tendered on affidavit.

(5) 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. 11.

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.

(2) If on consideration of the complaint or suo-motu the Commission admits or takes cognizance and directs issue of notice to any authority calling upon it to furnish information or report, a notice shall be issued, enclosing a copy of the complaint and the order of the Commission under the signature of the Secretary/Under-Secretary.

12. *Recording of orders or proceedings.*— 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.

13. *Summons.*— (a) The Commission may direct to issue summons in the manner prescribed in the code 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.

(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.

14. *Calling for investigation report.*— (1) Whenever the Commission orders investigation to be undertaken by its Investigation Team 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 alongwith copies of the papers relevant thereto shall be furnished forthwith to such Investigation Team calling upon it to conduct the investigation and submit its report within the time specified in the order.

15. *Provision for making inquiry.*— (1) The Commission may, in its discretion, direct further investigation in a given case if it is of the 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.

(2) The 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.

16. 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.

17. *Communication of Recommendations.*— When the Commission, upon completion of the inquiry, makes any recommendation, a copy of the report alongwith a copy of the recommendation, shall be sent 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 Secretary/Under-Secretary 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 alongwith note referred to in clause (2), the Commission may pass such order, as it deems just and proper.

19. *Mode of Communication.*— Unless otherwise directed, all communications from the Commission shall be sent by ordinary post.

20. *Review.*— 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, alongwith 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.

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

22. *Preparation of Statements.*— The Secretary 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 or Chairperson from time to time.

CHAPTER – III

Miscellaneous

23. *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 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.

24. *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.

25. *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 decision in any of its earlier meetings, excepting the items on which no further action is called for.

26. *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 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 Complainant/Petitioner or his representatives.

(3) Unless any document is classified by the 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.

27. *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 authenticate copy shall be sent to the Government by end of June of every year.

28. *Special Reports.*— The Commission may furnish such Special Reports on specific matter as may be considered necessary in terms of sub-section (1) of Section 20 of the Act.

29. *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.

30. *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.

31. *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.

32. *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.

Justice P. K. Mishra, — Chairman.

A. D. Salkar, — Member.

J. A. Keny, — Member.

Panaji, 16th September, 2011.