

A.P. State Human Rights Commission (Procedure) Regulations, 2013

ANDHRA PRADESH

India

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Rule

A-P-STATE-HUMAN-RIGHTS-COMMISSION-PROCEDURE-REGULATIONS of 2013

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A.P. State Human Rights Commission (Procedure) Regulations, 2013Published vide Notification No. G.O.Ms.No. 555, General Administration (HRC), dated 12-07-2013Last Updated 8th August, 2019G.O.Ms.No. 555. - The Regulations made by the Andhra Pradesh State Human Rights Commission in exercise of the powers conferred by subsection (2) of Section 10 r/w Section 29 of the Protection of Human Rights Act, 1993 (Central Act 10 of 1994), are hereby notified:Chapter-I (Preliminary)

1. Short title and Commencement.

(a)These Regulations may be called the Andhra Pradesh State Human Rights Commission (Procedure) Regulations, 2013.(b)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 as amended from time to time.b. "Complaint/Petition" 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 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, or the material on the basis of which the State Commission takes suo motu cognizance.c. "Commission" means the Andhra Pradesh State Human Rights Commission.d. "Chairperson" means the Chairperson of the

Commission.e. "Member" means a Member of the Commission.f. "Secretary" means Secretary and Chief Executive Officer of the Commission.g. "Director (Investigation)" means the person designated by the Chairperson as the Director of the Investigation team of the Commission.h. "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.i. "Full Bench" means a Bench consisting of three Members or more of the Commission including the Chairperson as constituted by the Chairperson.j. "Division Bench" means a Bench consisting of two members of the Commission including the Chairperson as constituted by the Chairperson,k. "Single Bench" means a Bench consisting of Chairperson or a Member of the Commission as constituted by the Chairperson and Commission in reference to cases taken up on judicial side would mean the bench, Single, Division or Full Bench that deals or dealt with the matter.l. "Regulation" means the Regulations framed by 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, as notified by the State Government, at Hyderabad.

4. Transitory provision.

- All complaints and matters pending as on the date of enforcement of these regulations upto the stage of listing for preliminary consideration shall be governed by procedure obtaining prior to the commencement of these regulations. In regard to complaints and matters pending at other stages as on the date of enforcement of these regulations, these regulations shall be followed as far as possible.

5. Venue of the sittings and meetings.

- The Commission shall ordinarily hold its meetings and sittings in its office at Hyderabad. The Commission may however, at its discretion hold any of its meetings or sittings at any place other than its head-quarters, if the Chairperson considers it necessary or expedient so to do.

6. Periodicity of the Commission.

- 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, direct a special sitting to be convened to consider any matter of urgency on non-sitting days.

7. Vacation.

- The Chairperson may fix vacation for himself and for the Members of the Commission by dividing one month's period of vacation in different spells and on different dates, as far as practicable, to ensure availability of the Chairperson or the Member(s) at the Headquarter of the Commission during all the working days of the Commission.

8. Vacation and casual absence account.

- Vacation and casual absence account shall be kept for the Chairperson and each member by the Secretary of the Commission or any other Officer of the Commission charged with such duty by the Chairperson.

9. Secretariat assistance.

- The Secretary or any other Officer of the Commission, if directed by Chairperson, shall attend the meetings of the State Commission.

10. Agenda.

- The Secretary shall with the approval of 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. Notes on each item in the agenda shall ordinarily be circulated to the Members well in advance before the date of the meeting. Any other item beyond the agenda may be taken up with the permission of the Chairperson. Chapter-II (Procedure for dealing with complaints of Suo Motu Action)

11. General.

(1) Complaints shall be made in triplicate to the Commission in writing, ordinarily in Telugu or English language. However, the Commission may entertain complaints in any other language included in the Eighth Schedule of the Constitution if the complainant or the aggrieved person does not know Telugu or English. (2) No fee shall be required to be paid for filing a complaint. (3) Every complaint shall state the full facts relating to the matter complained against, specifying the date of occurrence of the incident and the nature of relief sought for. (4) The Commission may, if necessary call for further information and may direct affidavits to be filed in support of the allegations whenever considers necessary. (5) Every complaint shall: (i) be submitted under the signature of the aggrieved person or of a person on behalf of the aggrieved person: (ii) record a certificate to the effect that the subject matter of the complaint or the grievance is not subjudice before any Court or Tribunal not pending before a Commission including the National Human Rights Commission and not covered by a judicial verdict or decision of any Commission. (6) A complaint which does not comply with one or more of the requirements of Regulation 11 shall be liable to be rejected.

12. Complaints not entertainable.

- Complaints of the following nature shall not be entertained by the Commission and shall be dismissed in limine: (a) anonymous or pseudonymous or illegible; (b) where copy of the complaint addressed to some other authority is received by the Commission; (c) Barred under Section 36(2) of the Act; (d) Matter outside the purview/jurisdiction of the Commission; and (e) Complaints relating to events or incidents which did not occur within the geographical limits of the State of Andhra Pradesh.

13. Processing of complaints.

- Immediately on receipt of applications/ communications, they shall be processed and placed before the Chairperson for passing appropriate orders or before the Honourable member to whom such business is assigned by the Chairperson.

14. Classification.

- Subject-wise classification of the complaints shall be made, as per the orders of the Hon'ble Chairperson from time to time.

15. Constitution of Benches.

- Constitution of the Benches and assignment of the work to the Benches and Hon'ble members shall be as directed by the Hon'ble Chairperson from time to time and all cases shall come up before the Single Bench unless otherwise directed by the Hon'ble Chairperson.

16. Preparation of Cause List.

- Cause list shall be prepared listing the cases before the Bench(s) constituted by the Chairperson for the purpose under the following heads: (1) Appearance matters (2) Faxed & Priority matters (3) Reports Received (4) Reports not received (5) Comments received (6) Comments not received (7) For consideration

17. Posting of case.

- Cases shall be included in the Cause List of each Bench as per the directions of the Chairperson and shall be circulated to the Hon'ble Chairperson, Hon'ble members well in advance. Hearing in cases awaiting disposal may be advanced on the motion being laid by the complainant or the other side, by the Chairperson or the Honourable Member to whom such business is assigned.

18. Preliminary consideration and steps.

(a) If a complaint is dismissed in limine on preliminary consideration itself, the said order shall be communicated to the complainant. (b) If the complaint is admitted or is taken cognizance the notice in (Form A) 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.

19. 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. Court master/Stenographer shall enter in the relevant column of the Order Sheet the date of the order and the number of pages. (b) In cases requiring urgent action in pursuance of the order issued by the bench, steps for its communication shall be taken forthwith by the officer(s)/ official(s) charged with such duty. .

20. Information Register.

- Information relating to the cases shall be entered in the registers as per the instructions of the officer concerned.

21. Summons.

(a) Summons in Form-B, indicating the purpose of summoning such person shall be issued in the following cases: (1) to the complainant or any other person on his 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 enquired into; and (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.

22. 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 stipulated time, the matter shall be placed before the Commission forthwith for further directions.

23. Communication of Recommendation.

- Whenever the Commission makes any recommendation after considering the inquiry report, a copy of the inquiry report along with its recommendation shall be sent 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.

24. 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 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.

25. Procedure regarding suo motu Action.

- The Chairperson or the Member authorized by the Chairperson shall be competent to take suo motu cognizance of the cases and such cases shall be dealt with as per the procedure prescribed hereinabove.

26. 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, if necessary.

27. Publication.

- On completion of enquiry, the Secretariat of the Commission shall take steps for compliance with clauses (d) (e) and (f) of sub-section (iii) of Section 18 of the Protection of Human Rights Act, 1993.

28. Mode of Communication.

- Unless otherwise ordered, all communications from the Commission shall be sent by ordinary post.

29. Review/Restoration/Modification.

- If any application seeking review/ restoration/modification of the order or proceedings passed by the Commission is received, the same shall be placed before the Hon'ble Chairperson or Hon'ble member as directed by the Hon'ble Chairperson along with case file for orders.

30. Consignment of Records.

- Records of all cases finally disposed off shall be consigned to the Record Section after completing the entries in the relevant register(s).

31. Period of Retention of Records.

- Unless otherwise ordered by the Chairperson, the entire records of disposed off complaints shall be weeded out after expiry of a period of two years from the date of final disposal, however the register in Form-C, which contains information regarding such complaints shall have to be preserved.

32. Weeding of Records.

(a)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 regarding the date of weeding. A separate register shall also be maintained containing the list of cases taken up for weeding.(b)Original documents shall be returned to the person who had produced them if he applies before weeding.(c)Weeding shall be carried out as per the directions of the Secretary.

33. Periodical Statements.

- Disposal Registers shall be arranged and prepared under the directions of the Secretary.
Chapter-III Miscellaneous

34. Minutes of the meeting.

(a)Minutes of the meeting of the Commission shall be recorded by the Secretary or by any other officer authorized by the Chairperson. Such minutes shall be submitted to the Chairperson for approval and after approval it shall be circulated to all the members of the Commission.(b)The conclusions of the Commission in every matter undertaken by it and also dissenting opinions shall form part of the record.(c)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 by the Chairperson.

35. Transaction of business outside the headquarters.

(a)The Chairperson may transact business including visits for the spot duty at any place outside its Headquarters. Likewise the Member(s) with the prior approval of the Chairperson.(b)The Secretary of the Commission on the direction of the Chairperson may undertake visits for purposes of enquiry and inspections to achieve the objective of the Protection of the Human Rights Act, 1993.

36. 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.

37. Copies.

- In case any document is classified by the Commission as Confidential, its copy shall be issued under the orders of the Chairperson or the Member assigned with such business.

38. Representative.

- Parties before the Commission shall appear either in person or through an authorized representative, unless personal attendance of the party is required by the Commission.

39. Annual Report.

- The Commission shall submit an Annual Report/Special Report to the Government in terms of Section 28 of the Protection of the Human Rights Act, 1993.

40. Printing of Reports.

- The Secretariat of the Commission shall arrange for the printing of the Annual and Special Reports.

41. Reports on complaints and inquiries.

- 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 after completion of the proceedings before the Commission. On receipt of the comments of the Government or the concerned authority and the concerned 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.

42. 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.

43. Amendment 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.

44. Adherence to Regulations.

- Every Officer and Official of the Commission shall strictly comply with these Regulations. Any deviation or breach on their part would amount to misconduct actionable under disciplinary rules governing the field.

Form - A (Regulation 16 (b)) A.P. State Human Rights Commission (Judicial Section) Case No. Notice To _____ (Mention complete details like name, designation and complete address of the Authority to whom notice is directed to be issued) Whereas the complaint received from _____ was considered by the Commission and the following order was passed:- Now, Therefore Take Notice that the above mentioned matter will be listed for further consideration before the Commission on _____ and will be taken up on that day at 10.30 a.m. before which date you are required to submit the requisite information/report. Take Further Notice that in the event of any default, the Commission may proceed to take such action as it deems proper. Given under my hand and the seal of the Commission, this _____ day of _____ By Order Assistant Registrar

Enclosure: Copy of the Complaint

Note: The information shall be furnished only by the authority, to whom the notice is issued and not by anybody else.

Form B (Regulation 20 (a)) A.P. State Human Rights Commission (Judicial Section) Case No. Summons In the matter of the complaint filed by _____ Or Suo-Motu Action taken by the Commission relating to _____ (Fill in complete address with name and designation) Whereas proceedings in the matter aforesaid have been initiated and the Commission has directed to issue summons to you: (1) To afford you an opportunity of being heard in person. (2) To adduce evidence in support of your complaint (3) To examine you as a witness in the above matter (4) To afford you an opportunity of being heard as in the opinion of the Commission, your reputation is likely to be prejudicially affected by the verdict that the Commission may give in the above proceedings. (5) To afford you an opportunity of being heard in the matter as your conduct in connection with the subject matter of the above proceeding is being inquired into. (6) To cause the production of the following documents

(*) (i) (ii) Now, Therefore, You are hereby summoned to appear before the Commission, in person, for the purpose aforementioned on at 10.30 a.m. or soon thereafter, as may be convenient to the Commission, for further consideration. If you fail to comply with this summons without lawful excuse (i) final decision in the proceedings shall be taken in your absence by the Commission (ii) You will be proceeded against under Rules 10 and 12 of Order XVI of Civil Procedure Code. Given under my hand and the seal of the Commission, this _____ day of _____ (By Order) Deputy Registrar

* Persons summoned to produce only documents may produce the same on the day and time noted in the summons and that would be sufficient compliance.

Note. - Strike out portions not relevant

Default Clause (i) applies to 1, 4 and 5, and clause (ii) to 3 and 6.

Form C (Regulation 18) A.P. State Human Rights Commission District-Wise Information Register Name of District _____

S.No.	Case No	Name & Address of Complainant	Name of Victim	Date of Incident	Nature of Violation
1	2	3	4	5	6
Classification of Authority from whom Date Dismissed		Date of taking cognizance	Authority from whom information or report called for	Date of disposal	Dismissed in limini
7		8	9	10	11
Nature of Disposal after notice		Date of Weeding			
Disposed off with direction					
Disposed off without direction		With out calling for Compliance report	After calling for compliance report	Date of compliance	
12		13	14	15	16