



KERALA GAZETTE

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GOVERNMENT OF KERALA

Kerala State Human Rights Commission

NOTIFICATION

No. 3348/P/KSHRC/2001. Dated, Thiruvananthapuram, 6th November 2001.

In exercise of the powers conferred by section 10(2) read with section 29 of the Protection of Human Rights Act, 1993 (Central Act 10 of 1994) the Kerala State Human Rights Commission hereby makes the following regulations, namely:—

THE KERALA STATE HUMAN RIGHTS COMMISSION (PROCEDURE) REGULATIONS, 2001

CHAPTER I

1. *Short title and commencement.*—(a) These regulations may be called the Kerala State Human Rights Commission (Procedure) Regulations, 2001.

(b) They shall come into force at once.

3/4805/2001/MC.

2. *Definitions.*—(1) In these regulations unless the context otherwise requires,—

- (a) "Act" means the Protection of Human Rights Act, 1993;
- (b) "Chairperson" means the Chairperson of the (Central Act 10 of 1994) Commission.
- (c) "Code" means the Code of Civil Procedure 1908;
- (d) "Commission" means the Kerala State Human Rights Commission;
- (e) "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 by telegram or by fax or by any other means whatsoever alleging violation of human rights 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 clause (d) of sub-section (1) of section 2 read with sub-section (5) of section 21 of the Act;
- (f) "Criminal Procedure Code" means the Code of Criminal Procedure 1973;
- (g) "Chief Investigation Officer" means the person designated as the Chief Investigation Officer of the investigation team of the Commission;
- (h) "Division" means and includes different sections of the Administration Division, Law Division, Investigation Division, Research Division and such other Divisions in the Commission as may be constituted by the Chairperson;
- (i) "Division Bench" means a Bench consisting of two members of the Commission or a Bench consisting of the Chairperson and one member as may be constituted by the Chairperson;
- (j) "Form" means a form appended to these Regulations.
- (k) "Full Bench" means a Bench consisting of the Chairperson and two members of the Commission as may be constituted by the Chairperson;
- (l) "Government" means the Government of Kerala;
- (m) "Indian Penal Code" means the Indian Penal Code 1860;
- (n) "Member" means a member of the Commission and includes the Chairperson;

- (o) "Registrar" means the Registrar of the Commission;
 - (p) "Regulations" means Regulations framed by the Commission;
 - (q) "Rules" means the Kerala State Human Rights Commission Rules, 1998;
 - (r) "Secretary" means the Secretary of the Commission;
 - (s) "Single Bench" means a Bench consisting of the Chairperson or one member of the Commission, as may be constituted by the Chairperson;
 - (t) "Zone" means and includes division of the State made by the Commission for administrative and functional convenience.
- (2) The words and expressions not defined in these Regulations but defined in the Act or Rules shall have the same meaning respectively assigned to them in the Act or Rules.

CHAPTER II

SITTINGS OF THE COMMISSION

3. *Venue of the meetings.*—The Commission shall ordinarily hold its meetings and sittings at the headquarters during the first and last week of every month. However, the Commission may at the discretion of the Chairperson hold its meetings and sittings at any other place in the State.

4. *Camp Sitting.*—The Commission may hold Camp Sittings at District Headquarters and at such other places in the State taking into consideration the exigencies of individual cases and in the interest of the general public.

5. *Extraordinary meetings.*—The Chairperson may, of his own accord or as required by any member of the Commission, order special meetings of the Commission to be convened at any convenient place, to consider any specific matter of urgency.

6. *Zones.*—There shall be three zones in the State for facilitating the functioning of the Commission, as indicated below:

Northern Zone—The districts of Kasargod, Kannur, Kozhikode, Malappuram, Palakkad and wayanad.

Central Zone—The districts of Trissur, Ernakulam, Kottayam and Idukki.

Southern Zone—The districts of Alappuzha, Kollam, Pathanamthitta and Thiruvananthapuram.

7. *Change of zones.*—One member as authorised by the Commission shall be in charge of a zone. However, the Chairperson may, taking into consideration the administrative and functional convenience, reallocate a particular district/districts already placed under one member to another.

8. *Officers to attend the meetings.*—The Secretary and other officer/officers of the Commission, if so required by the Chairperson, shall attend the meetings of the Commission.

9. *Office Hours.*—The working hours of the office shall be from 10.00 a.m. to 1.00 p.m. in the Fore-noon session and from 2.00 p.m. to 5.00 p.m. in the After-noon session or such other hours as notified by the Commission from time to time.

10. *Hours of Sitting.*—The Commission shall ordinarily sit from 11.00 a.m. to 5.00 p.m. with an interval not exceeding one hour.

11. *Agenda of the meeting.*—The Secretary shall, in consultation with the Chairperson or, in the absence of the Chairperson in consultation with such member as designated by the Chairperson on that behalf, prepare the agenda for each meeting of the Commission and shall cause comprehensive notes to be prepared on each item on the agenda. The agenda and the notes thereon shall be made available to the Chairperson and Members sufficiently in advance, and in any case, before three clear days from the date of the proposed meeting. The Commission may, however, take up for deliberation any matter which is not included in the agenda for the meeting.

12. *Minutes of the Meetings.*—(a) The minutes of each meeting of the Commission shall be recorded during the meeting itself or immediately thereafter by the Secretary or any other officer as directed. Such minutes shall be submitted to the Chairperson and the Members for approval at the earliest and in any case, three clear days before the commencement of the next meeting. The Secretary shall pursue follow up actions without delay.

(b) The minutes shall include the decisions of the Commission on the matters considered by it at the meeting. Dissenting opinions, if any, shall also be included in the minutes.

(c) In the event of dissenting opinion being expressed at a meeting on any matter under consideration, the decision of the majority shall prevail.

13. *Record of the minutes.*—A copy of the minutes of every meeting of the Commission duly approved by the Chairperson shall be kept by the Secretary. Relevant extracts from the minutes shall be taken and follow up action pursued by the office.

14. *Report of action taken.*—The Secretary shall place a report on the action taken on the decisions at previous meetings, indicating therein the present stage of action on each item except those on which no further action is called for.

15. *Language of Complaints.*—Complaints may be made to the Commission in Malayalam or in English or in any of the languages included in the 8th Schedule to the Constitution of India. However, when complaints are made in any language other than in Malayalam or in English, translated version of the complaints either in Malayalam or in English shall also be furnished.

16. *Nature of complaints.*—(i) Every complaint should disclose a complete picture of the matter complained of and disclose the name and address of the respondent. The Commission may, if it considers necessary,—

- (a) call for further relevant information from the complainant;
- (b) direct the complainant to file affidavit/s in support of the complaint;
- (c) obtain sworn statements of the complainant; and
- (d) take statement of the complainant by issuing Commission for that purpose or by any other means considered necessary.

(ii) No fee shall be chargeable on complaints/interlocutory applications.

17. *Complaints not ordinarily maintainable.*—The Commission may dismiss in limine complaints of the following nature:

- (a) Illegible;
- (b) vague, anonymous or pseudonymous;
- (c) trivial or frivolous;
- (d) barred under sub-section (1) or (2) of section 36 of the Act;
- (e) allegations do not disclose involvement of any public servant;
- (f) issue raised relates to civil disputes, service matters, labour or industrial dispute;
- (g) allegations do not raise any violation of human rights;

- (h) If the matter raised is subjudice before a Court or Tribunal;
- (i) the matter is covered by a Judicial verdict/decision of the National Commission or a State Commission;
- (j) Where the complaint is only a copy of the petition addressed to some other authority;
- (k) Where the petition is not signed or where the original petition is not sent to the Commission;
- (l) Where the matter raised is outside the purview of the Commission or on any other ground.

CHAPTER III

RECEIPTS AND DISBURSEMENT OF TAPAL

18. Tapal (by whatsoever mode received) addressed to the Commission, its Chairman, Members or officers of the Commission either by name or by designation shall be received by the designated official in the office of the Commission.

Note:—Those communications which are addressed by name to the Chairperson, Members and other officers of the Commission shall be noted in separate 'Transit' Registers and delivered forthwith to the designated official and acknowledgement of receipt obtained in the Register.

19. Unless otherwise directed, petitions/Communications received by the Chairperson, Members and other officers of the Commission when marked to each division shall be dealt with as provided in this Chapter.

20. The Tapal shall be opened in the presence of the Section Officer in charge of the Receipt and Despatch Section who shall get the same sorted out section wise and diarised in a register containing particulars, such as date of receipt, diary No., sender's name and address etc., and transmitted under acknowledgement to the concerned petition sections and to the respective heads of the other divisions. Separate Transmission Registers shall be maintained for each section in the Law Division as well as in other divisions.

21. *Distribution and disbursement of Tapal.*—The designated official shall submit the tapal to the Section Officer in charge of the Administrative division who shall get the Tapal sorted out division wise. There shall be a Tapal Register maintained for each division. After the tapal is sorted division wise, each item in the tapal shall be numbered consecutively with the number being

documented in the Tapal Register also. Particulars such as date of receipt, sender's name and address outside number, if any, tapal number assigned etc., shall be recorded in an 'Inward Register' maintained by the designated official. The tapal shall then be delivered with the tapal register to the division concerned. The Section Officer/Officer-in-charge of the division shall allot the tapal in accordance with the approved distribution of work and the receipt of tapal got acknowledged in the tapal register by the Assistants/officials concerned. Each Assistant in the divisions shall maintain a Personal Register in which the currents received by the Assistant shall be registered.

22. The papers received by tapal or otherwise in the office shall broadly fall under 3 categories, namely:—

- 1. those relating to complaints regarding violation of human rights;
- 2. those relating to administrative matters; and
- 3. those relating to miscellaneous matters.

23. *Scrutiny of Complaints.*—(a) Immediately on receipt of tapal relating to complaints regarding violation of human rights, the Section Officer in the Administrative Division shall forward the same to the Court Officer/Section Officer who shall sort out the new complaints, register them in the Human Rights Miscellaneous Petition-Register maintained in the section and allot them to the Assistants concerned in accordance with the distribution of work. The Assistants, shall submit each H.R.M. Petition after appending Form No. I duly filled in to the Registrar and the Registrar shall place the case file before the Member concerned/Chairman as the case may be, in accordance with the directions issued under clause 8 of these Regulations.

(b) Complaints and other communications relating to violation of human rights requiring urgent attention shall, however, be placed by the Court Officer/Section Officer before the Registrar who shall cause it to be placed immediately before the Member available for appropriate orders.

24. If a petition/complaint is dismissed in limine by the Commission, the matter shall be treated as closed. In such cases an intimation regarding the fact of disposal will be given to the petitioner/complainant if it is so ordered by the Commission.

25. Where the Commission finds that a complaint is not entertainable by it, but that it requires action by an authority other than the Commission, it shall be forwarded to that authority on the orders of the Commission.

26. *Classification.*—Subject-wise classification of the complaint shall be made as per the list in Appendix II of these Regulations which may be modified or amended from time to time as per the orders of the Chairperson.

27. *Registration.*—(a) A common register called the Human Rights Petition Register shall be maintained by the Court Officer/Section Officer. Every complaint/petition received in the section shall be entered in the Register in the order in which it is received in the tapal. Particulars such as, the current number, date of receipt, the nature of the complaint/petition, name of the complainant/petitioner, the date of occurrence, name of the District in which the alleged violation has occurred, name of the respondent, if any, etc. shall be recorded in the register.

(b) File cover shall be got printed in form No. 2. Records relating to each complaint shall be kept in a separate file cover, arranging them chronologically in the following order:

- (i) Index in Form No. 3
- (ii) Order sheet in Form No. 4
- (iii) Brief particulars of the complaint
- (iv) Complainant/petition with Annexures if any.

(c) The Assistant concerned shall, after arranging the file in the manner prescribed in clause (b) above, submit it to the Registrar for placing before the Commission.

(d) All complaints newly registered shall be placed before the Bench concerned for preliminary consideration as expeditiously as possible but not later than 15 days from the date of its receipt.

(e) Complaints requiring urgent consideration shall be placed before the Commission as far as possible within 24 hours of its receipt.

28. (a) The Bench concerned upon deciding to entertain a complaint falling under section 12 (a) of the Act, may direct whether the matter should be set down for inquiry by the Commission or be investigated by some other agency.

(b) In the case of complaints which are not dismissed in limine and decision is taken by the Bench concerned to hold an enquiry or investigation, the Registrar shall call for such reports from the Government or any other authority or Organisation subordinate thereto as may be directed by the Commission. The time within which reports should be furnished to the Commission shall also be specified as enjoined under section 17 (1) of the Act when the reports are called for.

(c) Where an investigation is undertaken by the Commission's investigation team or by any officer or investigation agency of the Government as enjoined under Section 14 of the Act, the report of investigation shall be furnished to the Commission within 10 days of the completion of the investigation unless further time has been allowed by the Commission. The Commission may direct further investigation on any other ground if found necessary.

29. The Commission as a whole or Members individually/collectively may undertake visits to any place in the State for an on the spot study of facts relating to matters enumerated under Section 12 (C) of the Act and when such visits are made a report thereon shall be prepared and kept as record.

30. *Constitution of Benches.*—(a) Subject to such general or special orders as may be issued by the Chairperson, all complaints shall be dealt with by a Single Bench of the Commission. If, however, the Bench dealing with a particular complaint, having due regard to the nature of the issue involved is of the opinion that the case should be considered by a Division Bench/Full Bench, the Single Bench may refer the case to the Chairperson who may constitute a Division Bench or a Full Bench, as the case may be, and refer the case to the Bench so constituted.

(b) When a case is referred to a Division Bench/Full Bench the Court Officer/Section Officer concerned shall have the requisite number of copies of the case file prepared for the use of all the Members in the Bench.

31. (a) The Section Officer in charge of the Administrative Division shall without delay allot papers relating to administrative matters and miscellaneous matters to the Assistants in the Administration division in accordance with the allotment of work.

(b) The Administration Division shall put up the papers with brief notes thereon regarding their nature of action required thereon etc., to the Chief Executive Officer who shall present the papers to the Commission, with his notes, for orders.

(c) The Chief Executive Officer shall not take any decision on any financial matter placed before him without the concurrence of either the Chairman or the majority of the Members of the Commission. Any matter involving financial commitment must have the prior approval of the Commission.

CHAPTER IV

PREPARATION OF CAUSE LIST, SUMMONS, EXAMINATION OF WITNESSES AND REPORT

32. *Preparation of Cause List.*—Cause list shall be prepared listing the cases under the following heads:—

(a) *Preliminary inquiry:*

- (i) Petition's, the entertainability of which is under consideration;
- (ii) petitions relating to which the need for a preliminary inquiry or an investigation either by the Commission's investigation team or by any other agency is to be considered.

(b) *Inquiry*.—All cases in which investigation or preliminary inquiry has been completed and orders have been passed admitting it to the file for recording evidence of the parties and to hear their arguments shall be included in this category.

(c) *Final orders*.—Cases in which recording of evidence and hearing of the parties have been completed.

(d) *Follow up action*.—Cases in which orders have been passed after inquiry requesting the Government or other authorities to offer their comments and particulars regarding the action taken by them consequent thereto.

(e) *Restoration Application*.—Cases dismissed for default in which applications have been filed within 30 days of the date of dismissal.

(f) *Review application*.—For review application the procedure contemplated under Order 47 of the Code will apply.

33. *Posting of Cases:*

(a) Cause list of each Bench shall be prepared in accordance with the allocation of districts among the Members of the Commission made under clause 8 of these Regulations.

(b) The cause list and the files relating to the cases listed therein shall be submitted to the Bench concerned two days prior to the date appointed for hearing.

(c) The Bench shall indicate the case/cases to be posted for each day and the cause list shall be prepared accordingly.

34. *Preliminary Consideration and steps:*

(a) If a complaint after consideration is dismissed the said order shall be communicated to the complainant if so specifically ordered by the Bench concerned and the case shall then be treated as closed.

(b) If, on consideration of a complaint or after taking cognizance of a matter suo motu, the commission orders issue of a notice to the State Government or to any authority or organization subordinate thereto, a notice in Form No. 5 signed by the Registrar shall be issued to the State Government/authority/organization. Such notice shall be accompanied by a copy of the complaint or a description of the matter suo motu taken cognizance of.

(c) If no time is fixed by the Commission for return of the notice/furnishing of the information/report, the time shall be thirty days from the date of service of the notice.

(d) If the information or report called for under clause (b) above is not received within the time allowed, or if it is received late, or if the information/report received is not complete in any respect, the case shall be submitted to the Bench for further orders/directions.

35. *Recording of Orders:*

(a) Ordinarily short orders of the Commission shall be recorded in the order sheet. Orders which are lengthy shall be recorded on separate sheet and appended to the order sheet or kept separately. The Bench concerned shall make necessary entry in the relevant column of the order sheet mentioning the page number, date of order etc.

(b) In cases where urgent action is required to be taken pursuant to the order/proceeding issued by the Commission, the Bench Assistant concerned shall forthwith send the file to the Registrar. The Registrar shall then give suitable instructions with regard to the mode of communication i.e. by Telephone/Fax/Speed Post/Telegram etc. and transmit records.

36. *District-wise Register of complaints*—District-wise Register in Form No.6 shall be maintained regarding all complaints/petitions received in the Commission as well as suo motu cases initiated by the Commission.

37. *Further Action or reports:*

(a) on receipt of the information/report called for, a note shall be prepared or caused to be prepared by the Bench Assistant and shall be placed before the Bench concerned for final disposal.

(b) When the Bench concerned upon consideration of the information/report dispose of the case without any recommendation, the case shall be treated as closed.

38. *Summons*—(a) The summons to be issued by the Commission shall be for the following purposes, namely:—

(i) to afford the complainant/respondent or any other person on their behalf a personal hearing;

(ii) to hear any other person who in the opinion of the commission should be heard for appropriate disposal of the matter placed before the Commission;

(iii) to cause production of records required by the commission;

(iv) to call upon any individual to appear before the commission to be examined as a witness;

(v) to secure the presence of any person whose conduct/action is inquired into by it;

(vi) to afford an opportunity of being heard, to the person against whom allegations are made or whose reputation is, in the opinion of the Commission, likely to be prejudicially affected by the order to be passed by it.

(b) Summons to the persons referred to under this Regulation shall be in Form No. 7.

(c) Summons issued by the Commission shall ordinarily be signed by the Registrar.

(d) The words 'By Order' of the Commission shall invariably be prefixed to the signature of the Registrar in such cases.

(e) Summons to official witnesses shall be through their immediate Superior Officers or the Head of the Office, as the case may be.

(f) The cases in which summons has been issued for personal appearance shall be placed before the Commission sufficiently in advance or at the latest one day prior to the date noted in the summons for such personal appearance.

39. *Calling for investigation report.*—(a) Whenever the Commission orders investigation to be undertaken by its Investigation Team or by any other investigating agency as decided by it under Section 14 of the Act, a copy of such order along with copies of the papers relevant thereto shall be furnished forthwith to such team/agency calling upon it to conduct investigation and the said team/agency shall 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.

(b) If no such report is received within the time allowed, the matter shall be placed before the Bench without delay for further directions.

40. *Examination of witnesses.*—(a) Subject to the provisions of the Oath Act, 1969 (Central Act 44 of 1969) every witness shall take an oath or make a solemn affirmation before he is examined.

(b) The oath of the witness shall be administered openly by the Commission holding Single Bench/Division Bench/Full Bench sitting or by such other officer empowered by the Commission.

41. *Form of Oath.*—(1) The following shall be the Form of Oath to be administered to the witnesses: "I do swear in the name of God that what I shall state shall be the Truth, the Whole Truth and nothing but the Truth".

(2) Oath shall be in the form of solemn affirmation also. In that event it shall be in the following form:

"I do solemnly affirm that what I shall state be the truth, the whole truth and nothing but the truth."

42. *Heading of deposition.*—(a) Deposition of witnesses shall be in Form No. 8.

(b) After the deposition has been read over to the witness the last page thereof shall be signed in full by him/her. The Commission shall initial every page of the deposition. A certificate in the following Form shall be appended to the deposition and the Presiding Member of the Commission shall affix his/her signature thereto over his/her name, namely, "Taken down by me before me in open sitting, read over to the witness and admitted by him/her to be correct."

43. Where the Commission proposes to proceed with the complaint, it may cause summons to be issued to the petitioner/petitioners and the respondent/respondents either to appear before it and adduce oral evidence or to submit affidavit in support of the petition or in rebuttal thereof, as the case may be, unless otherwise directed.

44. *Recording of evidence.*—(a) The petitioner's evidence shall be taken up, if necessary, by examining the sole petitioner or petitioner No. 1 or any of the petitioners where there are more than one petitioner, as PW 1 and the documents produced on his/her behalf shall be marked serially as Exhibits P1, P2, P3 etc.

(b) Other witnesses on the side of the petitioner/petitioners shall be examined as PW2, PW3 etc.

(c) (i) The evidence of the respondent/respondents shall then be taken up by examining if necessary the sole respondent or respondent No. 1 or any of the respondents as RW.1 and documents produced on his/her behalf shall be marked serially as Exhibits R1, R2, R3 etc.

(ii) Other witnesses on the side of the respondent/respondents shall be examined as RW2, RW3 etc.

(d) The Bench may, in its discretion, examine as witness any person other than the petitioner/petitioners, respondent/respondents and persons cited by them as witnesses and the persons so examined shall be CW1, CW 2 etc, in the order in which they are examined and the documents produced by them shall be marked as Exhibit C1, Ext. C2 etc.

(e) Nothing mentioned in this Regulation shall be regarded as a bar for the Bench in examining first the petitioner/petitioners, the respondent/respondents or witnesses, as the case may be.

(f) The petitioner/petitioners and respondent/respondents shall be at liberty to cross-examine or refrain from cross-examining the witnesses produced by other parties.

(g) Parties may engage their own pleader in the proceedings before the Commission. Where a Vakalath is filed by the pleader, it shall be affixed with court fee stamp for Rs. 2 and Advocate's Welfare Fund stamp for Rs. 10.

(h) Every affidavit shall be drawn up in the first person and shall be divided into paragraphs numbered consecutively. Each paragraph, as nearly as may be, shall contain a distinct portion of the subject matter. The affidavit shall also state the full name, age, description and abode of the deponent and shall be signed in full or be marked with his thumb impression.

(i) After the close of inquiry a formal order culminating in the disposal of the complaint shall be pronounced by the Bench after giving both the petitioner/petitioners and the respondent/respondents an opportunity of being heard.

(j) A copy of such order shall be furnished to the petitioner/respondent free of cost if so ordered by the Bench.

45. Forms prescribed by these regulations shall be used for the respective purposes therein mentioned with such variations as the particular circumstances of each case may require.

46. *Communication of Recommendations.*—In cases where the enquiry results in any recommendation to the Government or any other authority or organisation subordinate thereto a copy of the report thereon shall be forwarded to the Government or the authority or organisation subordinate thereto as the case may be, within 20 days from the date of the order and the Government or authority shall be required to forward its comments on the report, including the action taken or proposed to be taken thereon to the Commission within a period of one month of such further time as the Commission may allow.

47. *Application for copies.*—(a) Any person who desires to obtain a copy of any proceeding or document filed in or in the custody of the Commission may present an application therefor setting out the name of the applicant, his position in the proceeding or the way in which he is interested in the proceeding and the description of the document of which the copy is required.

(b) Copies may be granted only under orders of the Bench concerned and on payment of the actual cost for taking such copies.

48. *Treatment of orders after disposal.*—When orders are passed by the Commission after inquiry under Section 17 of the Act the Registrar shall cause to:

(a) Prepare a list of such cases in which orders are passed. A note shall be put below the list to the effect that copy of the enquiry report etc. referred to in sub-section (6) of section 18 of the Act are available for perusal in the office 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) make available to the library of Commission two sets of documents referred to in sub-section (6) of Section 18 of the Act and the further order, if any, passed by the Commission in each case;

(d) send simultaneously free of cost a copy each of the documents referred to in clause (c) above to the complainant or to his representative;

(e) keep the original order in each case permanently in the record section of the office along with the order sheet.

Miscellaneous

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

50. *Consignment of records.*—Records of all cases finally disposed of shall be transmitted to the Section Officer of the Petition Section who will be in charge of the records. He shall make necessary entries in the register in form No. 9.

51. *Retention of records.*—(a) Unless otherwise generally or specially ordered by the Chairperson, the entire records, other than those mentioned in clause (e) of regulation 49 of each case shall be destroyed.

(i) after a period of one year from the date of disposal where cases have been closed or dismissed;

(ii) after a period of two years from the date of the order concluding the proceedings where recommendations have been made by the Commission and follow-up action on the recommendation concluded.

(b) Records relating to all other matters shall be dealt with under the relevant provisions of Chapter XIII of the Manual of Office Procedure.

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

53. The Registrar shall review periodically the allocation of works in the petition section to ensure equitable distribution of work in each division of that section.

54. *Annual Report.*—(a) The Commission shall furnish its annual report for the period commencing from 1st April of every year to the 31st of March of the succeeding year to the State Government as provided in Section 28 (1) of the Act.

(b) A draft of the report shall be prepared in the petition section before the 31st March every year and be presented before the Commission for approval. The original report shall be signed by the Chairperson and Members of the Commission and appropriately preserved and three copies of the report duly authenticated shall be sent to the State Government by the end of April every year.

55. *Special Reports.*—The Commission may furnish such special reports on specific matters as may be considered necessary in terms of section 28 (1) of the Act.

56. *Printing of Reports.*—The office of the Commission shall be responsible for the printing of the annual report with utmost expedition and in any case not later than one month of the finalisation of the report.

57. *Repeal.*—All circulars and instructions issued before the commencement of these regulations shall to the extent to which they are inconsistent with these regulations stand repealed by these regulations.

APPENDIX I

FORM No. I

KERALA STATE HUMAN RIGHTS COMMISSION

(Law Division)

(See Regulation 24) 23

H.R.M.P. No.....

Brief Particulars of Complaint/Petition

1. Name of the complainant :
2. Whether a public interest complaint or not :
3. Date of cause of action/incident :
4. The District in which the incident occurred :
5. Whether the complaint is directly addressed or copy endorsed :
6. Source of information in case of Suo motu action (from newspaper or other media) :
7. Name, designation and address of the public servant who is alleged to have committed/abetted or to have been negligent in the prevention of such violation :
8. Name, designation and address of the authority from whom information/report may be called :

(i)

(ii)

33/4805/2001/MC.

9. Gist of the complaint/Suo motu action (here give brief account of the matters referred to in the complaint/Suo motu action)
10. Is there any complaint/action pending/disposed of on the same subject matter/incident (if there is, the case No. & other relevant information and append the record of such cases)
11. Relief, if any, sought :
12. Whether the complaint is— :
- (i) Illegible :
- (ii) Anonymous or Pseudonymous :
- (iii) Barred under Section 36 (i) and/or section 36 (2) of the Act :
- (iv) Not against a public servant :
- (v) Solely in respect of a matter already covered by a judicial verdict/decision of the National Commission or the State Commission :
- (vi) A copy of a petition addressed to some other authority :

*Assistant
(Petition section)*

FORM No. 2

[See Regulation 28 (b)]

KERALA STATE HUMAN RIGHTS COMMISSION

Case No. *Classification*

No. of connected cases if any : *Section*

Name of Complainant *Single Bench*
Division Bench
Full Bench

District :

Scrutiny Report: Form No. 1

Date and Nature of Disposal :

Other Information, if any :

FORM No. 3

[See Regulation 28(b) (i)]

KERALA STATE HUMAN RIGHTS COMMISSION

Index

Case No. Name of the Complainant:

| <i>Sl. No.</i> | <i>Description of the document</i> | <i>Date of document</i> | <i>Date of receipt</i> | <i>Page Nos.</i> |
|----------------|------------------------------------|-------------------------|------------------------|------------------|
| (1) | (2) | (3) | (4) | (5) |

FORM No. 4

[See Regulation ²⁷28(b) (ii)]

KERALA STATE HUMAN RIGHTS COMMISSION

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

Step(s) taken

FORM No. 5

[See Regulation ³⁴ 33 (b)]

KERALA STATE HUMAN RIGHTS COMMISSION

M. P. Appan Road,
Vazhuthacaud,
Thiruvananthapuram-14.

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 the Commission has
passed the following order:

.....
.....
.....
(here reproduce the order/direction

OR

WHEREAS the Commission has taken suo motu cognizance on consideration of
(here give brief details of the subject matter on which suo motu cognizance has been taken)
and has passed the following order on

.....
.....
.....
(here quote the order/direction)

Now THEREFORE TAKE NOTICE that the above-mentioned matter will be listed for further consideration before the Commission on and will be taken upon the said date at
(the next date of listing)
10.30 a.m. or any subsequent date as may be convenient at the address given above, before which date you are required to submit the requisite information/report.

TAKE FURTHER NOTICE that in default, the Commission may proceed to take such action as it deems proper.

Given under my hand and the SEAL of the Commission, this the day of
(Month & Year)

(By Order)

(Signature)
Registrar.

Encl.—Copy of the complaint.

Note:—The information/report shall be furnished only by the authority which is called upon to do so.

KERALA STATE HUMAN RIGHTS COMMISSION

(LAW DIVISION)

Case No. M.P. Appan Road,
Vazhuthacaud,
Thiruvananthapuram-14.

Summons

In the matter of:

The Complaint filed by
(name of the complainant)

OR

Suo motu action taken by the Commission relating to (subject matter of
the action to be given).

To

.....
.....

(name, designation and address of the person summoned).

WHEREAS proceedings in the matter aforementioned have been initiated
and the Commission has directed to issue summons to you:

Now THEREFORE you are hereby summoned to appear before the Com-
mission in person for the purpose aforementioned on.....at
10.30 a.m. or soon thereafter as may be convenient to the (day and date)
Commission for further consideration.

If you fail to comply with this order without lawful excuse:

- (i) final decision in the proceedings shall be taken by the Commission
in your absence;

OR

- (ii) you will be subjected to the consequences of non-attendance as
provided in rule 10 and rule 12 of order XVI of the Code of
Civil Procedure, 1908.

Given under my hand and the seal of the Commission this the
 day of

(By order)

Registrar.

* If you are summoned only for production of the records/document(s) described in this summons and not to give evidence, you shall be deemed to have complied with the summons, if you cause such records/document(s) to be produced before the Commission on the day and hour fixed in the summons.

Note to the office:

1. While preparing the summons, the office shall make use of only that part of this form which is relevant to the case.
2. The default clause(i) shall apply to cases falling under (a), (d) and (e) shown in the summons. Default clause (ii) shall apply to cases falling under (b) and (c).

(a) to afford you an opportunity of being heard in person, and/or to adduce evidence in support of your complaint;

OR

(b) to cause production of the following records:

- (i)
- (ii)
- (iii)

(here give full description of the record/document(s) directed to be summoned).

OR

(c) to examine you as a witness in the above matter;

OR

(d) 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;

OR

(e) to afford you an opportunity of being heard in the matter as your conduct in connection with the subject-matter of the above proceedings is being inquired into.

FORM No. 8

[See Regulation 48 (a)]

DEPOSITION OF WITNESS

IN THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM

Sitting at Headquarter/Camp sitting at.....

Case No.

Deposition of the witness for the Petitioner/Respondent/Commission.

Name

Father's name

Village

Taluk

Calling

Religion

Age

Solemnly affirmed on..... day of.....

FORM No. 9

(See Regulation 51)

| <i>Serial Number</i> | <i>Number, date and nature of disposal or other document received</i> | <i>Date of receipt</i> | <i>Initials of the Section Officer</i> | <i>Remarks</i> |
|----------------------|---|------------------------|--|----------------|
| (1) | (2) | (3) | (4) | (5) |
| | | | | |

APPENDIX II

(See Regulation 27) 28

List showing subject-wise classification of incidents leading to complaints/Suo Motu action

| <i>Code Number</i> | <i>Major Heads</i> | <i>Sub-Code Number</i> | <i>Sub-Heads</i> |
|--------------------|------------------------|--|---|
| (1) | (2) | (3) | (4) |
| 100 | CHILDREN | 100.01 100.02 100.03 100.04 100.05 | Child Labour Child Marriage Child Prostitution Exploitation of Children Immoral traffic on children |
| 200 | HEALTH | 200.01 200.02 200.03 200.04 200.05 | Exploitation of mentally retarded person(s). Public health hazards Malfunctioning of medical professionals Sanitary conditions in hospitals Medical care |
| 300 | JAIL | 300.01 300.02 300.03 300.04 300.05 300.06 300.07 300.08 | Custodial death Custodial rape Exploitation of child prisoners Debarment of legal aid Harassment of prisoners Inequalities in prison Irregularities in jail Unlawful solitary confinement of prisoners |
| 400 | JUDICIARY | 400.01 | Biased judiciary Double jeopardy |
| 500 | MAFIAS/ UNDER WORLD | 500.01 500.02 500.03 | Nuisance by notorious gangs/ mafias Nuisance by local ruffian Trouble by anti-social elements |

33/4805/2001/MC.

| (1) | (2) | (3) | (4) |
|------|---------------------------------------|---------|---|
| 600 | LABOUR | 600.01 | Bonded Labour |
| | | 600.02 | Exploitation of Labour |
| | | 600.03 | Forced Labour |
| | | 600.04 | Hazardous employments |
| | | 600.05 | Slavery |
| | | 600.06 | Traffic on human labour |
| 700 | MINORITIES/ SC/ST | 700.01 | Discrimination against minorities |
| | | 700.02 | Discrimination against SC/ST |
| 800 | POLICE | 800.01 | Arbitrary use of power |
| | | 800.02 | Abduction/Kidnapping |
| | | 800.03 | Abduction/rape |
| | | 800.04 | Abuse of power |
| | | 800.05 | Attempted murder |
| | | 800.06 | Atrocities on SC/ST |
| | | 800.07 | Custodial death |
| | | 800.08 | Custodial rape |
| | | 800.09 | Custodial torture |
| | | 800.10 | Custodial violence |
| | | 800.11 | Death in police firing |
| | | 800.12 | Death in police encounter |
| | | 800.13 | Fake encounters |
| | | 800.14 | Failure in taking lawful action |
| | | 800.15 | False implication |
| | | 800.16 | Illegal arrest |
| | | 800.17 | Unlawful detention |
| | | 800.18 | Indiscriminate arrest |
| | | 800.19 | Police motivated incidents |
| | | 800.20 | Prolonged investigation |
| | | 800.21 | Victimisation |
| 900 | POLLUTION/ ECOLOGY/ ENVIRONMENT | 900.01 | Ecological disturbances |
| | | 900.02 | Environmental Pollution |
| | | 900.03 | Mis-use of scientific & technological developments. |
| | | 900.04 | Pollution affecting surroundings |
| 1000 | RELIGION/ COMMUNITY/ RACE | 1000.01 | Communal Violence |
| | | 1000.02 | Ethnic conflict |
| | | 1000.03 | Group clashes |
| | | 1000.04 | Racial discrimination |
| | | 1000.05 | Religious discrimination |
| | | 1000.06 | Religious intolerance. |

| (1) | (2) | (3) | (4) |
|------|-----------------|---------|--|
| 1100 | SERVICE MATTERS | 1100.01 | Disparities in Employment opportunities |
| | | 1100.02 | Non-payment of Pension/ Compensation |
| | | 1100.03 | Other service disputes |
| 1200 | WOMEN | 1200.01 | Abduction, rape and murder |
| | | 1200.02 | Discrimination against women |
| | | 1200.03 | Dowry death or their attempt |
| | | 1200.04 | Dowry demand |
| | | 1200.05 | Exploitation of women |
| | | 1200.06 | Gang rape |
| | | 1200.07 | Indecent representation of women. |
| | | 1200.08 | Indignity of women |
| | | 1200.09 | Immoral traffic on women |
| | | 1200.10 | Rape |
| | | 1200.11 | Sexual Harassment |
| 1300 | MISCELLENEOUS | 1300.01 | Disappearance |
| | | 1300.02 | Land Disputes |
| | | 1300.03 | Hunger strike |
| | | 1300.04 | Family disputes |
| | | 1300.05 | Matters not included in the above mentioned items. |

C. P. JAYACHANDRAN,
Secretary,
Kerala State Human Rights Commission.