



20/2/23 from S. J. Jankar 282
IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

DISTRICT: KHEDA

MISCELLANEOUS CIVIL APPLICATION NO. 1067 OF 2022

To
with Parmar
A. V.
JAHIRMIYA REHAHMUMIYA MALEK & ORS.

...PETITIONERS

VERSUS

21:00 PM
STATE OF GUJARAT & ORS.

...RESPONDENTS

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NOS.
2, 3, 5, 6, 9 and 11 to 13:

I, A. V. Parmar, the respondent no. 2 herein, do hereby solemnly affirm and state on oath as under:

1. I state that I am conversant with the facts of the case and therefore, I file this affidavit-in-reply on behalf of respondent nos. 2, 3, 5, 6, 9 and 11 to 13. I state that my non dealing with any of the contentions, averments and allegations of the petition may not be construed as admission on my part.

2. I submit that I hold Hon'ble Supreme Court, this Hon'ble Court and other courts of law of this country in highest esteem and there cannot be any deliberate intention or intentional willful disobedience of the orders and judgments on the part of respondents to lower down the

A. V. Parmar



Court, this Hon'ble Court or any court of law of this country. I state and submit that the respondents tender their unconditional apology and assure this Hon'ble Court that the respondents would continue to hold the majesty of the Hon'ble Supreme Court, this Hon'ble Court and other courts of law of the country and would not commit any act willfully and deliberately to lower down the esteem of the Hon'ble Supreme Court, this Hon'ble Court and other courts of law of the country. I submit that there is no intention much less deliberate or willful on the part of officers of the department of police much less the present deponents to flout the orders or the directions issued by any court of law. I state that the respondents herein tender and unconditional apology and assure this Hon'ble Court that they shall more cautiously follow the orders/directions of the Hon'ble Supreme Court, this Hon'ble Court and other courts of law of the country.

3. I state that I have not committed contempt of the judgment of Hon'ble Supreme Court of India. I submit that I am the law abiding citizen. I have never flouted or disobeyed the directions/orders or judgment of any court at any time. I submit that I am discharging my duty with utmost sense of sincerity and commitment. I have never been involved in any criminal case or I have never been subjected to any proceedings of this nature except the proceedings of which the petitioners have made reference in the present contempt petition.

A handwritten signature in black ink is located at the bottom left of the page. The signature is stylized and appears to be 'A. S. V.' with a flourish underneath.

4. Even otherwise, looking to the material available on record and looking to the guidelines which are framed by the Hon'ble Supreme Court of India...

V/s. State of West Bengal [1997 (1) SCC 416], it cannot be said that the respondents have breached any requirements/directions of the said judgment.

5. That, the respondents have scrupulously followed the guidelines/requirements laid down by the Hon'ble Supreme Court in the present case and the petitioners have failed to demonstrate as to how deponents have violated or have committed contempt of any of the requirements or directions issued in the case of D. K. Basu or any other judgment or order of the Hon'ble Supreme Court or this Hon'ble Court.
6. I submit that I have not committed any contravention or disobedience of the guidelines laid down by the Hon'ble Supreme Court of India rendered in the case of D. K. Basu Vs. State of West Bengal [1997 (1) SCC 416].
7. I submit that present Miscellaneous Civil Application filed by the petitioners is not maintainable. I further submit that requisite pre-conditions and situations to apply the judgment of the Hon'ble Supreme Court of India in the case of D. K. Basu Vs. State of West Bengal [1997 (1) SCC 416] is not attracted in the present case. Therefore, present Miscellaneous Civil Application seeking to initiate contempt proceedings against respondents is not maintainable.
8. I submit that in the present case, there has not been any judicial finding of any court against the respondents in relation to my disobedience of the judgment of the Hon'ble Supreme Court reported in D. K. Basu's case. In view thereof present Miscellaneous Civil Application

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seeking to initiate proceedings under the Contempt of Courts Act, 1971 is not maintainable.

9. I submit that unless a court of competent jurisdiction holds that while effecting the arrest or while detaining the petitioners, I have violated the directions contained in the form of guidelines of the Hon'ble Supreme Court of India, contempt proceedings against the respondents is not maintainable. I submit that requisite conditions for initiation of contempt proceedings is that it has to be established that particular guideline is violated and the court of competent jurisdiction gives the finding about such violation. I submit that only thereafter, the contempt jurisdiction may be available to the petitioners. I submit that at this stage, the application for contempt is not maintainable which is based on newspaper reports and some video clippings. I submit that newspaper reports and video clips are not admissible evidence.

10. I further submit that at the instance of the petitioners, present Miscellaneous Civil Application for instituting contempt proceedings is not maintainable. I submit that the petitioners have engaged themselves into disturbing social fabric of a village by creating the rift between two communities and by assaulting people residing in a village. I submit that petitioners have not stated true and correct facts before this Hon'ble Court. I submit that the petitioners are guilty of not stating true and correct facts before this Hon'ble Court. I submit that the petitioners themselves had created atmosphere of fear and terror amongst law abiding residents of the village.




11. I submit that the respondents have acted within the scope and ambit of their powers and there has not been any act committed by them which is beyond the powers conferred on the respondents. That, it is submitted that the acts of the respondents are the acts in discharge of their duties and these acts were not done with any criminal intent.
12. That, it is submitted that the subject matter of the dispute is at large in different forums. That, it is stated that the respondents are facing departmental enquiries. The respondents are also subjected to criminal prosecution. The respondents are also subjected to the proceedings by the State Human Rights Commission as per their information. In view thereof, at this stage, this Hon'ble Court may not continue the present proceedings against the respondents under the Contempt of Courts Act, 1971.
13. I submit that guidelines in the case of D. K. Basu was issued in the absence of specific laws on the subject in relation to arrest of accused. That, it is submitted that after the judgment in D. K. Basu's case, the parliament has amended the Code of Criminal Procedure, 1908. The amendment bill alongwith the amendments as made is enclosed herewith and marked as **ANNEXURE-R1** to this affidavit-in-reply.
14. That, it is submitted that newly inserted provisions in the Code of Criminal Procedure, 1908 in the form of sections 41A, 41B, 41C, 41D, 50A, 54A, 55A and 60A have made appropriate safeguards by inserting certain provisions in the Code of Criminal Procedure, 1908 for the arrested

persons. It is submitted that these provisions are made after the judgment of D. K. Basu. That, it is submitted that in view of the aforesaid, directives issued by the Hon'ble Supreme Court in the form of guidelines would give way in favour of the provisions contained in the Code of Criminal Procedure, 1908 as amended. That, it is submitted that in view of the aforesaid, the directives issued by the Hon'ble Supreme Court of India will not be applicable as it is specifically observed by the Hon'ble Supreme Court of India in D. K. Basu's case that the guidelines issued in D. K. Basu's case will remain in force till appropriate legislature has made the provisions in this regard. It is respectfully submitted that now, the guidelines as contained in D. K. Basu would no longer be applicable and therefore, present proceedings initiated by the petitioners for Contempt of Court is not maintainable.


15. That, it is submitted that the Protection of Human Rights Act, 1993 provides appropriate provisions for human rights. That, it is further submitted that the Protection of Human Rights Act, 1993 is amended by Act No. 43 of 2006. The Amending Act is assented to by the President on 13th September, 2006 and the provisions as amended are brought into force on 23rd November, 2006. The National Human Rights Commission has been conferred the functions under section 12 of the Protection of Human Rights Act, 1993. That, it is submitted that the National Human Rights Commission has been conferred further powers by way of the amendment brought in the year 2006 by Act No. 43 of 2006. That, sections 12, 13, 14 and 15 of the Protection of Human Rights Act, 1993

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The National Human Rights Commission is further conferred to take appropriate steps for violation of human rights by the public servants. The Protection of Human Rights Act, 1993 as amended by the Amendment Act No. 43 of 2006 has made certain provisions which would cover the contingencies and situations as referred to by the petitioners in the present application. The respondents, therefore, submit that in view of the amendments made in the year 2006 in the Protection of Human Rights Act, 1993, it is humbly submitted that the guidelines as referred to in D. K. Basu's case would no longer be applicable as the judgment of D. K. Basu was pronounced by the Hon'ble Supreme Court of India on 18th December, 1996 and thereafter, the Protection of Human Rights Act, 1993 is amended by Act No. 43 of 2006.

16. That, it is further submitted that to the information of the respondents, the Human Rights Commission has taken cognizance of the complaint and Human Rights Commission has sought for the detailed explanation from the state government and from the Superintendent of Police of Kheda district. For this reason also, the present application seeking to initiate proceedings under the Contempt of Courts Act, 1971 is not maintainable. A copy of the Protection of Human Rights Act, 1993 as amended in the year 2006 is enclosed herewith and marked as **ANNEXURE-R2** to this affidavit in reply.

17. Now, dealing with the contentions of the present Miscellaneous Civil Application parawise, I file my reply as under:



1. OF

18. With reference to contents of para 1 of the application, it is submitted that the respondents have not breached any directions issued by the Hon'ble Supreme Court as stipulated in the case of D. K. Basu V/s. State of West Bengal, reported in 1997 (1) SCC 416. That, there is no willful and deliberate disobedience pleaded by the applicant in his application and in fact, there is no willful, deliberate or intentional disobedience on the part of the present deponents in non-following of the directions issued in the case of D. K. Basu.
19. With reference to para 2.1 of the application, it is stated and submitted that for the present, the same are not controverted or dealt with but, the deponents herein would rely on the statement made by the applicants in the said paragraphs to plead and pray before this Hon'ble Court to drop the present contempt proceedings against the deponents.
20. That, it is submitted that the allegations as levelled by the petitioners would not fall within the criteria laid down by the Hon'ble Supreme Court of India in the case of D. K. Basu V/s. State of West Bengal in as much as from the bare perusal of the entire contempt petition or even the annexures, it is nowhere borne out that the alleged actions of the present deponents were resorted to for the purpose of extracting any kind of information or to get any confession or admission from the present petitioners.
21. That, it is submitted that in fact, assuming for the sake of arguments, without admitting and subject to the rights and contentions as raised in the present reply, even if the

allegations mentioned in the petition are tilted to be correct and true, even then, the same were resorted to only with a view to deal with the petitioners in an efficient and effective manner and to control the law and order situation and further to prevent any kind of communal riots or any kind of communal turmoil or communal unrest amongst the residents of the said village and only with a view to see that the situation at the relevant point of time, remain under the control of law and order that such measures/actions as alleged seem to have been taken without in any manner violating any law.

22. With reference to contents of para 2.2 to 2.14 of the application, the contents of these paragraphs are denied and it is stated before this Hon'ble Court that the Garba festival i.e. Navratri is celebrated in the village Undhela since long and it is false to state that for the first time, the garba festivities took place. It is stated and submitted that more or less every year when the Hindu festivals like Navratri are celebrated, some altercations happen between the two communities (Hindu & Muslim) residing in the said village. That the respondent no. 15 has narrated the whole incident of stone pelting and communal disturbance which took place on 3.10.2022, around 11.30 at night in his reply on page 76 of the paper-book of contempt application. Therefore, for the sake of brevity and convenience, the deponents herein are not reiterating the said facts.

23. It is further submitted by the present deponents that the petitioner no. 2 i.e. Maksudaben is alleged to have been heated by the respondent no. 2 and others...

R. [Signature]

house at night in absence of lady constable to detain her. This is incorrect statement made by the applicants on oath. That, it is stated that lady police sub-inspector respondent no. 4 was present when petitioner no. 2 was detained with her husband and son. It is pertinent to mention at this stage that during investigation, involvement of petitioner no. 2 and her son in commission of crime as narrated in the FIR dated 4.10.2022 was found, she and her son was arrested and her husband was permitted to leave.

24. It is further stated and submitted to this Hon'ble Court that around 30 persons were detained for verification and preliminary inquiry as to whether they are involved in the incident of stone pelting and communal disturbance. All these 30 persons were brought before the SOG office. That, out of these 30 persons, 8 persons were found to be involved and others who were detained for verification were released and were permitted to leave. It is further stated and submitted that looking to safety of all persons who were detained and also with a view to maintain law and order situation, they were brought to SOG office. It is further relevant to mention before this Hon'ble Court that the applicant no. 3 was found to be involved in the offence of spitting on police officer.

25. That, it is contended on behalf of the petitioners that the petitioner no. 1 is aged about 62 years but has surreptitiously not mentioned that he is the leader and mastermind of the entire event and there are about 2 cases of serious rioting registered against him. The petitioners have incorrectly submitted before this Hon'ble Court that respondent no. 2 to 14

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beating the petitioner no. 1 despite he being senior citizen. Section 120B was added during investigation as he is the main conspirator found as per his own mobile conversation with other persons.

26. That, with respect to averment contained in paragraph no. 3 of the petition, it is submitted that it reflects the directions laid down by the Hon'ble Supreme Court in the case of D. K. Basu and the deponents herein would not offer any comment over these directions but in fact, the deponents herein would rely on paras 31 & 35 which are reproduced in para 3.
27. With respect to paras 4 & 5 of the application, the deponents herein would like to contend that interim orders are not precedents.
28. With reference to contents of para 6, the respondents would not like to offer any comment. With reference to contents of paras 7 & 8 are formal in nature and the respondents would not offer any comments to them at present but in case the leave to amend or alter the memo then at that stage, the respondents would contest and controvert the same.

VERIFICATION

1. What is stated in above paragraphs are statement of facts derived from relevant record and files and are true to the best of my knowledge and I believe the same to be true.
2. All the documents enclosed with this affidavit-in-reply are

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SOLEMNLY AFFIRMED AT Aboad ON 15th DAY OF
FEBRUARY, 2023.



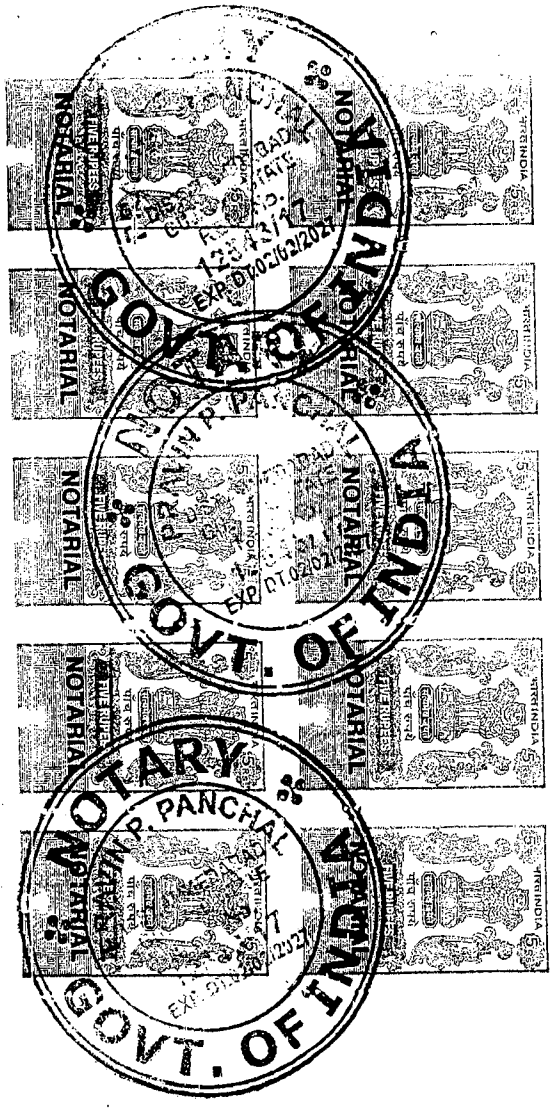
Shiv

IDENTIFIED BY ME
Shiv
ADVOCATE/PERSON

Name.....
Welfare No.....

Pravin

C.A.V. Panwar
Police Inspector
Karnal - Noida



RG. SERIAL No. 191/2023
DATE 15/02/2023
BOOK No. 01
PAGE No. 31
Pravin P. Panchal
15/02/2023
PRAVIN P. PANCHAL
NOTARY
GOVT. OF INDIA
15 FEB 2023

SOLEMNLY AFFIRMED
BEFORE ME
Pravin P. Panchal
15/02/2023
PRAVIN P. PANCHAL
NOTARY
GOVT. OF INDIA
15 FEB 2023

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रजिस्ट्री सं० डी० एल—(एन)04/0007/2003—09

REGISTERED NO. DL—(N)04/0007/2003—09



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 6] नई दिल्ली, शुक्रवार, जनवरी 9, 2009/पौष 19, 1930

No. 6] NEW DELHI, FRIDAY, JANUARY 9, 2009 / PAUSA 19, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 9th January, 2009/Pausa 19, 1930 (Saka)

The following Act of Parliament received the assent of the President on the 7th January, 2009, and is hereby published for general information:—

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 2008

No. 5 of 2009

[7th January, 2009.]

An Act further to amend the Code of Criminal Procedure, 1973.

Be it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2008.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.

2 of 1974.

2. In section 2 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act), after clause (w), the following clause shall be inserted, namely:—

Amendment of section 2.

“(wa) “victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir;”

3. In section 24 of the principal Act, in sub-section (8), the following proviso shall be inserted, namely:—

Amendment of section 24.

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“Provided that the Court may permit the victim to engage an advocate of his choice to assist the prosecution under this sub-section.”

Amendment of section 26.

4. In section 26 of the principal Act, in clause (a), the following proviso shall be inserted, namely:—

“Provided that any offence under section 376 and sections 376A to 376D of the Indian Penal Code shall be tried as far as practicable by a Court presided over by a woman.”

45 of 1860.

Amendment of section 41.

5. In section 41 of the principal Act,—

(i) in sub-section (1), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) who commits, in the presence of a police officer, a cognizable offence;

(b) against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years whether with or without fine, if the following conditions are satisfied, namely:—

(i) the police officer has reason to believe on the basis of such complaint, information, or suspicion that such person has committed the said offence;

(ii) the police officer is satisfied that such arrest is necessary—

(a) to prevent such person from committing any further offence; or

(b) for proper investigation of the offence; or

(c) to prevent such person from causing the evidence of the offence to disappear or tampering with such evidence in any manner; or

(d) to prevent such person from making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer; or

(e) as unless such person is arrested, his presence in the Court whenever required cannot be ensured,

and the police officer shall record while making such arrest, his reasons in writing.

(ba) against whom credible information has been received that he has committed a cognizable offence punishable with imprisonment for a term which may extend to more than seven years whether with or without fine or with death sentence and the police officer has reason to believe on the basis of that information that such person has committed the said offence.”

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Subject to the provisions of section 42, no person concerned in a non-cognizable offence or against whom a complaint has been made or credible information has been received or reasonable suspicion exists of his having so concerned, shall be arrested except under a warrant or order of a Magistrate.”

Insertion of new sections 41A, 41B, 41C and 41D.

6. After section 41 of the principal Act, the following new sections shall be inserted, namely:—

“41A. (1) The police officer may, in all cases where the arrest of a person is not required under the provisions of sub-section (1) of section 41, issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.

Notice of appearance before police officer.

(2) Where such a notice is issued to any person, it shall be the duty of that person to comply with the terms of the notice.

(3) Where such person complies and continues to comply with the notice, he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the police officer is of the opinion that he ought to be arrested.

(4) Where such person, at any time, fails to comply with the terms of the notice, it shall be lawful for the police officer to arrest him for the offence mentioned in the notice, subject to such orders as may have been passed in this behalf by a competent Court.

41B. Every police officer while making an arrest shall—

Procedure of arrest and duties of officer making arrest.

(a) bear an accurate, visible and clear identification of his name which will facilitate easy identification;

(b) prepare a memorandum of arrest which shall be—

(i) attested by at least one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made;

(ii) countersigned by the person arrested; and

(c) inform the person arrested, unless the memorandum is attested by a member of his family, that he has a right to have a relative or a friend named by him to be informed of his arrest.

41C. (1) The State Government shall establish a police control room—

Control room at districts.

(a) in every district; and

(b) at State level.

(2) The State Government shall cause to be displayed on the notice board kept outside the control rooms at every district, the names and addresses of the persons arrested and the name and designation of the police officers who made the arrests.

(3) The control room at the Police Headquarters at the State level shall collect from time to time, details about the persons arrested, nature of the offence with which they are charged and maintain a database for the information of the general public.

41D. When any person is arrested and interrogated by the police, he shall be entitled to meet an advocate of his choice during interrogation, though not throughout interrogation.”

Right of arrested person to meet an advocate of his choice during interrogation.

7. In section 46 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

Amendment of section 46.

“Provided that where a woman is to be arrested, unless the circumstances indicate to the contrary, her submission to custody on an oral intimation of arrest shall be presumed and, unless the circumstances otherwise require or unless the police officer is a female, the police officer shall not touch the person of the woman for making her arrest.”

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Substitution of new section for section 54.

8. For section 54 of the principal Act, the following section shall be substituted, namely:—

Examination of arrested person by medical officer.

“54. (1) When any person is arrested, he shall be examined by a medical officer in the service of Central or State Government, and in case the medical officer is not available, by a registered medical practitioner soon after the arrest is made:

Provided that where the arrested person is a female, the examination of the body shall be made only by or under the supervision of a female medical officer, and in case the female medical officer is not available, by a female registered medical practitioner.

(2) The medical officer or a registered medical practitioner so examining the arrested person shall prepare the record of such examination, mentioning therein any injuries or marks of violence upon the person arrested, and the approximate time when such injuries or marks may have been inflicted.

(3) Where an examination is made under sub-section (1), a copy of the report of such examination shall be furnished by the medical officer or registered medical practitioner, as the case may be, to the arrested person or the person nominated by such arrested person.”

Insertion of new section 55A.

9. After section 55 of the principal Act, the following section shall be inserted, namely:—

Health and safety of arrested person.

“55A. It shall be the duty of the person having the custody of an accused to take reasonable care of the health and safety of the accused.”

Insertion of new section 60A.

10. After section 60 of the principal Act, the following section shall be inserted, namely:—

Arrest to be made strictly according to the Code.

“60A. No arrest shall be made except in accordance with the provisions of this Code or any other law for the time being in force providing for arrest.”

Amendment of section 157.

11. In section 157 of the principal Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality.”

Amendment of section 161.

12. In section 161 of the principal Act, in sub-section (3), the following provisos shall be inserted, namely:—

“Provided that statement made under this sub-section may also be recorded by audio-video electronic means.”

Amendment of section 164.

13. In section 164 of the principal Act, in sub-section (1), for the proviso, the following provisos shall be substituted, namely:—

“Provided that any confession or statement made under this sub-section may also be recorded by audio-video electronic means in the presence of the advocate of the person accused of an offence:

Provided further that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.”

Amendment of section 167.

14. In section 167 of the principal Act, in sub-section (2),—

(a) in the proviso,—

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) no Magistrate shall authorise detention of the accused in custody of the police under this section unless the accused is produced before him in person for the first time and subsequently every time till the accused remains in the custody of the police, but the Magistrate may extend further detention in judicial custody on production of the accused either in person or through the medium of electronic video linkage.”;

(ii) for Explanation II, the following Explanation shall be substituted, namely:—

“Explanation II.—If any question arises whether an accused person was produced before the Magistrate as required under clause (b), the production of the accused person may be proved by his signature on the order authorising detention or by the order certified by the Magistrate as to production of the accused person through the medium of electronic video linkage, as the case may be.”;

(b) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that in case of a woman under eighteen years of age, the detention shall be authorised to be in the custody of a remand home or recognised social institution.”.

15. In section 172 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

Amendment of section 172.

“(1A) The statements of witnesses recorded during the course of investigation under section 161 shall be inserted in the case diary.

“(1B) The diary referred to in sub-section (1) shall be a volume and duly paginated.”.

16. In section 173 of the principal Act,—

Amendment of section 173.

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The investigation in relation to rape of a child may be completed within three months from the date on which the information was recorded by the officer in charge of the police station.”;

(b) in sub-section (2), after clause (g), the following clause shall be inserted, namely:—

“(h) whether the report of medical examination of the woman has been attached where investigation relates to an offence under section 376, 376A, 376B, 376C or 376D of the Indian Penal Code.”.

45 of 1860.

17. After section 195 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 195A.

“195A. A witness or any other person may file a complaint in relation to an offence under section 195A of the Indian Penal Code.”.

45 of 1860.

Procedure for witnesses in case of threatening, etc.

18. In section 198 of the principal Act, in sub-section (6), for the words “fifteen years of age”, the words “eighteen years of age” shall be substituted.

Amendment of section 198.

19. In section 242 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

Amendment of section 242.

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“Provided that the Magistrate shall supply in advance to the accused, the statement of witnesses recorded during investigation by the police.”

Amendment of section 275.

20. In section 275 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that evidence of a witness under this sub-section may also be recorded by audio-video electronic means in the presence of the advocate of the person accused of the offence.”

Amendment of section 309.

21. In section 309 of the principal Act,—

(a) in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that when the inquiry or trial relates to an offence under sections 376 to 376D of the Indian Penal Code, the inquiry or trial shall, as far as possible, be completed within a period of two months from the date of commencement of the examination of witnesses.”;

45 of 1860.

(b) in sub-section (2), after the third proviso and before *Explanation 1*, the following proviso shall be inserted, namely:—

45 of 1860.

“Provided also that—

(a) no adjournment shall be granted at the request of a party, except where the circumstances are beyond the control of that party;

(b) the fact that the pleader of a party is engaged in another Court, shall not be a ground for adjournment;

(c) where a witness is present in Court but a party or his pleader is not present or the party or his pleader though present in Court, is not ready to examine or cross-examine the witness, the Court may, if thinks fit, record the statement of the witness and pass such orders as it thinks fit dispensing with the examination-in-chief or cross-examination of the witness, as the case may be.”

Amendment of section 313.

22. In section 313 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) The Court may take help of Prosecutor and Defence Counsel in preparing relevant questions which are to be put to the accused and the Court may permit filing of written statement by the accused as sufficient compliance of this section.”

Amendment of section 320.

23. In section 320 of the principal Act,—

(i) in sub-section (1), for the TABLE, the following TABLE shall be substituted, namely:—

“TABLE

Offence	Section of the Indian Penal Code applicable	Person by whom offence may be compounded
1	2	3
Uttering words, etc., with deliberate intent to wound the religious feelings of any person.	298	The person whose religious feelings are intended to be wounded.
Voluntarily causing hurt.	323	The person to whom the hurt is caused.
Voluntarily causing hurt on provocation.	334	Ditto.

1.	2	3
Voluntarily causing grievous hurt on grave and sudden provocation.	335	The person to whom the hurt is caused.
Wrongfully restraining or confining any person.	341, 342	The person restrained or confined.
Wrongfully confining a person for three days or more	343	The person confined.
Wrongfully confining a person for ten days or more.	344	Ditto.
Wrongfully confining a person in secret.	346	Ditto.
Assault or use of criminal force.	352, 355, 358	The person assaulted or to whom criminal force is used.
Theft.	379	The owner of the property stolen.
Dishonest misappropriation of property.	403	The owner of the property misappropriated.
Criminal breach of trust by a carrier, wharfinger, etc.	407	The owner of the property in respect of which the breach of trust has been committed.
Dishonestly receiving stolen property knowing it to be stolen.	411	The owner of the property stolen.
Assisting in the concealment or disposal of stolen property, knowing it to be stolen.	414	Ditto.
Cheating.	417	The person cheated.
Cheating by personation.	419	Ditto.
Fraudulent removal or concealment of property, etc., to prevent distribution among creditors.	421	The creditors who are affected thereby.
Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	422	Ditto.
Fraudulent execution of deed of transfer containing false statement of consideration.	423	The person affected thereby.
Fraudulent removal or concealment of property.	424	Ditto.
Mischiefs, when the only loss or damage caused is loss or damage to a private person.	426, 427	The person to whom the loss or damage is caused.

301

1	2	3
Mischief by killing or maiming animal.	428	The owner of the animal.
Mischief by killing or maiming cattle, etc.	429	The owner of the cattle or animal.
Mischief by injury to works of irrigation by wrongfully diverting water when the only loss or damage caused is loss or damage to private person.	430	The person to whom the loss or damage is caused.
Criminal trespass.	447	The person in possession of the property trespassed upon.
House-trespass.	448	Ditto.
House-trespass to commit an offence (other than theft) punishable with imprisonment.	451	The person in possession of the house trespassed upon.
Using a false trade or property mark.	482	The person to whom loss or injury is caused by such use.
Counterfeiting a trade or property mark used by another.	483	Ditto.
Knowingly selling, or exposing or possessing for sale or for manufacturing purpose, goods marked with a counterfeit property mark.	486	Ditto.
Criminal breach of contract of service.	491	The person with whom the offender has contracted.
Adultery.	497	The husband of the woman.
Enticing or taking away or detaining with criminal intent a married woman.	498	The husband of the woman and the woman
Defamation, except such cases as are specified against section 500 of the Indian Penal Code (45 of 1860) in column 1 of the Table under sub-section (2).	500	The person defamed.
Printing or engraving matter, knowing it to be defamatory.	501	Ditto.
Sale of printed or engraved substance containing defamatory	502	Ditto.

1	2	3
matter, knowing it to contain such matter.		
Insult intended to provoke a breach of the peace.	504	The person insulted.
Criminal intimidation.	506	The person intimidated.
Inducing person to believe himself an object of divine displeasure.	508	The person induced.”;

(ii) in sub-section (2), for the TABLE the following TABLE shall be substituted, namely:—

“TABLE

Offence	Section of the Indian Penal Code applicable	Person by whom offence may be compounded
1	2	3
Causing miscarriage.	312	The woman to whom miscarriage is caused.
Voluntarily causing grievous hurt.	325	The person to whom hurt is caused.
Causing hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.	337	Ditto.
Causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.	338	Ditto.
Assault or criminal force in attempting wrongfully to confine a person.	357	The person assaulted or to whom the force was used.
Theft, by clerk or servant of property in possession of master.	381	The owner of the property stolen.
Criminal breach of trust	406	The owner of property in respect of which breach of trust has been committed.
Criminal breach of trust by a clerk or servant.	408	The owner of the property in respect of which the breach of trust has been committed.
Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	418	The person cheated.
Cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security.	420	The person cheated.

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1	2	3
Marrying again during the life-time of a husband or wife.	494	The husband or wife of the person so marrying.
Defamation against the President or the Vice-President or the Governor of a State or the Administrator of a Union territory or a Minister in respect of his public functions when instituted upon a complaint made by the Public Prosecutor.	500	The person defamed.
Uttering words or sounds or making gestures or exhibiting any object intending to insult the modesty of a woman or intruding upon the privacy of a woman.	509	The woman whom it was intended to insult or whose privacy was intruded upon."

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) When an offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) or where the accused is liable under section 34 or 149 of the Indian Penal Code may be compounded in like manner." 45 of 1860

Amendment of section 327.

24. In section 327 of the principle Act,—

(a) in sub-section (2), after the proviso, the following proviso shall be inserted, namely:—

"Provided further that *in camera* trial shall be conducted as far as practicable by a woman Judge or Magistrate.";

(b) in sub-section (3), the following proviso shall be inserted, namely:—

"Provided that the ban on printing or publication of trial proceedings in relation to an offence of rape may be lifted, subject to maintaining confidentiality of name and address of the parties."

Amendment of section 328.

25. In section 328 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) If the civil surgeon finds the accused to be of unsound mind, he shall refer such person to a psychiatrist or clinical psychologist for care, treatment and prognosis of the condition and the psychiatrist or clinical psychologist, as the case may be, shall inform the Magistrate whether the accused is suffering from unsoundness of mind or mental retardation:

Provided that if the accused is aggrieved by the information given by the psychiatric or clinical psychologist, as the case may be, to the Magistrate, he may prefer an appeal before the Medical Board which shall consist of—

- (a) head of psychiatry unit in the nearest government hospital; and
- (b) a faculty member in psychiatry in the nearest medical college.";

(b) for sub-section (3), the following sub-sections shall be substituted, namely:—

"(3) If such Magistrate is informed that the person referred to in sub-section (1A) is a person of unsound mind, the Magistrate shall further determine whether the unsoundness of mind renders the accused incapable of entering defence and if the accused is found so incapable, the Magistrate shall record a finding to that effect, and shall examine the record of evidence produced by the prosecution and after hearing the advocate of the accused but

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without questioning the accused, if he finds that no *prima facie* case is made out against the accused, he shall, instead of postponing the enquiry, discharge the accused and deal with him in the manner provided under section 330:

Provided that if the Magistrate finds that a *prima facie* case is made out against the accused in respect of whom a finding of unsoundness of mind is arrived at, he shall postpone the proceeding for such period, as in the opinion of the psychiatrist or clinical psychologist, is required for the treatment of the accused, and order the accused to be dealt with as provided under section 330.

(4) If such Magistrate is informed that the person referred to in sub-section (1A) is a person with mental retardation, the Magistrate shall further determine whether the mental retardation renders the accused incapable of entering defence, and if the accused is found so incapable, the Magistrate shall order closure of the inquiry and deal with the accused in the manner provided under section 330."

26. In section 329 of the principal Act,—

Amendment of section 329.

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) If during trial, the Magistrate or Court of Sessions finds the accused to be of unsound mind, he or it shall refer such person to a psychiatrist or clinical psychologist for care and treatment, and the psychiatrist or clinical psychologist, as the case may be, shall report to the Magistrate or Court whether the accused is suffering from unsoundness of mind:

Provided that if the accused is aggrieved by the information given by the psychiatric or clinical psychologist, as the case may be, to the Magistrate, he may prefer an appeal before the Medical Board which shall consist of—

- (a) head of psychiatry unit in the nearest government hospital; and
- (b) a faculty member in psychiatry in the nearest medical college.";

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) If such Magistrate or Court is informed that the person referred to in sub-section (1A) is a person of unsound mind, the Magistrate or Court shall further determine whether unsoundness of mind renders the accused incapable of entering defence and if the accused is found so incapable, the Magistrate or Court shall record a finding to that effect and shall examine the record of evidence produced by the prosecution and after hearing the advocate of the accused but without questioning the accused; if the Magistrate or Court finds that no *prima facie* case is made out against the accused, he or it shall, instead of postponing the trial, discharge the accused and deal with him in the manner provided under section 330:

Provided that if the Magistrate or Court finds that a *prima facie* case is made out against the accused in respect of whom a finding of unsoundness of mind is arrived at, he shall postpone the trial for such period, as in the opinion of the psychiatrist or clinical psychologist, is required for the treatment of the accused.

(3) If the Magistrate or Court finds that a *prima facie* case is made out against the accused and he is incapable of entering defence by reason of mental retardation, he or it shall not hold the trial and order the accused to be dealt with in accordance with section 330."

27. For section 330 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 330.

Release of person of unsound mind pending investigation or trial.

"330. (1) Whenever a person is found under section 328 or section 329 to be incapable of entering defence by reason of unsoundness of mind or mental retardation, the Magistrate or Court, as the case may be, whether the case is one in which bail may be taken or not, order release of such person on bail:

Provided that the accused is suffering from unsoundness of mind or mental retardation which does not mandate in-patient treatment and a friend or relative undertakes to obtain regular out-patient psychiatric treatment from the nearest medical facility and to prevent from doing injury to himself or to any other person.

(2) If the case is one in which, in the opinion of the Magistrate or Court, as the case may be, bail cannot be granted or if an appropriate undertaking is not given, he or it shall order the accused to be kept in such a place where regular psychiatric treatment can be provided, and shall report the action taken to the State Government:

Provided that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the State Government may have made under the Mental Health Act, 1987.

(3) Whenever a person is found under section 328 or section 329 to be incapable of entering defence by reason of unsoundness of mind or mental retardation, the Magistrate or Court, as the case may be, shall keeping in view the nature of the act committed and the extent of unsoundness of mind or mental retardation, further determine if the release of the accused can be ordered:

Provided that—

(a) if on the basis of medical opinion or opinion of a specialist, the Magistrate or Court, as the case may be, decide to order discharge of the accused, as provided under section 328 or section 329, such release may be ordered, if sufficient security is given that the accused shall be prevented from doing injury to himself or to any other person;

(b) if the Magistrate or Court, as the case may be, is of opinion that discharge of the accused cannot be ordered, the transfer of the accused to a residential facility for persons of unsound mind or mental retardation may be ordered wherein the accused may be provided care and appropriate education and training."

28. After section 357 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 357A.

Victim compensation scheme.

"357A. (1) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.

(2) Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme referred to in sub-section (1).

(3) If the trial Court, at the conclusion of the trial, is satisfied, that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation.

(4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation.

(5) On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.

(6) The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer in charge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit."

29. In section 372 of the principal Act, the following proviso shall be inserted, namely:—

Amendment of section 372.

"Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court."

30. In section 416 of the principal Act, the words "order the execution of the sentence to be postponed, and may, if it thinks fit" shall be omitted.

Amendment of section 416.

31. After section 437 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 437A.

"437A. (1) Before conclusion of the trial and before disposal of the appeal, the Court trying the offence or the Appellate Court, as the case may be, shall require the accused to execute bail bonds with sureties, to appear before the higher Court as and when such Court issues notice in respect of any appeal or petition filed against the judgment of the respective Court and such bail bonds shall be in force for six months.

Bail to require accused to appear before next appellate Court.

(2) If such accused fails to appear, the bond stand forfeited and the procedure under section 446 shall apply."

32. In the Second Schedule to the principal Act, in Form No. 45, after the figures "437", the figures and letter "437A" shall be inserted.

Amendment of Form 45.

T. K. VISWANATHAN,
Secy. to the Govt. of India.

The Protection of Human Rights Act, 1993

(10 of 1994)

as amended by

The Jammu and Kashmir Reorganisation Act, 2019
(34 of 2019) (w.e.f. 31-10-2019)

and

The Protection of Human Rights (Amendment)
Act, 2019 (19 of 2019) (w.e.f. 2-8-2019)

with

- The National Human Rights Commission (Procedure) Regulations, 1994
- The National Human Rights Commission (Annual Statement of Accounts) Rules, 1996
- Model Specimens of Notice, Petitions and Affidavits

2023

**BARE ACT
WITH SHORT NOTES**

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The Protection of Human Rights Act, 1993

(10 of 1994)

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(34 of 2019) (w.e.f. 31-10-2019)**

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along with

SHORT NOTES

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ALL AMENDMENTS HAVE BEEN INCORPORATED IN THE MAIN ACT AT APPROPRIATE PLACES.
TEXT OF THE AMENDING ACT IS REPRODUCED BELOW FOR REFERENCE

THE PROTECTION OF HUMAN RIGHTS (AMENDMENT) ACT, 2019¹

(19 of 2019)

[27th July, 2019.]

An Act further to amend the Protection of Human Rights Act, 1993.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Protection of Human Rights (Amendment) Act, 2019.

(2) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2.—In the Protection of Human Rights Act, 1993 (10 of 1994) (hereinafter referred to as the principal Act), in section 2, in sub-section (1),—

- (i) after clause (b), the following clause shall be inserted, namely:—
‘(ba) “Chief Commissioner” means the Chief Commissioner for Persons with Disabilities referred to in sub-section (1) of section 74 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016);’;
- (ii) after clause (g), the following clause shall be inserted, namely:—
‘(ga) “National Commission for Backward Classes” means the National Commission for Backward Classes constituted under section 3 of the National Commission for Backward Classes Act, 1993 (27 of 1993);’;
- (iii) after clause (h), the following clause shall be inserted, namely:—
‘(ha) “National Commission for Protection of Child Rights” means the National Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006);’.

3. Amendment of section 3.—In section 3 of the principal Act,—

- (a) in sub-section (2),—
 - (i) in clause (a), for the words “Chief Justice”, the words “Chief Justice of India or a Judge” shall be substituted;
 - (ii) in clause (d), for the words “two Members”, the words “three Members, out of which at least one shall be a woman,” shall be substituted;
- (b) in sub-section (3),—
 - (i) for the words “the National Commission for Minorities”, the words “, the National Commission for Backward Classes, the National Commission for Minorities, the National Commission for Protection of Child Rights” shall be substituted;

1. Published in the Gazette of India, Extra., Pt. II, Sec. 1, No. 38, dated 27th July, 2019.

2. Came into force on 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019.

- (ii) for the words "and the National Commission for Women", the words "the National Commission for Women and the Chief Commissioner for Persons with Disabilities" shall be substituted;
- (c) in sub-section (4), for the portion beginning with "shall exercise such powers and discharge such functions" and ending with "as the case may be", the following shall be substituted, namely:—
 "shall, subject to control of the Chairperson, exercise all administrative and financial powers (except judicial functions and the power to make regulations under section 40B)."
- 4. Amendment of section 6.**—In section 6 of the principal Act,—
- (i) in sub-section (1),—
- (a) for the words "five years", the words "three years" shall be substituted;
- (b) after the words "whichever is earlier" occurring at the end, the words "and shall be eligible for re-appointment" shall be inserted;
- (ii) in sub-section (2),—
- (a) for the words "five years", the words "three years" shall be substituted;
- (b) the words "for another term of five years" shall be omitted.
- 5. Amendment of section 21.**—In section 21 of the principal Act,—
- (i) in sub-section (2), in clause (a), for the words "Chief Justice", the words "Chief Justice or a Judge" shall be substituted;
- (ii) in sub-section (3), for the words "shall exercise such powers and discharge such functions of the State Commission as it may delegate to him", the words "shall, subject to control of the Chairperson, exercise all administrative and financial powers of the State Commission" shall be substituted;
- (iii) after sub-section (6), the following sub-sections shall be inserted, namely:—
- "(7) Subject to the provisions of section 12, the Central Government may, by order, confer upon the State Commission the functions relating to human rights being discharged by the Union territories, other than the Union territory of Delhi.
- (8) The functions relating to human rights in case of Union territory of Delhi shall be dealt with by the Commission."
- 6. Amendment of section 24.**—In section 24 of the principal Act,—
- (i) in sub-section (1),—
- (a) for the words "five years", the words "three years" shall be substituted;
- (b) after the words "whichever is earlier" occurring at the end, the words "and shall be eligible for re-appointment" shall be inserted;
- (ii) in sub-section (2),—
- (a) for the words "five years", the words "three years" shall be substituted;
- (b) the words "for another term of five years" occurring at the end, shall be omitted.

THE PROTECTION OF HUMAN RIGHTS ACT, 1993

INTRODUCTION

Every individual must have some rights against the State or other Public authority by virtue of his being a member of the human family and such rights are 'human rights'. The concept of human rights is as old as ancient doctrine of natural rights based on natural law. Human Rights as are commonly known now are of recent origin. They emerge from Post-Second World War International Charters and Conventions. The first documentary use of the expression 'human rights' is to be found in the Charter of the United Nations, which was adopted after the Second World War at San Fransisco on 25th June, 1945. This Charter was not binding. It merely stated the ideal which was to be later developed by different agencies and organs. The U.N. General Assembly in December, 1948, by adopting the Universal Declaration of Human Rights, took concrete steps by way of formulating the various human rights. It was to be followed by an International Bill of Rights which could be binding on the covenanting parties. Universal Declaration of Human Rights was not legally binding covenant and U.N. had no machinery for its enforcement. The deficiency was sought to be removed by the U.N. General Assembly by adopting in December, 1965 two Covenants for the observance of human rights— (i) The Covenant on Civil and Political Rights, (ii) the Covenant on Economic, Social and Cultural Rights. The first one formulated legally enforceable rights of the individual and the second one was addressed to the States to implement them by legislation. The two Covenants came into force in December, 1976, after the requisite number of member States ratified them. Many States ratified the Covenants subsequently at the end of 1981. These Covenants are, therefore, legally binding on the ratifying States.

India being a party to the said Covenants, the President of India promulgated the Protection of Human Rights Ordinance, 1993 under Article 123 of the Constitution of India on 28th September, 1993 to provide for the constitution of a National Human Rights Commission, State Human Rights Commissions in States and Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto. To replace this Ordinance the Protection of Human Rights Bill, 1993 was introduced in the Lok Sabha.

STATEMENT OF OBJECTS AND REASONS

India is a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly of the United Nations on the 16th December, 1966. The human rights embodied in the aforesaid Covenants stand substantially protected by the Constitution.

2. However, there has been growing concern in the country and abroad about issues relating to human rights. Having regard to this, changing social realities and the emerging trends in the nature of crime and violence, Government has been reviewing the existing laws, procedures and system of administration of justice; with a view to bringing about greater accountability and transparency in them, and devising efficient and effective methods of dealing with the situation.

3. Wide ranging discussions were held at various fora such as the Chief Ministers' Conference on Human Rights, seminars organised in various parts of

the country and meetings with leaders of various political parties. Taking into account the views expressed in these discussions, the present Bill is brought before Parliament.

ACT 10 OF 1994

The Protection of Human Rights Bill having been passed by both the Houses of Parliament received the assent of the President on 8th January, 1994. It came on the Statute Book as THE PROTECTION OF HUMAN RIGHTS ACT, 1993 (10 of 1994) (*Came into force w.r.e.f. 28-9-1993*).

LIST OF AMENDING ACTS

1. The Protection of Human Rights (Amendment) Act, 2000 (49 of 2000) (w.e.f. 11-12-2000).
2. The Protection of Human Rights (Amendment) Act, 2006 (43 of 2006) (w.e.f. 23-11-2006).
3. The Protection of Human Rights (Amendment) Act, 2019 (19 of 2019) (w.e.f. 2-8-2019).
4. The Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019) (w.e.f. 31-10-2019).

THE PROTECTION OF HUMAN RIGHTS ACT, 1993

(10 of 1994)

[8th January, 1994]

An Act to provide for the Constitution of a National Human Rights Commission, State Human Rights Commissions in States and Human Rights Courts for better protection of human rights and for matter connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Protection of Human Rights Act, 1993.

(2) It extends to the whole of India:

¹[* * *].

(3) It shall be deemed to have come into force on the 28th day of September, 1993.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “armed forces” means the naval, military and air forces and includes any other armed forces of the Union;

(b) “Chairperson” means the Chairperson of the Commission or of the State Commission, as the case may be;

²[(ba) “Chief Commissioner” means the Chief Commissioner for Persons with Disabilities referred to in sub-section (1) of section 74 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016);]

(c) “Commission” means the National Human Rights Commission constituted under section 3;

(d) “human rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India;

(e) “Human Rights Court” means the Human Rights Court specified under section 30;

³[(f) “International Covenants” means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on the 16th December, 1966 and such other Covenant or Convention adopted by the General Assembly of the United Nations as the Central Government may, by notification, specify*];

1. Proviso omitted by the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019), secs. 95, 96 and Fifth Sch., Table-1 (w.e.f. 31-10-2019). Proviso before omission, stood as under:

“Provided that it shall apply to the State of Jammu and Kashmir only in so far as it pertains to the matters relatable to any of the entries enumerated in List I or List III in the Seventh Schedule to the Constitution as applicable to that State.”

2. Ins. by Act 19 of 2019, sec. 2(i) [w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].

3. Subs. by Act 43 of 2006, sec. 2, for clause (f) (w.e.f. 23-11-2006). Clause (f), before substitution, stood as under:

“(f) “International Covenants” means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on the 16th December, 1966;”

* The Convention on the Elimination of all forms of Racial Discrimination (CERD) is applicable in India, vide S.O. 2339(E), dated 21st September, 2010.

- ¹[(g) "Member" means a Member of the Commission or of the State Commission, as the case may be;]
- ²[(ga) "National Commission for Backward Classes" means the National Commission for Backward Classes constituted under section 3 of the National Commission for Backward Classes Act, 1993 (27 of 1993);]
- (h) "National Commission for Minorities" means the National Commission for Minorities constituted under section 3 of the National Commission for Minorities Act, 1992 (19 of 1992);
- ³[(ha) "National Commission for Protection of Child Rights" means the National Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006);]
- ⁴[(i) "National Commission for the Scheduled Castes" means the National Commission for the Scheduled Castes referred to in Article 338 of the Constitution;]
- ⁴[(ia) "National Commission for the Scheduled Tribes" means the National Commission for the Scheduled Tribes referred to in Article 338A of the Constitution;]
- (j) "National Commission for Women" means the National Commission for Women constituted under section 3 of the National Commission for Women Act, 1990 (20 of 1990);
- (k) "notification" means a notification published in the Official Gazette;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "public servant" shall have the meaning assigned to it in section 21 of the Indian Penal Code (45 of 1860);
- (n) "State Commission" means a State Human Rights Commission constituted under section 21.

(2) Any reference in this Act to a law, which is not in force in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to a corresponding law, if any, in force in that State.

COMMENTS

(i) The right to property is now considered to be, not only a constitutional or statutory right, but also a human right. Though it is not basic feature of the Constitution or a fundamental right, human rights are considered to be in the realm of individual rights, such as right to health, the right to livelihood, the right to shelter and employment etc. Now human rights are gaining an even greater multi faceted dimension. The right to property is considered, very much to be a part of such new dimension; *Tukaram Kana Joshi through Power of Attorney Holder v. M.I.D.*, AIR 2013 SC 565.

(ii) If a person is entitled to benefit under a particular law, and benefits under that law have been denied to him, it will amount to a violation of his human rights; *Ramdeo Chauhan v. Bani Kant Das*, JT 2010 (12) SC 516: (2010) 12 SCALE 184: 2010 (7) Supreme 777.

CHAPTER II

THE NATIONAL HUMAN RIGHTS COMMISSION

3. Constitution of a National Human Rights Commission.—(1) The Central Government shall constitute a body to be known as the National Human Rights

1. Subs. by Act 43 of 2006, sec. 2, for clause (g) (w.e.f. 23-11-2006). Clause (g), before substitution, stood as under:

'(g) "Member" means a Member of the Commission or of the State Commission, as the case may be, and includes the Chairperson.'

2. Ins. by Act 19 of 2019, sec. 2(ii) [w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].

3. Ins. by Act 19 of 2019, sec. 2(iii) [w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].

4. Subs. by Act 43 of 2006, sec. 2, for clause (i) (w.e.f. 23-11-2006). Clause (i), before substitution, stood as under:

'(i) "National Commission for the Scheduled Castes and Scheduled Tribes" means the National Commission for the Scheduled Castes and Scheduled Tribes referred to in Article 338 of the Constitution.'

Commission to exercise the powers conferred upon, and to perform the functions assigned to, it under this Act.

(2) The Commission shall consist of—

- (a) a Chairperson who has been a ¹[Chief Justice of India or a Judge] of the Supreme Court;
- (b) one Member who is, or has been, a Judge of the Supreme Court;
- (c) one Member who is, or has been, the Chief Justice of a High Court;
- (d) ²[three Members, out of which at least one shall be a woman,] to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.

(3) The Chairperson of ³[, the National Commission for Backward Classes, the National Commission for Minorities, the National Commission for Protection of Child Rights], ⁴[the National Commission for the Scheduled Castes, the National Commission for the Scheduled Tribes] ⁵[the National Commission for Women and the Chief Commissioner for Persons with Disabilities] shall be deemed to be Members of the Commission for the discharge of functions specified in clauses (b) to (j) of section 12.

(4) There shall be a Secretary-General who shall be the Chief Executive Officer of the Commission and ⁶[shall, subject to control of the Chairperson, exercise all administrative and financial powers (except judicial functions and the power to make regulations under section 40B)].

(5) The headquarters of the Commission shall be at Delhi and the Commission may, with the previous approval of the Central Government, establish offices at other places in India.

COMMENT

The National Human Rights Commission (to be known as "the Commission") consists of a Chairperson and ⁷ other Members.

The Secretary-General shall be the Chief Executive Officer of the Commission.

The headquarters of the Commission shall be at Delhi. However, the Commission may, with the previous approval of the Central Government, establish offices at other places in India.

4. Appointment of Chairperson and other Members.—(1) The Chairperson and ⁷[the Members] shall be appointed by the President by warrant under his hand and seal:

Provided that every appointment under this sub-section shall be made after obtaining the recommendations of a Committee consisting of—

- (a) the Prime Minister—Chairperson;
- (b) Speaker of the House of People—Member;
- (c) Minister in-charge of the Ministry of Home Affairs in the Government of India—Member;
- (d) Leader of the Opposition in the House of the People—Member;
- (e) Leader of the Opposition in the Council of States—Member;
- (f) Deputy Chairman of the Council of State—Member:

Provided further that no sitting Judge of the Supreme Court or sitting Chief Justice of a High Court shall be appointed except after consultation with the Chief Justice of India.

1. Subs. by Act 19 of 2019, sec. 3(a)(i), for "Chief Justice"[w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].
2. Subs. by Act 19 of 2019, sec. 3(a)(ii), for "two Members"[w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].
3. Subs. by Act 19 of 2019, sec. 3(b)(i), for "the National Commission for Minorities"[w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].
4. Subs. by Act 43 of 2006, sec. 3, for "the National Commission for the Scheduled Castes and Scheduled Tribes" (w.e.f. 23-11-2006).
5. Subs. by Act 19 of 2019, sec. 3(b)(ii), for "and the National Commission for Women"[w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].
6. Subs. by Act 19 of 2019, sec. 3(c), for "shall exercise such powers and discharge such functions of the Commission (except judicial functions and the power to make regulations under section 40B) as may be delegated to him by the Commission or the Chairperson, as the case may be"[w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019]. Earlier these words were amended by Act 43 of 2006, sec. 3 (w.e.f. 23-11-2006).
7. Subs. by Act 43 of 2006, sec. 4, for "other Members" (w.e.f. 23-11-2006).

(2) No appointment of a Chairperson or a Member shall be invalid merely by reason of any ¹[vacancy of any member in the Committee referred to in the first proviso to sub-section (1)].

COMMENT

The President shall appoint the Chairman and other Members of the Commission on the recommendations of a Committee constituted under the proviso to this sub-section.

A sitting Judge of the Supreme Court, or a sitting Chief Justice of a High Court can be appointed only after consultation with the Chief Justice of India.

Any vacancy in the Committee shall not invalidate appointment of a Chairperson or a Member.

²[5. Resignation and removal of Chairperson and Members.—(1) The Chairperson or any Member may, by notice in writing under his hand addressed to the President of India, resign his office.

(2) Subject to the provisions of sub-section (3), the Chairperson or any Member shall only be removed from his office by order of the President of India on the ground of proved misbehaviour or incapacity after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or the Member, as the case may be, ought on any such ground to be removed.

(3) Notwithstanding anything in sub-section (2), the President may, by order, remove from office the Chairperson or any Member if the Chairperson or such Member, as the case may be,—

- (a) is adjudged an insolvent; or
- (b) engages during his term of office in any paid employment outside the duties of his office; or
- (c) is unfit to continue in office by reason of infirmity of mind or body; or
- (d) is of unsound mind and stands so declared by a competent court; or
- (e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.”

³[6. Term of office of Chairperson and Members.—(1) A person appointed as Chairperson shall hold office for a term of ⁴[three years] from the date on which

1. Subs. by Act 43 of 2006, sec. 4, for “vacancy in the Committee” (w.e.f. 23-11-2006).

2. Subs. by Act 43 of 2006, sec. 5, for section 5 (w.e.f. 23-11-2006). Section (5), before substitution, stood as under:

“5. Removal of a Member of the Commission.—(1) Subject to the provisions of sub-section (2), the Chairperson or any other Member of the Commission shall only be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or such other Member, as the case may be, ought on any such ground to be removed.

(2) Notwithstanding anything in sub-section (1), the President may by order remove from office the Chairperson or any other Member if the Chairperson or such other Member, as the case may be,—

- (a) is adjudged an insolvent; or
- (b) engages during his term of office in any paid employment outside the duties of his office; or
- (c) is unfit to continue in office by reason of infirmity of mind or body; or
- (d) is of unsound mind and stands so declared by a competent court; or
- (e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.”

3. Subs. by Act 43 of 2006, sec. 6, for section 6 (w.e.f. 23-11-2006). Section 6, before substitution, stood as under:

“6. Term of office of Members.—A person appointed as Chairperson shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age seventy years, whichever is earlier.

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4. Subs. by Act 19 of 2019, sec. 4(i)(a), for “five years” [w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].

he enters upon his office or until he attains the age of seventy years, whichever is earlier ¹[and shall be eligible for re-appointment].

(2) A person appointed as a Member shall hold office for a term of ²[three years] from the date on which he enters upon his office and shall be eligible for re-appointment ³[***]:

Provided that no Member shall hold office after he has attained the age of seventy years.

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of India or under the Government of any State.]

COMMENT

The Chairperson shall hold office for a term of 3 years or until he attains the age of 70 years whichever is earlier and shall be eligible for re-appointment.

A Member shall hold office for a term of 3 years and shall be eligible for re-appointment.

On ceasing to hold office, Chairperson or a Member shall be ineligible for further employment under the Government of India or under the State Government.

7. Member to act as Chairperson or to discharge his functions in certain circumstances.—(1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the President may, by notification, authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members as the President may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

COMMENT

The President may authorise one of the members—

(i) to act as the Chairperson until the appointment of a new Chairperson to fill the vacancy; (ii) to discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

⁴[8. Terms and conditions of service of Chairperson and Members.—The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member shall be varied to his disadvantage after his appointment.]

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(2) A person appointed as a Member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for reappointment for another term of five years:

Provided that no Member shall hold office after he has attained the age of seventy years.

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of India or under the Government of any State."

1. Ins. by Act 19 of 2019, sec. 4(i)(b) [w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].
2. Subs. by Act 19 of 2019, sec. 4(ii)(a), for "five years"[w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].
3. The words "for another term of five years" omitted by Act 19 of 2019, sec. 4(ii)(b) [w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].
4. Subs. by Act 43 of 2006, sec. 7, for section 8 (w.e.f. 23-11-2006). Section 8, before substitution, stood as under:

"8. Terms and conditions of service of Members.—The salaries and allowances payable to, and other terms and conditions of service of, the Members shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of a Member shall be varied to his disadvantage after his appointment."

COMMENT

Neither the salary and allowances nor the other terms and conditions of service of a Member shall be varied to his disadvantage after his appointment.

9. Vacancies, etc., not to invalidate the proceedings of the Commission.—No act or proceedings of the Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the Constitution of the Commission.

COMMENT

Existence of any vacancy or defect in the Constitution of the Commission shall not invalidate or question any act or proceedings thereof.

10. Procedure to be regulated by the Commission.—(1) The Commission shall meet at such time and place as the Chairperson may think fit.

¹[(2) Subject to the provisions of this Act and the rules made thereunder, the Commission shall have the power to lay down by regulations its own procedure.]

(3) All orders and decisions of the Commission shall be authenticated by the Secretary-General or any other officer of the Commission duly authorised by the Chairperson in this behalf.

COMMENT

The Chairperson has to decide the time and the place for meeting the Commission.

The Commission shall have power to laydown by regulations its own procedure.

The Secretary-General or any other officer of the Commission duly authorised by the Chairperson in this behalf, shall authenticate all orders and decisions of the Commission.

11. Officers and other staff of the Commission.—(1) The Central Government shall make available to the Commission—

- (a) an officer of the rank of Secretary to the Government of India who shall be the Secretary-General of the Commission; and
- (b) such police and investigative staff under an officer not below the rank of a Director General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the Commission.

(2) Subject to such rules as may be made by the Central Government in this behalf, the Commission may appoint such other administrative, technical and scientific staff as it may consider necessary.

(3) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (2) shall be such as may be prescribed.

COMMENT

The Central Government—

- (a) shall make available to the Commission—
 - (i) the Secretary-General; and (ii) police and investigative staff;
- (b) may appoint other administrative, technical and scientific staff.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

12. Functions of the Commission.—The Commission shall perform all or any of the following functions, namely:—

1. Subs. by Act 43 of 2006, sec. 8, for sub-section (2) (w.e.f. 23-11-2006). Sub-section (2), before substitution, stood, as under:

“(2) The Commission shall regulate its own procedure.”

- (a) inquire, *suo-motu* or on a petition presented to it by a victim or any person on his behalf ¹[or on a direction or order of any court], into complaint of—
- (i) violation of human rights or abetment thereof; or
 - (ii) negligence in the prevention of such violation, by a public servant;
- (b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
- ²[(c) visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;]
- (d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;
- (e) review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;
- (f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- (g) undertake and promote research in the field of human rights;
- (h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;
- (i) encourage the efforts of non-governmental organisation and institutions working in the field of human rights;
- (j) such other functions as it may consider necessary for the promotion of human rights.

COMMENT

State Human Rights Commission has same functions and powers within the jurisdiction of State as National Commission has. As per Act, Commission has to be read as State Human Rights Commission; *Bihar State Electricity Board through its Law Officer v. Bihar State Human Rights Commission through its Secretary*, AIR 2013 Pat 11.

13. Powers relating to inquiries.—(1) The Commission shall, while inquiring into complaints under this Act, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of witnesses and examining them on oath;
- (b) discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;

1. Ins. by Act 43 of 2006, sec. 9 (w.e.f. 23-11-2006).

2. Subs. by Act 43 of 2006, sec. 9, for clause (c) (w.e.f. 23-11-2006). Clause (c), before substitution, stood as under:

“(c) visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon;”

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- (e) issuing commissions for the examination of witnesses or documents;
- (f) any other matter which may be prescribed.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code (45 of 1860).

(3) The Commission or any other officer, not below the rank of a Gazetted Officer, specially authorised in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom subject to the provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), in so far as it may be applicable.

(4) The Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973, forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

(5) Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code, and the Commission shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

¹[(6) Where the Commission considers it necessary or expedient so to do, it may, by order, transfer any complaint filed or pending before it to the State Commission of the State from which the complaint arises, for disposal in accordance with the provisions of this Act:

Provided that no such complaint shall be transferred unless the same is one respecting which the State Commission has jurisdiction to entertain the same.

(7) Every complaint transferred under sub-section (6) shall be dealt with and disposed of by the State Commission as if it were a complaint initially filed before it.]

COMMENT

While inquiring into complaints under the Act, the Commission shall enforce such powers as are specified in sub-sections (1) to (5).

14. Investigation.—(1) The Commission may, for the purpose of conducting any investigation pertaining to the inquiry, utilise the services of any officer or investigation agency of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.

(2) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the Commission,—

1. Ins. by Act 43 of 2006, sec. 10 (w.e.f. 23-11-2006).

- (a) summon and enforce the attendance of any person and examine him;
- (b) require the discovery and production of any document; and
- (c) requisition any public record or copy thereof from any office.

(3) The provisions of section 15 shall apply in relation to any statement made by a person before any officer or agency whose services are utilised under sub-section (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.

(4) The officer or agency whose services are utilised under sub-section (1) shall investigate into any matter pertaining to the inquiry and submit a report thereon to the Commission within such period, as may be specified by the Commission in this behalf.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under sub-section (4) and for this purpose the Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it thinks fit.

COMMENT

The Commission is authorised to utilize the services of any officer or investigating agency of the Central Government or any State Government for the purpose of conducting any investigation pertaining to the inquiry.

15. Statement made by persons to the Commission.—No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement—

- (a) is made in reply to the question which he is required by the Commission to answer; or
- (b) is relevant to the subject matter of the inquiry.

COMMENT

A statement (which is covered by the proviso) made by a person before the Commission—

(i) cannot subject him to, or (ii) cannot be used against him, in any civil or criminal proceeding except a prosecution for perjury.

16. Persons likely to be prejudicially affected to be heard.—If, at any stage of the inquiry, the Commission—

- (a) considers it necessary to inquire into the conduct of any person; or
- (b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry,

it shall give to the person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence:

Provided that nothing in this section shall apply where the credit of a witness is being impeached.

COMMENT

Any person whose conduct is to be inquired into, or whose reputation is likely to be prejudicially affected by the inquiry, has rights to a reasonable opportunity of being heard and to produce evidence in his defence in the inquiry.

CHAPTER IV PROCEDURE

17. Inquiry into complaints.—The Commission while inquiring into the complaints of violations of human rights may—

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- (i) call for the information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto within such time as may be specified by it:
Provided that—
- (a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own;
 - (b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly;
- (ii) without prejudice to anything contained in clause (i), if it considers necessary, having regard to the nature of the complaint, initiate an inquiry.

COMMENT

This section lays down the procedure which the Commission is bound to follow while inquiring into the complaints of violations of human rights.

¹[18. Steps during and after inquiry.—The Commission may take any of the following steps during or upon the completion of an inquiry held under this Act, namely:—

- “(a) where the inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights or abetment thereof by a public servant, it may recommend to the concerned Government or authority—
- (i) to make payment of compensation or damages to the complainant or to the victim or the members of his family as the Commission may consider necessary;
 - (ii) to initiate proceedings for prosecution or such other suitable action as the Commission may deem fit against the concerned person or persons;
 - (iii) to take such further action as it may think fit.”;

1. Subs. by Act 43 of 2006, sec. 11, for section 18 (w.e.f. 23-11-2006). Section 18, before substitution, stood as under:

“18. Steps after inquiry.—The Commission may take any of the following steps upon the completion of an inquiry held under this Act, namely:—

(1) where the inquiry discloses, the Commission of violation of human rights or negligence in the prevention of violation of human rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;

(2) approach the Supreme Court or the High Court concerned for such directions, orders or writs as the Court may deem necessary;

(3) recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;

(4) subject to the provisions of clause (5) provide a copy of the inquiry report to the petitioner or his representative;

(5) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;

(6) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.”

- (b) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;
- (c) recommend to the concerned Government or authority at any stage of the inquiry for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;
- (d) subject to the provisions of clause (e), provide a copy of the inquiry report to the petitioner or his representative;
- (e) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;
- (f) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.]

COMMENT

During or upon the completion of an inquiry held under the Act, the Commission may take any of the steps mentioned in clauses (a) to (f) of this section.

19. Procedure with respect to armed forces.—(1) Notwithstanding anything contained in this Act, while dealing with complaints of violation of human rights by members of the armed forces, the Commission shall adopt the following procedure, namely:—

- (a) it may, either on its own motion or on receipt of a petition, seek a report from the Central Government;
- (b) after the receipt of the report, it may either not proceed with the complaint or, as the case may be, make its recommendations to that Government.

(2) The Central Government shall inform the Commission of the action taken on the recommendations within three months or such further time as the Commission may allow.

(3) The Commission shall publish its report together with its recommendations made to the Central Government and the action taken by that Government on such recommendations.

(4) The Commission shall provide a copy of the report published under sub-section (3) to the petitioner or his representative.

COMMENT

The Commission shall deal with complaints or violation of human rights by members of the armed forces, in accordance with the procedure laid down in this section.

20. Annual and special reports of the Commission.—(1) The Commission shall submit an annual report to the Central Government and to the State Government concerned and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The Central Government and the State Government, as the case may be, shall cause the annual and special reports of the Commission to be laid before each House of Parliament or the State Legislature respectively, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any.

COMMENT

It is incumbent on the Commission to submit an annual report as also special reports to the Central Government and the State Government concerned.

The Central Government and the State Government shall have to lay the annual and special reports along with a memorandum of action or acceptance before each House of Parliament and before the House(s) of the State Legislature.

CHAPTER V

STATE HUMAN RIGHTS COMMISSIONS

21. **Constitution of State Human Rights Commission.**—(1) A State Government may constitute a body to be known as the (Name of the State) Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to a State Commission under this Chapter.

¹[(2) The State Commission shall, with effect from such date as the State Government may by notification specify, consist of—

- (a) a Chairperson who has been a ²[Chief Justice or a Judge] of a High Court;
- (b) one Member who is, or has been, a Judge of a High Court or District Judge in the State with a minimum of seven years experience as District Judge;
- (c) one Member to be appointed from among persons having knowledge of or practical experience in matters relating to human rights.]

(3) There shall be a Secretary who shall be the Chief Executive Officer of the State Commission and ³[shall, subject to control of the Chairperson, exercise all administrative and financial powers of the State Commission].

(4) The headquarters of the State Commission shall be at such place as the State Government may, by notification, specify.

(5) A State Commission may inquire into violation of human rights only in respect of matters relatable to any of the entries enumerated in List II and List III in the Seventh Schedule to the Constitution:

Provided that if any such matter is already being inquired into by the Commission or any other Commission duly constituted under any law for the time being in force, the State Commission shall not inquire into the said matter:

Provided further that in relation to the Jammu and Kashmir Human Rights Commission, this sub-section shall have effect as if for the words and figures "List II and List III in the Seventh Schedule to the Constitution", the words and figures "List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir and in respect of matters in relation to which the Legislature of that State has power to make laws" had been substituted.

⁴[(6) Two or more State Governments may, with the consent of a Chairperson or Member of a State Commission, appoint such Chairperson or, as the case may be, such Member of another State Commission simultaneously if such Chairperson or Member consents to such appointment:

1. Subs. by Act 43 of 2006, sec. 12, for sub-section (2) (w.e.f. 23-11-2006). Sub-section (2), before substitution, stood as under:

"(2) The State Commission shall consist of—

- (a) a Chairperson who has been a Chief Justice of a High Court;
- (b) one Member who is, or has been, a Judge of a High Court;
- (c) one Member who is, or has been, a district judge in that State;
- (d) two members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights."

2. Subs. by Act 19 of 2019, sec. 5(i), for "Chief Justice"[w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].

3. Subs. by Act 19 of 2019, sec. 5(ii), for "shall exercise such powers and discharge such functions of the State Commission as it may delegate to him"[w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].

4. Ins. by Act 43 of 2006, sec. 12 (w.e.f. 23-11-2006).

Provided that every appointment made under this sub-section shall be made after obtaining the recommendations of the Committee referred to in sub-section (1) of section 22 in respect of the State for which a common Chairperson or Member, or both, as the case may be, is to be appointed.]

¹[(7) Subject to the provisions of section 12, the Central Government may, by order, confer upon the State Commission the functions relating to human rights being discharged by the Union territories, other than the Union territory of Delhi.]

¹[(8) The functions relating to human rights in case of Union territory of Delhi shall be dealt with by the Commission.]

STATE & UT AMENDMENT

Union Territory of Jammu and Kashmir.—In sub-section (5), omit the second Proviso;

(ii) in sub-section (7), for "other than Union territory of Delhi" substitute "other than Union territory of Delhi, Union territory of Jammu and Kashmir and Union territory of Ladakh"; and

(iii) in sub-section (8), for "Union territory of Delhi" substitute "Union territory of Delhi, Union territory of Jammu and Kashmir and Union territory of Ladakh".

[*Vide* the Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Order, 2020 (w.e.f. 18-3-2020), S.O. 1123(E), dated 18th March, 2020, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), No. 1016, dated 18th March, 2020.]

COMMENT

The State Commission shall consist of a Chairman and two Members.

A Secretary shall be the Chief Executive Officer of the State Commission.

The State Government shall specify the place for the headquarters of the State Commission.

Subject to the doctrine of *res-judicata*, the State Commission is enjoined to inquire into violation of human rights in respect of matters relatable to any of the entries in List II and List III in the Seventh Schedule to the Constitution.

Two or more State Governments may, with the consent of a Chairperson or Member of a State Commission, appoint such Chairperson or, such Member of another State Commission simultaneously if he consents to such appointment.

22. Appointment of Chairperson and ²[Members] of State Commission.—

(1) The Chairperson and ²[Members] shall be appointed by the Governor by warrant under his hand and seal:

Provided that every appointment under this sub-section shall be made after obtaining the recommendation of a Committee consisting of—

- (a) the Chief Minister—Chairperson;
- (b) Speaker of the Legislative Assembly—Member;
- (c) Minister in-charge of the Department of Home in that State—Member;
- (d) Leader of the Opposition in the Legislative Assembly—Member.

Provided further that where there is a Legislative Council in a State, the Chairman of that Council and the Leader of the Opposition in that Council shall also be members of the Committee:

Provided also that no sitting Judge of a High Court or a sitting district judge shall be appointed except after consultation with the Chief Justice of the High Court of the concerned State.

(2) No appointment of a Chairperson or a Member of the State Commission shall be invalid merely by reason of ³[any vacancy of any Member in the Committee referred to in sub-section (1).]

COMMENT

The Governor shall appoint the Chairperson and other Members of the State Commission on the recommendation of a committee consisting of the Chief Minister, the Speaker, the Minister in-charge, etc.

1. Ins. by Act 19 of 2019, sec. 5(iii) [w.e.f. 2-8-2019, *vide* S.O. 2756(E), dated 1st August, 2019].

2. Subs. by Act 43 of 2006, sec. 13, for "other Members" (w.e.f. 23-11-2006).

3. Subs. Act 43 of 2006, sec. 13, for "any vacancy in the committee" (w.e.f. 23-11-2006).

A sitting Judge of a High Court, or a sitting district judge, may be appointed only after consultation with the Chief Justice concerned.

¹[23. Resignation and Removal of Chairperson or a Member of the State Commission].—²[(1) The Chairperson or a Member of a State Commission may, by notice in writing under his hand addressed to the Governor, resign his office.

(1A) Subject to the provisions of sub-section (2), the Chairperson or any Member of the State Commission shall only be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or such Member, as the case may be, ought on any such ground to be removed.]

(2) Notwithstanding anything in ³[sub-section (1A)], the President may by order remove from office the Chairperson or any ⁴[Member] if the Chairperson or such ⁴[Member], as the case may be,—

- (a) is adjudged an insolvent; or
- (b) engages during his term of office in any paid employment outside the duties of his office; or
- (c) is unfit to continue in office by reason of infirmity of mind or body; or
- (d) is of unsound mind and stands so declared by a competent court; or
- (e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.

COMMENT

The President shall be competent to remove the Chairperson or any other Member of the State Commission from his office on the ground of proved misbehaviour or incapacity (subject to the inquiry report of the Supreme Court) or on the ground of any of disqualifications specified in sub-section (2)(a) to (e).

⁵[24. Term of office of Chairperson and Members of the State Commission.— (1) A person appointed as Chairperson shall hold office for a term of ⁶[three years] from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier ⁷[and shall be eligible for re-appointment].

1. Subs. by Act 43 of 2006, sec. 14, for "Removal of a Member of the State Commission" (w.e.f. 23-11-2006).

2. Subs. by Act 43 of 2006, sec. 14, for sub-section (1) (w.e.f. 23-11-2006). Sub-section (1), before substitution, stood as under:

"(1) Subject to the provisions of sub-section (2), the Chairperson or any other Member of the State Commission shall only be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or such other Member, as the case may be, ought on any such ground to be removed."

3. Subs. by Act 43 of 2006, sec. 14, for "sub-section (1)" (w.e.f. 23-11-2006).

4. Subs. by Act 43 of 2006, sec. 14, for "other Members" (w.e.f. 23-11-2006).

5. Subs. by Act 43 of 2006, sec. 15, for section 24 (w.e.f. 23-11-2006). Section 24, before substitution, stood as under:

"24. Term of office of Members of the State Commission.—(1) A person appointed as Chairperson shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.

(2) A person appointed as a Member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for reappointment for another term of five years:

Provided that no Member shall hold office after he has attained the age of seventy years.

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of a State or under the Government of India."

6. Subs. by Act 19 of 2019, sec. 6(i)(a), for "five years" [w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].

7. Ins. by Act 19 of 2019, sec. 6(i)(b) [w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].

(2) A person appointed as a Member shall hold office for a term of ¹[three years] from the date on which he enters upon his office and shall be eligible for re-appointment ²[***]:

Provided that no Member shall hold office after he has attained the age of seventy years.

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of a State or under the Government of India.]

COMMENT

The Chairperson shall hold office for a term of 3 years or until he attains the age of 70 years, whichever is earlier and shall be eligible for re-appointment.

A Member shall hold office for a term of 3 years but not after he has attained the age of 70 years. He shall be eligible for re-appointment.

On ceasing to hold office a Chairperson or a Member shall be ineligible for further employment under the Government of a State or under the Government of India.

25. Members to act as Chairperson or to discharge his functions in certain circumstances.—(1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Governor may, by notification, authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members as the Governor may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

COMMENT

The Governor may authorise one of the Members—

(i) to act as the Chairperson until the appointment of a new Chairperson to fill the vacancy; (ii) to discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

³**26. Terms and conditions of service of Chairperson and Members of State Commissions.—**The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed by the State Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member shall be varied to his disadvantage after his appointment.]

COMMENT

This section requires the State Government to prescribe—

(i) the salaries and allowances payable to, and (ii) other terms and conditions of service of, the members.

27. Officers and other staff of the State Commission.—The State Government shall make available to the Commission—

(a) an officer not below the rank of a Secretary to the State Government who shall be the Secretary of the State Commission; and

1. Subs. by Act 19 of 2019, sec. 6(ii)(a), for "five years"[w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].
2. The words "for another term of five years" omitted by Act 19 of 2019, sec. 6(ii)(b) [w.e.f. 2-8-2019, vide S.O. 2756(E), dated 1st August, 2019].
3. Subs. by Act 43 of 2006, sec. 16, for section 26 (w.e.f. 23-11-2006). Section 26, before substitution, stood as under:

"26. *Terms and conditions of service of Members of the State Commission.—*The salaries and allowances payable to, and other terms and conditions of service of, the Members shall be such as may be prescribed by the State Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of a Member shall be varied to his disadvantage after his appointment."

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- (b) such police and investigative staff under an officer not below the rank of an Inspector General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the State Commission.
- (2) Subject to such rules as may be made by the State Government in this behalf, the State Commission may appoint such other administrative, technical and scientific staff as it may consider necessary.
- (3) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (2) shall be such as may be prescribed by the State Government.

COMMENT

The State Government—

- (a) shall make available to the State Commission—
- (i) the Secretary; and (ii) a police and investigative staff;
- (b) may appoint administrative, technical and scientific staff;
- (c) shall prescribe the salaries, allowances and conditions of services of the officers and other staff appointed under sub-section (2) of this section.

28. Annual and special reports of State Commission.—(1) The State Commission shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and special reports of the State Commission to be laid before each House of State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendations of the State Commission and the reasons for non-acceptance of the recommendations, if any.

COMMENT

It shall be incumbent on—

- (i) the State Commission to submit an annual report and a special report, if any, to the State Government;
- (ii) the State Government to lay the annual and special reports along with a memorandum of action taken on, or reasons for non-acceptance of, the recommendations of the State Commission.

29. Application of certain provisions relating to National Human Rights Commission to State Commission.—The provisions of sections 9, 10, 12, 13, 14, 15, 16, 17 and 18 shall apply to a State Commission and shall have effect, subject to the following modifications, namely:—

- (a) references to "Commission" shall be construed as references to "State Commission";
- (b) in section 10, in sub-section (3), for the words "Secretary-General", the word "Secretary" shall be substituted;
- (c) in section 12, clause (f) shall be omitted;
- (d) in section 17, in clause (i), the words "Central Government or any" shall be omitted.

COMMENT

Subject to the modifications specified in clauses (a) to (d) of this section, the provisions of sections 9, 10, 12, 13, 14, 15, 16, 17 and 18 shall apply to a State Commission.

CHAPTER VI
HUMAN RIGHTS COURTS

30. Human Rights Courts.—For the purpose of providing speedy trial of offences arising out of violation of human rights, the State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district a Court of Session to be a Human Rights Court to try the said offences:

Provided that nothing in this section shall apply if—

- (a) a Court of Session is already specified as a special court; or
 - (b) a special court is already constituted,
- for such offences under any other law for the time being in force.

COMMENT

For each district a Court of Session shall be specified to be a Human Rights Court to try offences arising out of violation of human rights.

31. Special Public Prosecutor.—For every Human Rights Court, the State Government shall, by notification, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

COMMENT

It is enjoined upon the State Government—

- (i) either to specify a Public Prosecutor, (ii) or to appoint an advocate, as a Special Public Prosecutor for the purpose of conducting cases in Human Rights Court.

CHAPTER VII
FINANCE, ACCOUNTS AND AUDIT

32. Grants by the Central Government.—(1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

COMMENT

The Central Government may, out of the grants,—

- (a) pay any sum of money to the Commission for utilising the same for the purposes of the Act; and (b) spend any sum of money for performing the functions under the Act.

33. Grants by the State Government.—(1) The State Government shall, after due appropriation made by Legislature by law in this behalf, pay to the State Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

(2) The State Commission may spend such sums as it thinks fit for performing the functions under Chapter V, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

COMMENT

Out of the grants, the State Government may—

- (a) pay a sum of money to the State Commission for utilising the same for the purposes of the Act; and (b) spend any sum of money for performing the functions under Chapter V.

34. Accounts and audit.—The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

COMMENT

This section prescribes rights and privileges as well as procedure for, the Comptroller and Auditor-General of India, while auditing the accounts of the Commission.

35. Accounts and audit of State Commission.—(1) The State Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the State Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the State Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Commission.

(4) The accounts of the State Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the State Government by the State Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before the State Legislature.

COMMENT

This section speaks of the jurisdiction, rights and privileges to be enjoyed by the Comptroller and Auditor-General of India, while auditing the accounts of the State Commission.

CHAPTER VIII MISCELLANEOUS

36. Matters not subject to jurisdiction of the Commission.—(1) The Commission shall not inquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.

(2) The Commission or the State Commission shall not inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed.

COMMENT

The Commissions shall have no jurisdiction to inquire into any matter—

(a) which is pending before—

(i) a State Commission; or (ii) any other commission duly constituted under any law; and

(b) after the expiry of 1 year from the date on which the act is alleged to have been committed.

Similarly, the State Commission is not empowered to inquire into any matter after the expiry of 1 year from the date on which the act is alleged to have been committed.

37. Constitution of special investigation teams.—Notwithstanding anything contained in any other law for the time being in force, where the Government considers, it necessary so to do, it may constitute one or more special investigation teams, consisting of such police officers as it thinks necessary for purposes of investigation and prosecution of offences arising out of violations of human rights.

COMMENT

This section confers a power on the Government to constitute one or more special investigating teams consisting of police officers for purposes of—

(i) investigation, and (ii) prosecution, of offences arising out of violations of human rights.

38. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against the Central Government, State Government, Commission, the State Commission or any Member thereof or any person acting under the direction either of the Central Government, State Government, Commission or the State Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or any order made thereunder or in respect of the publication by or under the authority of the Central Government, State Government, Commission or the State Commission of any report, paper or proceedings.

COMMENT

Immunity from being sued or otherwise legally proceeded has been confined in respect of—

(i) anything in good faith done or intended to be done in pursuance of the Act, or any rules or any order made under the Act; or (ii) the publication, by or under the authority, of any report, paper or proceedings.

39. Members and officers to be public servants.—Every Member of the Commission, State Commission and every officer appointed or authorised by the Commission or the State Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

40. Power of Central Government to make rules.—(1) The Central Government may, by notification make rules to carry out the provisions of this Act.

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(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the salaries and allowances and other terms and conditions of service of the ¹[Chairperson and members] under section 8;
- (b) the conditions subject to which other administrative, technical and scientific staff may be appointed by the Commission and the salaries and allowances of officers and other staff under sub-section (3) of section 11;
- (c) any other power of a civil court required to be prescribed under clause (f) of sub-section (1) of section 13;
- (d) the form in which the annual statement of accounts is to be prepared by the Commission under sub-section (1) of section 34; and
- (e) any other matter which has to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each Houses of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

COMMENT

The Central Government has to make rules—

(i) to carry out the provisions of the Act; and (ii) to provide for all or any of the matters falling under sub-section (2)(a) to (e).

A duty is cast on the Central Government to lay every rule made under this section before each House of Parliament.

²[40A. Power to make rules retrospectively.—The power to make rules under clause (b) of sub-section (2) of section 40 shall include the power to make such rules or any of them retrospectively from a date not earlier than the date on which this Act received the assent of the President, but no such retrospective effect shall be given to any such rule so as to prejudicially affect the interests of any person to whom such rule may be applicable.]

³[40B. Power of Commission to make regulations.—(1) Subject to the provisions of this Act and the rules made thereunder, the Commission may, with the previous approval of the Central Government, by notification, make regulations to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the procedure to be followed by the Commission under sub-section (2) of section 10;
- (b) the returns and statistics to be furnished by the State Commissions;
- (c) any other matter which has to be, or may be, specified by regulations.

(3) Every regulation made by the Commission under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in

1. Subs. by Act 43 of 2006, sec. 17, for "Members" (w.e.f. 23-11-2006).

2. Ins. by Act 49 of 2000, sec. 2 (w.e.f. 11-12-2000).

3. Ins. by Act 43 of 2006, sec. 18 (w.e.f. 23-11-2006).

session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.]

41. Power of State Government to make rules.—(1) The State Government may, by notification make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the salaries and allowances and other terms and conditions of service of ¹[the Chairperson and Members] under section 26;

(b) the conditions subject to which other administrative, technical and scientific staff may be appointed by the State Commission and the salaries and allowances of officers and other staff under sub-section (3) of section 27;

(c) the form in which the annual statement of accounts is to be prepared under sub-section (1) of section 35.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

COMMENT

The State Government has to make rules—

(i) to carry out the provisions of the Act; and (ii) to provide for all or any of the matters falling under sub-section (2)(a) to (c).

A duty is cast on the State Government to lay every rule made under this section before the House, or each of the Houses, as the case may be, of the State Legislature.

42. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

COMMENT

The Central Government is empowered to make provisions for removing any difficulty if arises in giving effect to the provisions of this Act.

Power is exercisable only within 2 years from the date of commencement of the Act, *i.e.* between 28-9-1993 and 28-9-1995.

Every order is required to be laid before each House of Parliament.

43. Repeal and savings.—(1) The Protection of Human Rights Ordinance, 1993 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

1. Subs. by Act 43 of 2006, sec. 19, for "the Members" (w.e.f. 23-11-2006).

THE NATIONAL HUMAN RIGHTS COMMISSION (PROCEDURE) REGULATIONS, 1994¹

[17th February, 1994]

In exercise of the powers conferred by sub-section (2) of section 10 of the Protection of Human Rights Act, 1993 (10 of 1994), the National Human Rights Commission hereby makes the following regulations, namely:—

²[CHAPTER I PRELIMINARY]

1. Short title and commencement.—(1) These regulations may be called the National Human Rights Commission (Procedure) Regulations, 1994.

(2) They shall come into force with effect from the 1st day of March, 1994.

³**2. Definitions.**—In these regulations unless the context otherwise requires,—

- (a) "Act" means the Protection of Human Rights Act, 1993 as amended from time to time.
- (b) "Code" means the Code of Civil Procedure, 1908 as amended from time to time.
- (c) "complaint" means all petitions/communications received in the Commission from a victim or any other person on his behalf, in person, by post, by telegram, by fax, 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 defined in section 2(d) of the Act.
- (d) "Director General (Investigation)" means Director General (Investigation) of the Commission.
- (e) "Division" means and includes Administration Division, Law Division, Investigation Division and Research Division and such other Divisions in the Commission as may be constituted by the Chairperson.
- (f) "Division Bench" means a Bench consisting of two Members of the Commission as constituted by the Chairperson.
- (g) "Full Bench" means a Bench consisting of three or more Members of the Commission as constituted by the Chairperson.
- (h) "Registrar" means Registrar of the Commission.

1. *Vide* Notification No. A-11031/1/94 NHRC, published in the Gazette of India, Extra., Pt. II, Sec. 1, No. 19, dated 26th February, 1994.

2. Added by Notification No. 28(2)/96 (Coord), dated 13th March, 1997 (w.e.f. 1-4-1997).

3. Subs. by Notification No. 28(2)/96 (Coord), dated 13th March, 1997, for regulation (2) (w.e.f. 1-4-1997). Regulation (2), before substitution stood as under:

²**2. Definitions.**—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 Commission;
- (c) "Commission" means the National Human Rights Commission;
- (d) "Member" means a Member of the Commission and includes the Chairperson."

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- (i) "Regulation" means regulations framed by the Commission under Section 10(2) of the Act.
- (j) "Secretary General" means Secretary General of the Commission.
- (k) "Single Bench" means a Bench consisting of one Member of the Commission as constituted by the Chairperson.

(3) 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. Headquarters of the Commission.—The Headquarters of the Commission shall be located at Delhi.

4. Venue of the meetings.—The Commission shall ordinarily hold its meetings and sittings in its office located at Delhi. However, it may, in its discretion, hold its meetings and sittings at any other place in India if it consider it necessary and expedient.

5. Periodicity of meetings.—The Commission shall normally have its regular 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 a special sitting of the Commission to be convened to consider any matter of emergency.

6. Secretariat Assistance.—The Secretary General, along with such other officers of the Commission as may be directed by the Chairperson, or considered necessary, shall attend the meetings of the Commission.

7. Agenda.—The Secretary General shall, in consultation with the Chairperson, prepare the agenda for such 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 readily available to the Commission for reference. The agenda papers shall ordinarily be circulated to the Members at least two clear days in advance of every meeting, but when matters are set down only for hearing, cause list of the day of sitting shall be prepared and circulated.

[CHAPTER II PROCEDURE FOR DEALING WITH COMPLAINTS/SUO MOTU ACTION]

²[***]

1. Added by Notification No. 28(2)/96 (Coord), dated 13th March, 1997 (w.e.f. 1-4-1997).
2. Regulation 8 omitted by Notification No. 28(2)/96 (Coord), dated 13th March, 1997 (w.e.f. 1-4-1997). Earlier regulation 8 was amended by Notification No. NHRC: 28(2) 96-Co-ord., dated 28th November, 1996. Reg. 8 before omission stood as under:

"8. *Procedure for dealing with complaints.*—(1) All complaints in whatever form received by the Commission, shall be registered and assigned a number and placed for admission as per the special or general directions of the Chairperson before a Single Member Bench constituted for the purpose, not later than one week of receipt thereof. If the Single-Member Bench dealing with the case, either for admission or for final disposal, having regard to the importance of the issues involved, is of the opinion that the case should be heard by a Bench of not less than two Members, he/she may refer the case to a Bench of two Members. On receipt of the reference, the case shall be assigned to a Bench of two or more Members, as may be constituted by the Chairperson. Ordinarily Complaints of the following nature are not entertainable by the Commission:—

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¹8. General.—(a) Complaints may be made to the Commission in English or Hindi. However, the Commission may entertain complaints in any other language included in the Eighth Schedule of the Constitution.

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

(c) The complaint shall disclose a complete picture of the matter leading to the complaint.

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(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 who are outside the purview of the Commission.]

(2) No fees 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 English or Hindi to enable the Commission to take immediate action. To facilitate the filing of complaints, the Commission shall, however, entertain complaints in any language included in Eighth Schedule of the Constitution. It shall be open to the Commission to ask for further information and affidavits to be filed in support of allegations whenever considered necessary.

(4) The Commission may, in its discretion, accept telegraphic complaints and complaints conveyed through Fax.

(5) The Commission shall have power to dismiss a complaint in *limini*.

(6) Upon admission of complaint, the Chairperson/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 Chairperson/Commission to either hold an enquiry or investigation, the Secretariat shall call for reports/comments from the concerned Government/authority giving the latter a reasonable time therefor.

(8) 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 Commission.

(9) The directions and recommendations of the Commission shall be communicated to the concerned Government/authority and the petitioner as provided for in sections 18 and 19 of the Act.

(10) The Commission may, in its discretion, afford a personal hearing to the petitioner or any other person on his behalf and such other person or persons as in the opinion of the Commission should be heard for appropriate disposal of the matter before it and where necessary, call for records and examine witnesses in connection with it. The Commission shall afford a reasonable hearing including opportunity of cross-examining witnesses if any, in support of 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 term of the 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 Commission may allow. The 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 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) 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."

1. Regulation 8 to 38 added by Notification 28(2)/96 (Coord), dated 13th March, 1997 (w.e.f. 1-4-1997).

(d) The Commission may seek further information/affidavit as may be considered necessary.

9. Complaints not ordinarily entertainable.—The Commission may dismiss in *limini* complaints of the following nature:

- (i) illegible;
- (ii) vague, anonymous or pseudonymous;
- (iii) trivial or frivolous;
- (iv) barred under section 36(1) of the Act;
- (v) barred under section 36(2) of the Act;
- (vi) allegation is not against any public servant;
- (vii) the issue raised relates to civil dispute, such as property rights, contractual obligations and the like;
- (viii) the issue raised relates to service matters;
- (ix) the issue raised relates to labour/industrial disputes;
- (x) allegations do not make out any specific violation of human rights;
- (xi) matter is sub-judice before a Court/tribunal;
- (xii) matter is covered by a judicial verdict/decision of the Commission;
- (xiii) where it is only a copy of the complaint addressed to some other authority;
- (xiv) the matter is outside the purview of the Commission on any other ground.

10. Receipt and distribution of Dak.—(a) All communications in writing (by whatsoever mode they are received) addressed to the Commission, its Chairperson, Members or other officers of the Commission, either by name or designation, shall be received at the Receipt Counter of the Commission.

Notes.—1. Those communications which are addressed by name to the Chairperson, Members and other officers of the Commission shall be entered in separate Peon Books and delivered forthwith under acknowledgment.

2. Unless otherwise directed, communications received by the Chairperson, Members and other officers of the Commission, when marked to the Law Division, shall be dealt with in accordance with the procedure provided in this chapter.

(b) The Dak shall be opened under the direct supervision of the Section Officer in-charge of the Receipt and Dispatch Section, who shall get the same sorted out section-wise, diarised in a register containing particulars such as, date of receipt, diary number, sender's name and State and transmitted under acknowledgment to the concerned sections in the Law Division and to the respective heads of other divisions. Separate transmission registers shall be maintained for each section in the Law Division and each of the other Divisions.

Note.—Copies of the orders issued from time to time regarding distribution of work among the Divisions and allocation of work among the various sections in the Law Division shall be furnished to the Section Officer in-charge of Receipt and Dispatch Section to facilitate proper distribution of the Dak.

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11. **Sorting of complaints etc.**—(a) Immediately on receipt of the Dak, the Section Officer in-charge of each section in the Law Division shall sort out the fresh complaints and place them forthwith for scrutiny before the respective Assistant Registrar(s) who are put in-charge of the respective sections in that Division in accordance with the special or general order of allocation as may be made by the Registrar.

(b) Complaints and other communications requiring urgent attention shall, however, be placed forthwith before the Registrar who shall give such directions as may be necessary.

(c) All other communications relating to his section shall be processed and appropriately dealt with.

(d) All complaints and other communications which are not in English and which are required to be placed before the Commission shall be got translated into English with utmost expedition.

Provided that only the gist of the complaint shall be prepared in English if the complaint is not entertainable or is of an urgent nature, requiring immediate attention.

12. **Scrutiny of complaints.**—(a) On completion of scrutiny of each complaint, the Assistant Registrar shall fill up Form No. 1 in case of complaints which are *prima facie* entertainable and fill up Form No. 2 if the complaint is *prima facie* not entertainable for any of the reasons mentioned in regulation 9. He shall then send the complaint with the scrutiny report appended thereto, to the section concerned for registration.

(b) If, however, the petition/communication is found to be not a complaint falling under section 12(a) of the Act but relates to any other clause in Section 12, the same shall be placed forthwith before the Registrar, who shall cause it to be transmitted under acknowledgment to the Secretary General, who shall place it with a brief note before the full Commission as early as possible.

13. **Classification.**—Subject-wise classification of the complaints shall be made as per the list annexed to these regulations as Appendix I. Having regard to the subject matter of the complaints received, the list in Appendix I may be modified or new entries added thereto from time to time as per the directions of the Chairperson.

14. **Registration.**—(a) A common register shall be maintained in the Law Division for entering in serial order the case number with State Code and year of Registration, the corresponding diary number and the State to which the incident relates in respect of each complaint to be registered. Immediately on completion of the scrutiny, entry shall be made in the common register and the case number assigned to the complaint along with State Code shall be entered at the top right-hand corner of the complaint in red ink and also in the space provided in the Scrutiny Report.

(b) File covers shall be got printed as in Form No. 3 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. 4
- (ii) Order Sheet in Form No. 5
- (iii) Scrutiny Report in Form No. 1/Form No. 2, as the case may be
- (iv) Complaint with annexures, if any
- (v)
- (vi)

(c) The case file shall then be transmitted forthwith to the officer in-charge of the listing section for placing the matter before the Commission.

15. Time limit for placing complaint before the Commission.—All complaints newly registered shall be placed before the Commission for preliminary consideration as expeditiously as possible but not later than seven days from the date of its receipt.

Provided that complaints which require urgent consideration shall be placed before the Commission, as far as possible, within 24 hours of its receipt.

16. Constitution or Bench(s).—(a) Subject to such special or general orders of the Chairperson, all complaints shall be initially dealt with by a Single Bench of the Commission. If the Single Bench dealing with the case, having regard to the importance of the issues involved, is of the opinion that the case should be considered by a Division Bench/Full Bench, he/she may refer the case to a Division Bench/Full Bench. On receipt of such reference, the case shall be assigned to the Division Bench/Full Bench constituted for that purpose. However, the Chairperson may, having regard to the importance of the matter, place the case before a larger Bench.

(b) When the case is referred to a D.B./F.B. the Section Officer concerned shall get prepared the requisite number of copies of the case file for the use of all the Members of the Bench.

17. Preparation of Cause List.—The Cause List shall be prepared categorising cases under the following heads:

- * (i) Re: Entertainability;
- (ii) For Admission
- ** (iii) For directions (briefly indicate below the case number, nature of direction sought);
- (iv) For Final Disposal;
- (v) Compliance Report Cases; and
- (vi) Review Applications.

Note.—*1. Complaints which are *prima facie* not entertainable shall be placed in a separate bundle with the cause-list under this head.

**2. Cases "For Directions" shall include, *inter alia*, the following where:

- (i) information/report has not been received within the time specified; or
- (ii) only interim report/some information is received: or
- (iii) report/information has not been received from all authorities; or

- (iv) direction for issue of summons for production of document/to adduce evidence is required to be issued; or
- (v) application seeking interim direction such as clubbing of similar matters, extension of time, intervention by third party, etc. is received; or/and
- (vi) all other matters of interlocutory nature.

18. Placing of case files.—(a) The number of cases to be included in the cause-list to be placed before each Bench(s) per day shall be fixed according to the directions that may be given by the Chairperson from time to time.

(b) The case files in respect of the cases shown in the cause-list shall ordinarily be placed two days in advance before the Bench(s) along with a copy of the cause-list.

19. Presenting Officer to assist the Members.—(a) Each Member shall be assisted by a Presenting Officer. When the Member takes up for consideration the cases assigned to him/her for final disposal, it shall be the duty of the Presenting Officer to study and present the cases and render such other assistance as may be required, for consideration and disposal of the cases.

(b) If, however, the Commission sits in D.B./F.B. such Bench shall be assisted by the Presenting Officer(s) attached to the Members constituting the Bench as may be directed by that Bench.

20. Court Master to function as Court Officer.—When the Member(s) hold sittings in Court Hall, the Court Master assigned by the Registrar shall discharge such functions as are normally performed by Court Officers in the Supreme Court/High Courts and also discharge such other functions as may be assigned to him by the Chairperson.

21. Preliminary consideration, Issue of Notice, etc.—(a) If on consideration of the complaint the Commission dismisses the complaint in *limini*, the said order shall be communicated to the complainant in Form No. 6 and the case shall be treated as closed.

(b) If on consideration of the complaint or *suo motu* the Commission admits/take cognizance and directs issue of notice to any authority calling upon it to furnish information/report, a notice in Form No. 7 shall be issued, enclosing a copy of the complaint thereto. Such notice shall be signed by the Assistance Registrar.

(c) If no time is fixed by the Commission for the return of notice/furnishing of information/report, the time shall be 30 days from the date of service of the notice.

(d) If, however, the Commission issues any other direction or order, action shall forthwith be taken accordingly.

(e) If the reports information is not received from the concerned authority within the given time, or received late or not complete in all respects, the case shall be placed before the Commission or further direction.

(f) Intimation of the order referred to in Clauses (b) and (d) shall be given to the complainant forthwith.

22. Recording of Orders/Proceeding.—(a) Ordinarily orders of the Commission shall be recorded in the Order Sheet; provided that the orders which are lengthy shall be recorded on separate sheets and appended to the order sheet. The P.S./P.A. attached to the Member concerned shall make entry in the relevant column of the Order Sheet mentioning the page numbers and the date of the order. The order shall then be fed into the COMMONS PROGRAMME.

(b) In cases where urgent action is required to be taken pursuant to the order/proceeding issued by the Commission, the P.S./P.A. concerned shall forthwith send the file to the Registrar/Jt. Registrar who shall give suitable instructions in regard to the mode of communication by telephone/fax/speed post/telegram, etc. and transmit the records to the concerned section for taking further action.

23. Statewise Information Register.—A register in Form No. 8 shall be maintained for each State and the relevant information entered in the respective columns therein as and when the information becomes available.

24. Preparation of Synopsis.—(a) On receipt of the information/report called for, a detailed note in the form of a synopsis shall be prepared or caused to be prepared by the Joint Registrar/Dy. Registrar/Presenting Officer in Form No. 9 whereupon the case shall be treated as ready for being placed before the Commission for final disposal.

(b) When the Commission, upon consideration of the information/report finally disposes of the case without any recommendation, the case shall be treated as closed.

25. Summons.—(a) Whenever the Commission directs to summon:

- (i) the complainant or any other person on his behalf to afford him a personal hearing.
- (ii) any other person who, in the opinion of the commission, should be heard for appropriate disposal of the matter before it;
- (iii) any person to cause production of records required by the Commission;
- (iv) any person to be examined as witness;
- (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;

a summons indicating the purpose of summoning such person shall be issued in Form No. 10.

(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.

26. Calling for Investigation report.—Whenever the Commission orders investigation to be undertaken by its Investigation Division or by any other investigating Agency of the Central/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/Agency calling upon it to conduct

the investigation and submit its report within the time specified in the order and if no time is specified, within two weeks from the date of the order.

(b) If no such report is received within the time given, the matter shall be placed before the Commission forthwith for further directions.

27. Communication or Recommendations.—When the Commission, upon consideration of the inquiry report, makes any recommendation, a copy of the inquiry report along with a copy of the recommendation shall be sent with utmost expedition, not later than seven days from the date of such recommendation, to the concerned government or authority calling upon it to furnish its comments on the report including the action taken or proposed to be taken, within a period of one month or such further time as the Commission may allow.

28. Steps after calling for Comments.—(a) If no comments are received within the time allowed, 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 containing the following information regarding:

- (i) acceptance of the recommendation in full or in part;
- (ii) the action, if any, taken or proposed to be taken by the concerned government/authority;
- (iii) the reasons, if any, given for not accepting the recommendations; and
- (iv) the action that may be taken pursuant to the comments received.

(c) On consideration of the comments received and the note referred to in clause (b), the Commission may pass such order as it deems proper.

29. Incorporation of other documents received.—(a) Whenever any document is received in the Commission relating to the complaint registered the same shall be incorporated in the chronological order in the concerned case file, duly paginated. Appropriate entries shall be made in the order sheet and in the index.

(b) Data relating to each case as required to be provided in the register in Form No. 8 and also information relating to intermediary stages shall be fed into the computer at every stage as and when the information becomes available.

30. Publication.—When the Commission passes order after inquiry under Section 17 or after consideration of the report referred to in Section 19(1)(a) of the Act, the Registrar shall cause to:

- (a) Prepare a list of such cases, furnishing particulars such as case number, name of the complainant, name of the government/authority concerned and the date of the final order. A Note shall be put below the list to the effect that copy of the Inquiry Report, etc. referred to in sub-section (6) of Section 18 or sub-section (3) of Section 19 of the Act are available for perusal in the Library of the Commission:
- (b) publish the list so prepared on the Notice Board of the Commission on the first working day of every month.

- (c) make available simultaneously to the Library of the Commission two sets of the documents referred to in sub-section (6) of Section 18 and sub-section (3) of Section 19 of the Act, as the case may be, and the further order, if any, passed by the Commission in each case.
- (d) send simultaneously free of cost a copy each of:
 - (i) the documents referred to in clause (c) to the complainant or his representative; and
 - (ii) the order referred to in regulation 27(c) to the concerned government/authority.

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

32. Review.—(a) No party shall have a right to seek review of the order/proceedings of the Commission.

(b) However, if any application seeking modification/review of the order or proceedings passed by the Commission is received, the same shall as far as possible be placed before the same Bench which made the order along with 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.

33. Consignment of records.—Records of all cases finally disposed of shall be transmitted to the Records Section in the Law Division after completing the entries in the register in Form No. 8 with regard to each such case.

34. Period of Retention of Record.—(a) Unless otherwise ordered by special or general orders of the Chairperson, the entire records of disposed of complaints shall be destroyed after the expiry of a period of two years from the date of final disposal.

(b) However, the register in Form No. 8 which contains detailed information regarding each complaint registered State-wise shall be retained permanently.

35. Destruction of records.—(a) The officer in-charge of the Record Section shall identify the cases, the records of which are ripe for destruction and ensure that appropriate entries are made in the register in Form No. 8 regarding the date of destruction. A list of such cases shall be maintained in a separate book in the record section.

(b) Original documents produced by a party shall be returned to him if a request thereof is received in the Commission before the due date of destruction.

(c) Destruction of the records shall be undertaken in the month of July every year.

(d) The officer in-charge of Record Section shall cause to destroy the records subject to such general or special order/direction that may be given by the Registrar regarding the manner of destruction.

36. Procedure regarding *Suo Motu* Action.—The procedure contained in this Chapter shall *mutatis mutandis* apply to *suo motu* action taken by the Commission.

37. Preparation or statements.—The Registrar shall cause to prepare the following statements:

- (i) weekly statement in Form No. 11;
- (ii) State-wise monthly statement in Form No. 12;
- (iii) State-wise monthly statement in Form No. 13; and
- (iv) State-wise yearly statements based on the monthly statements being prepared in Form Nos. 12 and 13.

38. Periodical Review of allocation of work.—The Registrar shall review periodically the allocation of work in the Law Division to ensure equitable distribution of work in each section in that Division.]

[CHAPTER III
MISCELLANEOUS]

²[39]. **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-General 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, sufficiently before the commencement of the next meeting.

(b) The conclusions of the Commission in every matter undertaken by it shall be recorded in the form of 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.

(c) **Follow up action.**—Unless specifically authorised, 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.

²[40]. **Record of minutes.**—A master copy of the minutes of every meeting and opinions of the Commission shall be maintained duly authenticated by the Secretary-General 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.

²[41]. **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 a decision in any of its earlier meetings, excepting the items on which no further action is called for.

²[42]. **Transaction of business outside the Headquarters.**—The 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 Commission for such purpose.

1. Added by Notification 28(2)/96 (Coord), dated 13th March, 1997 (w.e.f. 1-4-1997).

2. Regulation 9 to 15 re-numbered as regulation 39 to 45 by Notification No. 28(2)/96 (Coord), dated 13th March, 1997 (w.e.f. 1-4-1997).

¹[43]. **Authentication of orders and decisions.**—(1) Orders and decisions of the Commission shall be authenticated by the Secretary-General or any officer of the Commission (authorised by the Chairperson) 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 petitioner or its representative.

(3) Unless any document is classified by the 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.

¹[44]. **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 Central Government and to the State Governments concerned as provided in section 20(1) of the Act. The original report shall be signed by the Chairperson and Members of the Commission and appropriately preserved and a duly authenticated copy shall be sent to the appropriate Government by the end of May of every year.

¹[45]. **Special reports.**—The Commission may furnish such Special Reports on specific matters as may be considered in terms of section 20(1) of the Act.

²[***]

³[46]. **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 one month of finalisation of the same.

³[47]. **Investigation Team.**—The Commission shall have its own team of investigation to be headed by a person not below the rank of a Director-General of Police appointed by it and such team shall consist of one Deputy Inspector General of Police, 2 Superintendents of Police, 6 Deputy Superintendents of Police and 24 Inspectors of Police and such other categories of officers as the Commission from time to time decides. The Commission may in any given case appoint an appropriate number of outsiders to be associated with the investigation either as Investigators or Observers.

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

-
1. Regulation 9 to 15 re-numbered as regulation 39 to 45 by Notification No. 28(2)/96 (Coord), dated 13th March, 1997 (w.e.f. 1-4-1997).
 2. Reg. 16 omitted by Notification No. 28(2)/96 (Coord), dated 13th March, 1997 (w.e.f. 1-4-1997).
 3. Regulation 17 to 19 re-numbered as regulation 46 to 48 by Notification No. 28(2)/96 (Coord), dated 13th March, 1997 (w.e.f. 1-4-1997).

FORM NO. 1

(See regulation 12)

National Human Rights Commission

(Law Division)

Case No.

(To be given after registration)

CLASSIFICATION

Code:

SCRUTINY REPORT

1. Diary No. /NHRC
2. Name of the complaint
3. Is it a public interest complaint
4. Date of cause of action/incident
5. The State and District to which the incident relates
6. Whether the complaint is directly addressed to the Commission;

or

Whether only a copy thereof
is endorsed to the Commission

7. In case of *suo motu* action, the source of information; viz.—
 - (a) news item; or
 - (b) other source
 (Give brief particulars):
8. Name, designation and address of the public servant by whom alleged violation of human right was committed/abetted or who was negligent in prevention of such alleged violation:
 - (i)
 - (ii)
 - (iii)
 (Note: If the complaint relates to Armed Forces, here specifically indicate the Ministry/Department of the Central Government under which such Armed Forces come).
9. Name, designation and address of the authority from whom information/report may be called for:
 - (i)
 - (ii)

Form 2] The National Human Rights Commission (Procedure) Regulations, 1994

Note: In case of Armed Forces (Naval, Military and Air Force) coming under Defence Ministry information be called from the Secretary of that Ministry and in case of other Armed Forces of the Union, (from the Secretary of Home Ministry).

- 10. Gist of the complaint/*suo motu* action (here give brief account of the matters referred to in the complaint/*suo motu* action):
- 11. Is there any complaint/action pending/disposed of on the same subject matter/incident: (If yes, give case number and other relevant information and append the record of such case)
- 12. Relief, if any, sought:

(Signature)
ASSISTANT REGISTRAR
Date:

Note:

- 1. If there are more than one complainant, give only the name of the first complainant.
- 2. If the information in regard to any column is not available, put "N.A." against that column.
- 3. Information in regard to column 11 shall be ascertained from the computer.

FORM NO. 2
(See regulation 12)
National Human Rights Commission
(Law Division)
CASE NO.
(To be given after registration)
CLASSIFICATION
Code No.

SCRUTINY REPORT ON MAINTAINABILITY

- 1. Dy. No. /NHRC
- 2. Name of the complaint :
- 3. State and District to which the incident relates :
- 4. Whether the complaint is against member(s) of Armed Forces :
If yes, whether relates to Armed Forces under Defence Ministry;

or

Other Armed Forces under the Central Home Ministry (Put (√) mark against appropriate box)

5. Whether the complaint is directly addressed to the Commission;

or

whether only a copy thereof is endorsed to the Commission

6. Brief gist of the complaint :

7. The complaint is not entertainable

for the following reasons:

- (i) Illegible;
- (ii) vague, anonymous or pseudonymous;
- (iii) trivial or frivolous in nature;
- (iv) barred under section 36(1) of the Act;
- (v) barred under section 36(2) of the Act;
- (vi) allegation is not against any public servant;
- (vii) the issue raised relates to civil dispute, such as property rights, contractual obligations, etc.;
- (viii) the issue raised relates to services matters;
- (ix) the issue raised relates to labour/industrial disputes;
- (x) allegations do not make out any specific violation of human rights;
- (xi) matter is sub judice before a Court/Tribunal;
- (xii) matter is covered by a judicial verdict/decision of the Commission;
- (xiii) The matter is outside the purview of the Commission on any other ground.

(Put (√) mark against the relevant clause and give the reasons hereunder indicating the clause number)

.....
(Signature)

ASSISTANT REGISTRAR

Date.....

- Note:**—1. If there are more than one complainants name of the 1st complainant be entered against column No. 2.
2. If the information in regard to any column is not available, put "N.A." against that column.
3. In case of complaints against Naval, Military and Air Force, information/report be called from the Secretary to Government of India, Ministry of Defence, New Delhi.

FORM NO. 5

[See regulation 14(b)(ii)]

National Human Rights Commission
(Law Division)

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. 6

[See regulation 21(a)]

CASE NO. /97-LD

National Human Rights Commission Sardar Patel Bhavan
New Delhi - 110001

Dated

To

.....
.....
.....

Sir/Madam,

Ref: Your Complaint dated
regarding

Your complaint referred to above has been registered as Case No.
and the Commission, upon consideration of your complaint has passed the following
order:—

"....."
.....
"....."

Yours faithfully,
Asstt. Registrar

MOST IMMEDIATE

FORM NO. 7

[See regulation 21(b)]

National Human Rights Commission
(Law Division)

SARDAR PATEL BHAWAN,
Sansad Marg,
New Delhi-110001.

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 and has (here give brief details of the subject matter on which *suo motu* cognizance has been taken) 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 (the next date of listing) and will be taken up on the said date at 10.30 a.m. or on any subsequent date as may be convenient at the address given above, before which date you are required to submit the requisite information/report.

FORM NO. 9

[(See regulation 24(a)]

National Human Rights Commission
(Law Division)

Case No.

Classification:
Code No.

SYNOPSIS

1. Complainant
2. Opposite Party
3. Brief summary of facts/allegations focussing attention on the issues of human rights that arises for consideration:
4. Action taken by the Commission: (here state brief summary of the relevant directions/orders of the Commission):
5. Brief summary of the information/report received, focussing attention to the response to the human rights issues arising for consideration:
6. Assessment of the facts and circumstances, proposing the action that may be taken.

Date:.....

.....
(Signature)
Jt. Registrar/Dy. Registrar

Note:—Relevant portion(s) of the records referred to in the synopsis shall be flagged.

FORM NO. 10

[(See regulation 25(a)]

National Human Rights Commission
(Law Division)

CASE No.

SECTION:

SARDAR PATEL BHAVAN,
SANSAD MARG,
NEW DELHI-110001

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)

359

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:

(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.

NOW THEREFORE you are hereby summoned to appear before the Commission in person for the purpose aforementioned on (day and date) 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 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 of19.....

(BY ORDER)

.....
(Signature)

JOINT 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/documents(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).

FORM NO. 11

[See regulation 37(i)]

National Human Rights Commission

Weekly Statement for the week ending.....

Name of State/U.T.	Pendency at the Commencement of the week	Registered during the week	Total Pendency (Col. 2+3)	Dismissed in <i>limini</i>	Disposed of with directions	Concluded without directions	Total Disposal (Col. 5+6+7)	Pendency at the end of the week	****
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Note: No. of cases disposed of after calling for information/report is given in brackets against the number of cases given under columns 6 and 7.

FORM NO. 12

[See regulation 37(ii)]

National Human Rights Commission

STATEMENT OF CASES REGISTERED AND DISPOSED ON
DURING THE MONTH OF

Name of the State/U.T.	Pendency at the Commencement of the month	Registered during the month	Total Pendency (Col. 2+3)	Disposed in <i>limini</i>	Disposed of with directions	Concluded without any directions	Total Disposal (Col. 5+6+7)	Pendency at the end of the month	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Note: No. of cases disposed of after calling for information/report is given in brackets against the number of cases under columns 6 and 7.

FORM NO. 13

(See regulation 37(iii))

National Human Rights Commission

STATEMENT OF CATEGORY OF CASES ADMITTED FOR
DISPOSAL DURING THE MONTH OF.....

NAME OF STATE

Children		Health		Jail		Judiciary		Mafias/ Underworld		Labour		Minorities /S.C./S.T./		Police/ Armed Forces		Pollution Ecology/ Environ- ment	
Sub code No.	No. of cases	Sub code No.	No. of cases	Sub code No.	No. of cases	Sub code No.	No. of cases	Sub code No.	No. of cases	Sub code No.	No. of cases	Sub code No.	No. of cases	Sub code No.	No. of cases	Sub code No.	No. of cases
Refugees/ Migrants		Religion/ Comm- unity/ Race		Service Matters		Women		TADA		Miscel- -laneous		Others		Total			
Sub code No.	No. of cases	Sub code No.	No. of cases	Sub code No.	No. of cases	Sub code No.	No. of cases	Sub code No.	No. of cases	Sub code No.	No. of cases						

Note: Sub Code number to be given as provided in the Appendix to the Regulations.

APPENDIX I

(See regulation 13)

LIST SHOWING SUBJECT-WISE CLASSIFICATION OF
INCIDENTS LEADING TO COMPLAINTS/SUO MOTU ACTION

Code Number	MAJOR HEADS	Sub- Code Number	SUB-HEADS
100	CHILDREN	100.01	Child Labour
		100.02	Child Marriage
		100.03	Child Prostitution
		100.04	Exploitation of Children
		100.05	Inmoral traffic on children

1	2	3	4		
200	HEALTH	200.01	Exploitation of mentally retarded person(s).		
		200.02	Public health hazards		
		200.03	Malfunctioning of medical professionals		
300	JAIL	300.01	Custodial death		
		300.02	Custodial rape		
		300.03	Exploitation of child prisoners Debarment of legal aid		
		300.05	Harassment of prisoners		
		300.06	Inequalities in prison Irregularities in Jail		
		300.08	unlawful solitary confinement of prisoners		
		400	JUDICIARY	400.01	Biased Judiciary
				400.02	Double Jeopardy
500	MAFIAS/ UNDERWORLD	500.01	Nuisance by notorious gangs/mafias		
		500.02	Nuisance by local ruffian		
		500.03	Trouble by anti-social elements		
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 /ARMED FORCES	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		

1	2	3	4
		800.13	Fake encounters
		800.14	Failure in taking lawful action
		800.15	False implications.
		800.16	Illegal arrest
		800.17	Unlawful detention
		800.18	Indiscriminate arrest
		800.19	Police motivated incidents
		800.20	Prolonged trial
		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	Refugees/Migrants	1000.01	Atrocities on migrants
		1000.02	Chakma refugee problem
		1000.02	Srilanka refugee problem
1100	RELIGION/ COMMUNITY/ RACE	1100.01	Communal violence
		1100.02	Ethnic conflict
		1100.03	Group clashes
		1100.04	Racial discrimination
		1100.05	Religious discrimination
		1100.06	Religious intolerance
1200	SERVICE/MATTERS	1200.01	Disparities in Employment opportunities
		1200.02	Non-payment of Pension compensation
		1200.03	Other service disputes.
1300	WOMEN	1300.01	Abduction, rape and murder
		1300.02	Commission of Sati
		1300.03	Discrimination against women
		1300.04	Dowry death or their attempt
		1300.05	Dowry demand
		1300.06	Exploitation of women
		1300.07	Gang rape
		1300.08	Indecent representation of women
		1300.09	Indignity of women
		1300.10	Immoral trafficking on women
		1300.11	Rape
		1300.12	Sexual harassment

1	2	3	4
1400	TADA	1400.01	Harassment of TADA detainees
		1400.02	Misuse of TADA
		1400.03	Unlawful detention under TADA
1500	MISCELLANEOUS	1500.01	Disappearance
		1501.02	Land disputes
		1502.03	Hunger strike
		1503.04	Family disputes]

THE NATIONAL HUMAN RIGHTS COMMISSION (ANNUAL STATEMENT OF ACCOUNTS) RULES, 1996¹

In exercise of the powers conferred by sub-section (1) and clause (d) of sub-section (2) of section 40 of the Protection of Human Rights Act, 1993 (10 of 1994), the Central Government hereby makes the following rules to provide the form in which the annual accounts is to be prepared by the Commission and relating matters thereto, namely:--

1. Short title and commencement.—(1) These rules may be called the National Human Rights Commission (Annual Statement of Accounts) Rules, 1996.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Protection Human of Rights Act, 1993 (10 of 1994);
- (b) "Audit Officer" means the Comptroller and Auditor General of India or any person appointed by him in connection with the audit of the accounts of the Commission;
- (c) "Commission" means the National Human Rights Commission constituted under section 3 of the Act;
- (d) "Form" means the form appended to these rules;
- (e) "Secretary General" means the Officer appointed by Central Government under section 11 of the Act.

3. Accounts of the Commission.—(1) The annual statement of accounts of the Commission for every financial year beginning with 1994-95 shall be prepared by the Secretary General or such other officer of the Commission as may be authorised by the Secretary General in this behalf.

(2) The annual statement of accounts duly approved by the Commission shall be submitted by the Secretary General to the Central Government by such date as may be specified by the Central Government.

(3) The Secretary General shall supervise the maintenance of the accounts of the Commission, the compilation of financial statement and return and shall also ensure that all accounts, books, connected vouchers and other documents and papers of the Commission required by the Audit Officer for the purpose of auditing the accounts of the Commission are placed at the disposal of that officer.

(4) The accounts of the Commission including initial accounts shall be maintained in Form A.

1. *Vide* G.S.R. 454(E), dated 7th October, 1996, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 7th October, 1996.

2. Came into force on 7-10-1996.

(5) The annual statements of accounts shall be signed and authenticated by the Secretary General.

(6) The annual statement of accounts shall be submitted to the Audit Officer on or before the 30th of June following the year to which the accounts relate and the Audit Officer shall audit the accounts of the Commission and report thereon.

(7) The Commission shall, within thirty days of receipt of Audit Report, remedy any defect or irregularity pointed out therein and report to the Central Government and the Audit Officer about the action taken by it thereon.

FORM A

[See rule 3(4)]

NATIONAL HUMAN RIGHTS COMMISSION

ACCOUNTS OF THE COMMISSION

Receipt and Payment Account (I) of the National Human Rights Commission for the year ended 31st March, 20.....

Receipt	Plan	Non-Plan	Total Amount (Rupees)	Payment	Plan	Non-Plan	Total Amount (Rupees)
1. Opening Balance				1. Recurring			
(i) Cash in hand				(A) Establishment Charges			
(ii) Cash at Bank				1. Salaries (Chairperson & Members of the Commission)			
2. Grants-in-aid from				2. Salaries (Officers & Establishment)			
(i) Ministry of Home Affairs				3. Payment for Professional and other Services			
Recurring				4. Travel Expenses			
Non-Recurring				(i) Foreign Travels			
(ii) Other sources				(ii) Domestic Travels			
(to be specified)				5. Overtime allowances			
Recurring				6. Medical & health care facilities			
Non-Recurring				7. Other Establishment charges			
3. Receipts of the Commission				(B) Administrative & Other Expenses			
1. Recurring				1. Seminar Conference Charges			
(i) Investments				2. Assistance/grants to other organisations			
(a) Face value of investments encashed				3. Telephone & Fax Expenses			
(b) Interest on investments				4. Rent, Rates & Taxes			
(ii) Revenue Receipts							
(a) Interest receipts on cash at bank							
(b) Interest receipts on advances to employees							
(c) Sale of Publications							

Receipt	Plan	Non-Plan	Total Amount (Rupees)	Payment Plan	Non-Plan	Total Amount (Rupees)
(d) Fees charged by the Commission				5. Newspaper/Periodicals		
(e) Contribution of medical & health care beneficiaries				6. Advertisement & Publicity		
(f) Miscellaneous receipts				7. Postage & Telegram		
(iii) Debt/Deposit receipts				8. Liveries		
(a) Recovery of Advances to Staff				9. Stationery & Printing		
1. House Building Advance				(i) Stationery		
2. Motor Car/Personal Computer Advance				(ii) Printing		
3. Scooter/Motor cycle Advance				10. Publications		
4. Other Advances (to be specified)				11. Misc. & other expenses		
(b) Recovery of Contingent Advances				12. Water & Electricity charges		
1. Advances to CPWD				13. Repair & maintenance		
2. Advances to DGS&D				(i) Building		
3. Advances to Suppliers				(ii) Machinery & equipment		
4. Other Advances				(iii) Furniture & fixtures		
(c) Other Deposits				(iv) Vehicles		
1. Security Deposit				14. Petrol & Lubricants		
2. Earnest Money Deposit				15. Hospitality expenses		
3. Any other deposit (to be specified)				16. Audit fees		
(iv) Remittance Receipts				17. Legal charges		
(a) Recoveries from deputationists				(C) Investments		
(b) Licence Fee				(D) Advances to Staff		
(c) Income Tax				1. House Building Advance		
(d) Sales Tax				2. Motor car/Personal Computer Advance		
(e) Central Govt. Health Scheme				3. Scooter/Motorcycle advance		
(f) Postal Life Insurance				4. Other advances		
(g) Central Govt. Employees Group Insurance Scheme				(E) Contingent Advances		
(II) Non-recurring				1. Advance to CPWD		
(items to be specified)				2. Advance to DGS & D		
				3. Advance to supplies		
				4. Other Advances		
				(to be specified)		

NATIONAL HUMAN RIGHTS COMMISSION

*Receipt and Payment Account (II) Provident Fund Insurance Schemes etc. for
The Period Ended 31st March 20.....*

Receipt	Amount (Rupees)	Payments	Amount (Rupees)
A. N.H.R.C. Provident Fund		A. N.H.R.C. Provident Fund	
(a) Opening Balance		(a) Advance/withdrawal/final payment	
(b) Subscription		(b) Investment of Balance	
(c) Recovery of Advance		(c) Closing Balance — Cash at Bank	
(d) Interest.			
B. N.H.R.C. Employees Group Insurance Fund		B. N.H.R.C. Employees Insurance Scheme Fund	
(a) Opening Balance		(a) Payment for Insurance cover	
(b) Insurance Fund		(b) Payment of Saving Fund	
(c) Saving Fund		(c) Investments	
C. Pension & Other Retirement Benefit Fund		(d) Closing Balance—Cash at Bank	
(a) Opening Balance		C. Pension & Other Retirement Benefits Fund	
(b) Pension Fund		(a) Opening Balance	
(c) Other Retirement Benefit Fund		(b) Pension Fund	
		(c) Other Retirement Benefit Fund	
		(d) Closing Balance	
Total:			

NATIONAL HUMAN RIGHTS COMMISSION

Income and Expenditure Accounts for The Year Ended March, 20.....

Expenditure	Plan	Non-Plan	Total Amount (Rupees)	Income	Plan	Non-Plan	Total Amount (Rupees)
1	2	3	4	5	6	7	8

1. Recurring

A. Establishment Charges

1. Salaries (Chairperson and Members of the Commission)
2. Salaries (Officers and Establishment)
3. Payment for Professional and other services
4. Travel Expenses
 - (i) Foreign Travels
 - (ii) Domestic Travels
5. Over Time Allowance
6. Medical & Health care facilities
7. Other establishment charges

B. Administrative & Other Expenses

1. Seminar/Conference Charge
2. Assistance/grants to other organisations
3. Telephone & Fax Expenses
4. Rent/Rates & Taxes
5. Newspaper/Periodicals
6. Advertisement & Publicity
7. Postage & Telegram
8. Liveries
9. Stationery & Printing
 - (i) Stationery
 - (ii) Printing
10. Publications
11. Misc. & other office expenses
12. Water & Electricity charges
13. Repair and Maintenance

A. Grant-in-aid From

- (i) Min. of Home Affairs
Recurring Non-recurring
- (ii) Other sources (to be specified)
Recurring
Non-recurring

B. Receipt on Account of

- (i) Interest on Investments
- (ii) Interest on cash at bank
- (iii) Interest on Advances to Employees

C. Other Receipts

- (i) Fees, if any charged by the Commission
- (ii) Sale of newspapers publications
- (iii) Miscellaneous receipts
- (iv) Medical Health Care facilities.

EXCESS OF
EXPENDITURE OVER
INCOME

1	2	3	4	5	6	7	8
---	---	---	---	---	---	---	---

- (i) Building
- (ii) Machinery & equipment
- (iii) Furniture & fixture
- (iv) Vehicle

- 14. Petrol & Lubricants
- 15. Hospitality expenses
- 16. Audit fees
- 17. Legal charges

C. Provident Fund & Other Contributions

- 1. Pension & gratuities
(including commuted value of Pension)
- 2. Contribution to CPF
- 3. Deposit Linked Insurance Scheme
- 4. Interest on CPF
- 5. Interest on GPF
- 6. Group Insurance Scheme
 - (i) Insurance Fund
 - (ii) Saving Fund
- 7. Leave Salary & Pension Contributions

II. Non-Recurring

EXCESS OF INCOME OVER
EXPENDITURE

Grand Total:

Secretary General

NATIONAL HUMAN RIGHTS COMMISSION

Balance Sheet as on 31st March, 20.....

Liabilities	Amount (Rupees)	Assets	Amount (Rupees)
Capital Assets Fund	Schedule 1	Fixed Assets	Schedule A
Excess of Income over Expenditure	Schedule 2	Investments	Schedule B
Liabilities & Provisions Remittances	Schedule 3	Contingent Advances and Other Loans and Advances	Schedule C
Provident Funds etc.	Schedule 4	Deposits	Schedule D
Sundry creditors & other liabilities	Schedule 5	Provident Fund, etc.	Schedule E
		Sundry Debtors	Schedule F
		Closing Balance	
		Cash in hand	
		Cash at Bank	

Secretary General

NATIONAL HUMAN RIGHTS COMMISSION

Schedule 1—Capital Assets Fund

S. No.	Description	Opening Balance	Additions	Amount written off	Closing Balance
1.	Land				
2.	Building				
3.	Furniture & Fixtures				
4.	Machinery & Equipment				
5.	Motor Vehicles				
6.	Books and Publications				
7.	Gifted/Donated Assets				
8.	Others (to be specified)				
<hr/>					
Total:					

Secretary General

NATIONAL HUMAN RIGHTS COMMISSION

Schedule 2—Excess of Income Over Expenditure

S. No.	Description	Amount
1.	Balance as per last Balance Sheet	
2.	Excess of Income over Expenditure/ Excess of expenditure over income	

Total:

Secretary General

NATIONAL HUMAN RIGHTS COMMISSION

Schedule 3—Remittances

S. No.	Description	Opening Balance	Additions	Amount remitted	Closing Balance
1	2	3	4	5	6
1.	General Provident Fund etc. of staff on deputation				
2.	Licence Fee				
3.	Income Tax				
4.	Sales Tax				
5.	Central Govt. Health Scheme				
6.	Postal life Insurance				
7.	Central Govt. Employees Group Insurance Scheme				
8.	Recoveries of loans and advances (adjustable in the book of PAOs)				
9.	Others to be specified				

Total:

Secretary General

NATIONAL HUMAN RIGHTS COMMISSION

Schedule 4—Provident Funds etc.

S. No.	Description	Amount	Amount
A.	N.H.R.C. Provident Fund		
	1. Opening Balance		
	2. Subscription		
	3. Recovery of Advance		
	4. Interest.		
		Total	
Less	Advance Final payments Investments		
B.	N.H.R.C. Employees Group Insurance		
	Scheme Fund		
(a)	Savings Fund		
	1. Opening Balance		
	2. Subscription		
	3. Interest		
		Total	
Less	Payments Investments		
(b)	Insurance Fund		
	1. Opening Balance		
	2. Subscription		
	3. Interest		
		Total	
Less	Payments Investments		
C.	Pension & other Retirement Benefits Fund		
	1. Opening Balance		
	2. Pension Fund		
	3. Retirement Benefits Fund		
	4. Interest		
		Total	
Less	Payments Investments		
Grand Total:			

NATIONAL HUMAN RIGHTS COMMISSION
Schedule 5—Sundry Creditors/Other Liabilities

S. No.	Description	Opening Balance	Additions	Repayments	Closing Balance
1.	Security Deposit				
2.	Earnest Money Deposit				
3.	Sundry Creditors				
4.	Other Liabilities (to be specified)				
Total:					

Secretary General

NATIONAL HUMAN RIGHTS COMMISSION
Schedule A—Fixed Assets

S. No.	Description	Opening Balance	Addition	Amount	Closing Balance
1.	Land				
2.	Buildings				
3.	Furniture & Fixture				
4.	Machinery & Equipment				
5.	Motor Vehicles				
6.	Books and Publications				
7.	Gifted/Donated Assets				
8.	Others (to be specified)				
Total:					

Secretary General

NATIONAL HUMAN RIGHTS COMMISSION
Schedule B—Investments

S. No.	Detail	Amount
1.	Fixed Deposits with—Bank	
	(a) Opening Balance	
	(b) Investments made	
	(c) Investments Encashed	
	(d) Closing Balance	
2.	Investments in National Saving Certificates/Other Securities (to be specified)	

- (a) Opening balance
- (b) Investments made
- (c) Investment Encashed
- (d) Closing Balance

 Total balance [1(d) + 2(d)]

Secretary General

NATIONAL HUMAN RIGHTS COMMISSION
Schedule C—Contingent & Other Loans and Advances

S. No.	Description	Opening Balance	Additions	Recoveries and adjustment	Closing Balance
1	2	3	4	5	6
A.	Contigent Advance				
	(a) Advances to CPWD				
	(b) Advances to DGS&D				
	(c) Advances to Suppliers				
	(d) Other advances (to be specified)				
B.	Advances to Employees				
	(a) House Building Advances				
	(b) Motor Car/Computer Advance				
	(c) Scooter/Motor Cycle				
	(d) Other Advances				
C.	Other Advances (to be specified)				

 Total:

Secretary General

NATIONAL HUMAN RIGHTS COMMISSION
Schedule D—Deposits

S. No.	Description	Opening Balance	Additions	Refunds	Closing Balance
1.	Security Deposit				
2.	Earnest Money Deposit				

 Total:

Secretary General

NATIONAL HUMAN RIGHTS COMMISSION

Schedule E—Provident Fund etc.

S. No	Description	Amount
1	2	3
A.	N.H.R.C. Provident Fund	
	Opening Balance	
	<i>Add</i> : Investments made during the year	
	<i>Less</i> : Investments encashed	
	Balance Amount	
B.	N.H.R.C. Employees Group Insurance Scheme	
	(i) Saving Fund	
	Opening Balance	
	<i>Add</i> : Investments made during the year	
	<i>Less</i> : Investments encashed	
	Balance Amount	
	(ii) Insurance Fund	
	Opening Balance	
	<i>Add</i> : Investments made during the year	
	<i>Less</i> : Investments encashed	
	Balance Amount	
Total:		

Secretary General

NATIONAL HUMAN RIGHTS COMMISSION

Schedule F—Sundry Debtors

S. No.	Description	Opening Balance	Additions	Adjustment	Closing Balance
A.					
B.					
C.					
D.					
Total:					

Secretary General

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MODEL SPECIMENS*

FORMAT OF NOTICE TO THE CONCERNED AUTHORITY/DEPARTMENT, ETC.
REGD A.D.

Your Complete Address

Date.....

To

Address

(Address separate letters to all such Ministries/ Departments/ Officers who may be directly or indirectly concerned with the matter.)

Dear Sir/Madam,

- Para 1: Introduce yourself, your credentials etc.
- Para 2: Clearly bring out the grievance in point/sub-para format.
- Para 3: Seek information about various things, if necessary, in points/sub-para format.
- Para 4: Polite conclusion. No threats.

Yours faithfully,
Sd/-
Name

FORMAT OF PETITION IN THE HIGH COURT UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 20 _____

In the matter of:

_____ (name) ...Petitioner(s)

_____ (address)

Versus

_____ (name) ...Respondent(s)

_____ (address)

A PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

To

The Hon'ble Chief Justice and
His companion Justice of the
Hon'ble High Court of _____ at _____

The humble petition of the petitioner above named.

MOST RESPECTFULLY SHOWETH:

Para 1: Description of petitioner(s), credentials, that the petition is *bona fide* in public interest.

* These specimens are for guidance. Contents may vary according to the terms and conditions and prevailing circumstances.

Para 2: Briefly describe the grievance and what violation of rights, constitutional and statutory, it entails.

Para 3: Description of the respondent(s) and briefly how they are concerned with the matter.

Para 4: The facts and circumstances, if possible in a chronological order, in the end clearly establishing that there has been a violation of rights and that respondents directly or indirectly are responsible for it. You can make facts in sub-paras such as 4.1, 4.2, etc. Clearly mark as Annexures all the supporting documents which are relied on and are annexed to the petition.

GROUNDS: Rewrite your grievance in the form of grounds linking facts with violation of provisions of law.

Para 5: Mention that you have not filed a petition on the same subject matter in any court or if you have filed what is/was the status thereof.

Para 6: Mention why the forum of the High Court is most appropriate and not any other. You may state that "no equally efficacious alternative remedy is available".

Para 7: You may mention that you have acted with diligence and have not unduly delayed bringing the matter to court.

PRAAYER: Make a parawise prayer for appropriate writ from the court and ask in for the Costs and "such other further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

For which Act of Kindness, the petitioner shall, as in duty bound, ever pray.

Signature

Name

Date: of 20.....

NOTE: This petition must be accompanied by an affidavit, a model of which is provided below.

IN THE HIGH COURT OF AT

CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO..... OF 20....

In the matter of:

..... (name)

...Petitioner(s)

..... (address)

Versus

..... (name)

...Respondent(s)

..... (address)

AFFIDAVIT OF PETITIONER NO.

I S/o aged about years, R/o, do hereby solemnly affirm and state as under:

1. That I am the petitioner (No., if more than one petitioner) in the above said matter and am conversant with the facts and circumstances of the case and competent to swear this affidavit.

2. That I have read and understood the contents of the above said writ petition and state that the contents thereof are true and correct to my knowledge and belief and nothing has been concealed therefrom.

3. That the annexures are true copies of their respective originals.

Sd/-
DEPONENT

VERIFICATION

Verified at on this day of, 20..... that the contents of the above affidavit are true and correct; that no part of it is false and nothing material has been concealed therefrom.

Sd/-
DEPONENT

FORMAT OF PETITION IN THE SUPREME COURT UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

CIVIL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO..... OF 20....

In the matter of:

..... (name)

...Petitioner(s)

..... (address)

Versus

..... (name)

...Respondent(s)

..... (address)

A PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

To

The Hon'ble Chief Justice and
His Companion Justice of the
Hon'ble Supreme Court of India

The humble petition of the petitioner above named

MOST RESPECTFULLY SHEWETH:

Para 1: Description of petitioner(s), credentials, that the petition is *bona fide* in public interest.

Para 2: Briefly describe the grievance and what violation of rights, constitutional and statutory, it entails.

Para 3: Description of the respondent(s) and briefly how they are concerned with the matter.

Para 4: The facts and circumstances, if possible write in a chronological order, in the end clearly establishing that there has been a violation of rights and that respondents directly or indirectly are responsible for it. You can make facts in sub-paras such as 4.1, 4.2, etc. Clearly mark as Annexures all the supporting documents which are relied on and are annexed to the petition.

Grounds: Rewrite your grievance in the form of grounds linking facts with violation of provisions of law.

Para 5: Mention that you have not filed a petition on the same subject matter in any court or if you have filed what is/was the status thereof.

Para 6: Mention why the forum of the Supreme Court is most appropriate and not any other. You may state that "no equally efficacious alternative remedy is available".

Para 7: You may mention that you have acted with diligence and have not unduly delayed bringing the matter to Court.

PRAYER: Make a parawise prayer for appropriate writ from court and ask in for the Costs and "such other further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

For which act of Kindness, the petitioner shall, as in duty bound, ever pray.

Signature

Name

Date: of 20.....

NOTE: This petition must be accompanied by an affidavit, a model of which is provided below.

IN THE SUPREME COURT OF INDIA CIVIL WRIT JURISDICTION
WRIT PETITION (CIVIL) NO..... OF 20....

In the matter of:

..... (name)

...Petitioner(s)

..... (address)

Versus

..... (name)

...Respondent(s)

..... (address)

AFFIDAVIT OF PETITIONER NO.

I s/o aged about years, r/o, do hereby solemnly affirm and state as under:

1. That I am the petitioner (No., if more than one petitioner) in the above said matter and am conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That I have read and understood the contents of the above said writ petition and state that the contents thereof are true and correct to my knowledge and belief and nothing has been concealed therefrom.
3. That the annexures are true copies of their respective originals.

Sd/-

DEPONENT

VERIFICATION

Verified at on this day of, 20..... that the contents of the above affidavit are true and correct; that no part of it is false and nothing material has been concealed therefrom.

Sd/-

DEPONENT

AFFIDAVIT OF SERVICE OF NOTICE OF THE RESPONDENT

. BEFORE THE HON'BLE HIGH COURT OF....

Miscellaneous Application No. ... of 20.....

IN

Writ Application No. ... of 20

Applicant (Petitioner):

vs.

Opposite Parties (Respondent):

AFFIDAVIT

I,, S/o....., aged....., residing at, do hereby solemnly affirm and state as follows:—

1. I am the petitioner in the Miscellaneous application and the petitioner in the Writ Application referred to above. I am fully conversant with the facts and the circumstances of the case and I am competent to swear to this affidavit.

2. The above Writ application is filed seeking the issuance of a Writ of *Manáamus* or such other writ, direction or order, directing the (name of authority) the 2nd Respondent to take action against the 1st respondent for the violation of the..... (mention the matter).

3. This Hon'ble Court was pleased to order visual notice to be served on the respondents after admitting the Writ Application on..... The notice was duly attempted to be served on the 1st respondent by the deponent on..... But he refused to receive the notice and acknowledge receipt of the same. This fact is testified to by two witnesses who have signed on the back of the notice taken out to him. As a matter of fact, the notice was tendered along with the copies of this writ application, exhibits, stay application and affidavit.

4. It has, therefore, to be construed that service has been effected on the 1st Respondent.

5. The contents of paras 1 to 4 of this affidavit are true to the best of my knowledge, information and belief and no part of it is false and nothing material has been concealed or suppressed from the Hon'ble Court.

Signed and verified by the deponent on this the..... day of....., 20.....

Deponent

Solemnly affirmed and signed by the deponent who has been introduced to me by in my office at on this the day of, 20.....

Oath Commissioner

AFFIDAVIT SEEKING INTERIM DIRECTION IN WRIT APPEAL BEFORE THE HON'BLE HIGH COURT OF.....

Civil Misc. Petition No. of 20.....

IN

Writ Appeal No..... of 20.....

Petitioner/Appellant:

vs.

Respondents:

AFFIDAVIT

I,, S/o....., aged....., residing at, do hereby solemnly affirm and state as follows:—

1. I am the appellant in the above writ appeal and also the petitioner in the accompanying C.M.P. I know the facts and circumstances of the case.

2. The statements and averments contained in the above writ appeal and Original Petition may be read as part of this affidavit.

3. The continuance of the act of respondent may be stayed till the disposal of the above Writ Appeal. Otherwise, the public at large will be put to dangerous situation. A separate petition for the above purpose is filed herewith. That may kindly be allowed.

All the facts stated above are true and correct.

Dated this the..... day of....., 20.....

Deponent

Solemnly affirmed and signed before me by the deponent, who is personally known to me on this theday of, 20..... in my office at.....

Advocate

List of Universal's Bare Acts & Rules

• Latest • Accurate • Up-to-date • Reasonably Priced

CIVIL, CRIMINAL, COMMERCIAL, LABOUR & SERVICES

A

- A-20. Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 with Order and Regulations
- A-17. Actuaries Act, 2006 along with Allied Rules
- A-1. Administration of Evacuee Property Act, 1950 with Rules, 1950
- A-2. Administrative Tribunals Act, 1985 along with CAT (Procedure) Rules, 1987, CAT Rules of Practice, 1993 and Contempt of Courts (C.A.T.) Rules, 1992
- A-22. Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 with Rules & Order
- A-3. Advocates Act, 1961
- A-4. Advocates' Welfare Fund Act, 2001
- A-5. Aircraft Act, 1934 along with allied Rules
- A-6. Air Force Act, 1950 along with allied Act and Rules
- A-7. Air (Prevention and Control of Pollution) Act, 1981 along with Rules, 1982
- A-15. Airport Authority of India Act, 1994 along with Rules and Regulations
- A-8. Ancient Monuments and Archaeological Sites and Remains Act, 1958 along with allied Acts & Rules
- A-21. Anti-Hijacking Act, 2016 with Rules, 2017
- A-9. Antiquities and Art Treasures Act, 1972 along with Rules, 1973
- A-10. Apprentices Act, 1961 along with Rules
- A-11. Arbitration and Conciliation Act, 1996 along with Scheme, 1996
- A-19. Architects Act, 1972, along with Rules and Regulations
- A-12. Armed Forces (Special Power) Act, 1958 along with allied Acts
- A-18. Armed Forces Tribunal Act, 2007 along with allied Rules
- A-13. Arms Act, 1959 along with Rules, 2016
- A-14. Army Act, 1950 with Rules, 1954
- A-16. Atomic Energy Act, 1962 with allied Rules

B

- B-1. Bankers' Books Evidence Act, 1891
- B-2. Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 along with allied Act and Schemes
- B-3. Banking Regulation Act, 1949 along with allied Rules and Scheme
- B-15. Banning of Unregulated Deposit Schemes Act, 2019 with Rules
- B-4. Bar Council of India Rules along with allied Rules and Advocates Act, 1961
- B-5. Beedi and Cigar Workers (Conditions of Employment) Act, 1966 along with Welfare Cess and Welfare Fund Act and Rules
- B-6. Prohibition of Benami Property Transactions Act, 1988 [Earlier Known as Benami Transactions (Prohibition) Act, 1988] with Rules, 2016
- R-10. Bilateral Netting of Qualified Financial Contracts Act, 2020
- B-7. Biological Diversity Act, 2002 along with Rules, 2004
- B-13. Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015
- B-8. Boilers Act, 1923 along with allied Rules
- B-9. Bonded Labour System (Abolition) Act, 1976 along with Rules, 1976
- B-10. Border Security Force Act, 1968 along with allied Rules

- B-11. Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 along with Rules, 1998 with Cess Act and Rules
- B-12. Bureau of Indian Standards Act, 1986 along with Rules, Regulations & Order
- B-14. Bureau of Indian Standards Act, 2016 along with Rules, Regulations & Order

C

- C-1. Cable Television Networks (Regulation) Act, 1995 along with allied Rules & Regulations
- C-2. Cantonments Act, 2006 with allied Rules
- C-4. Carriage by Air Act, 1972 *see* Carrier Laws (Land • Sea • Air)
- C-44. Carriage by Road Act, 2007
- C-4. Carriage of Goods by Sea Act, 1925 *see* Carrier Laws (Land • Sea • Air)
- C-4. Carriers Act, 1865 *see* Carrier Laws (Land • Sea • Air)
- C-4. Carrier Laws (Land • Sea • Air)
- C-5. Cattle Trespass Act, 1871
- C-63. Census Act, 1948 with Rules, 1990
- C-43. Central Educational Institutions (Reservation in Admission) Act, 2006
- C-48. Central Electricity Authority Regulations
- C-49. Central Electricity Regulatory Commission Rules and Regulations
- C-6. Central Excise Act, 1944
- C-7. Central Industrial Security Force Act, 1968 along with Rules
- C-8. Central Reserve Police Force Act, 1949 along with Rules, 1955
- N-6. Central Road and Infrastructure Fund Act, 2000 *see* National Highways Act, 1956 along with allied Acts & Rules
- C-9. Central Sales Tax Act, 1956 along with Rules, 1957
- C-10. Central Vigilance Commission Act, 2003
- C-11. Charitable and Religious Trusts Act, 1920 along with Charitable Endowments Act, 1890 and Religious Endowments Act, 1863
- C-11. Charitable Endowments Act, 1890 *see* Charitable and Religious Trusts Act, 1920
- C-52. Chartered Accountants Act, 1949
- C-42. Chemical Weapons Convention Act, 2000 along with allied Rules
- C-12. Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 along with Rules, 1988 and Children (Pledging of Labour) Act, 1933
- C-13. Child Marriage Restraint Act, 1929
- C-14. Chit Funds Act, 1982
- C-15. Christian Marriage Act, 1872
- C-16. Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 along with allied Rules
- C-17. Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 along with allied Act and Rules
- C-18. Cinematograph Act, 1952 along with Cinematograph (Certification) Rules, 1983
- C-19. Citizenship Act, 1955 along with Citizenship Rules, 2009
- C-20. Civil Defence Act, 1968 along with Rules and Regulations
- C-50. Civil Liability for Nuclear Damage Act, 2010 with Rules, 2011
- C-47. Clinical Establishments (Registration and Regulation) Act, 2010 with Rules, 2012 and Epidemic Diseases Act, 1897
- C-21. Code of Civil Procedure, 1908

- C-23. Code of Civil Procedure, 1908 with State Amendments (Hb)
- C-45. Code of Civil Procedure, 1908 with State & High Court Amendments with Letters Patent (Hb)
- C-24. Code of Criminal Procedure, 1973
- C-66. Code on Social Security, 2020
- C-64. Code on Wages, 2019 with Rules
- C-26. COFEPOSA Act, 1974 and SAFEMFOP Act, 1976 with Rules, 2006
- C-51. Coinage Act, 2011
- C-59. Commercial Courts Act, 2015 [Earlier known as Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015]
- C-46. Collection of Statistics Act, 2008 with Rules, 2011
- C-41. Commission for Protection of Child Rights Act, 2005 along with Rules
- C-27. Commissions of Inquiry Act, 1952 along with Rules, 1972
- C-28. Commission of Sati (Prevention) Act, 1987 along with Rules
- C-29. Companies Act, 2013
- C-57. Companies Act, 2013 with allied Companies Rules along with Companies (Removal of Difficulties) Orders
- C-58. Companies (Indian Accounting Standards) Rules, 2015
- C-53. Company Secretaries Act, 1980
- C-30. Competition Act, 2002 with allied Rules and Regulations
- C-31. Constitution of India
- C-65. Consumer Protection Act, 2019 along with Rules and Regulations
- C-33. Consumer Protection Act, 1986 along with Rules, 1987 and Regulations, 2005
- C-34. Contempt of Courts Act, 1971 along with allied Rules
- C-35. Contract Act, 1872
- C-36. Contract Labour (Regulation and Abolition) Act, 1970 along with Rules, 1971
- N-6. Control of National Highways (Land and Traffic) Act, 2002 *see* National Highways Act, 1956
- C-37. Copyright Act, 1957 along with Rules, 1958 and International Copyright Order, 1999
- C-54. Cost and Works Accountants Act, 1959
- C-38. Court Fees Act, 1870
- C-39. Credit Information Companies (Regulation) Act, 2005 along with Rules and Regulations, 2006
- C-55. Criminal Law (Amendment) Acts and Ordinances
- C-56. Criminal Law (Amendment) Act, 2013
- C-40. Customs Act, 1962
- M-18. Cutchi Memons Act, 1938 *see* Muslim laws

D

- D-1. Dangerous Machines (Regulation) Act, 1983 along with Rules, 2007
- D-11. Dentists Act, 1948 with allied Rules
- D-2. Depositories Act, 1996 along with Rules, 1998
- D-3. Designs Act, 2000 along with Rules, 2001
- D-14. Direct Tax Vivad Se Vishwas Act, 2020 with Rules
- D-10. Disaster Management Act, 2005 along with allied Rules
- M-18. Dissolution of Muslim Marriages Act, 1939 *see* Muslim laws
- D-4. Divorce Act, 1869
- D-5. Dock Workers (Regulation of Employment) Act, 1948 along with Rules, 1962, Advisory Committee Rules, 1962, Safety, Health and Welfare Act, 1986, Regulation of Employment (Inapplicability of Major Ports) Act, 1997
- D-6. Dowry Prohibition Act, 1961 along with Rules
- D-12. Dramatic Performances Act, 1876
- D-7. Drugs & Cosmetics Act, 1940
- D-8. Drugs & Cosmetics Act, 1940 along with allied Rules
- D-9. Drugs & Magic Remedies (Objectionable Advertisements) Act, 1954 along with Rules, 1955

- D-13. Drugs (Prices Control) Order, 2013

E

- E-1. Easements Act, 1882
- E-2. Electricity Act, 2003 along with allied Rules and Orders
- E-3. Electricity (Supply) Act, 1948
- E-5. Electricity Rules, 2005 along with allied Rules and Orders
- E-6. Emblems and Names (Prevention of Improper use) Act, 1950 along with allied Act and Rules
- E-7. Emigration Act, 1983 along with Rules, 1983
- E-19. Employee's Compensation Act, 1923 along with allied Rules
- E-6. Employees' Provident Funds and Miscellaneous Provisions Act, 1952, along with E.P.F. Scheme, 1952 with allied Schemes, Rules and Forms
- E-9. Employees' Provident Funds and Miscellaneous Provisions Act, 1952
- E-10. Employees' State Insurance Act, 1948 along with Rules and Regulations
- E-11. Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 along with Rules, 1960
- E-12. Employers' Liability Act, 1938
- E-20. Enemy Property Act, 1968 along with Enemy Property Rules, 2015
- E-13. Energy Conservation Act, 2001 along with allied Rules
- E-14. Environment (Protection) Act, 1986 along with allied Rules
- C-47. Epidemic Diseases Act, 1897 *see* Clinical Establishments (Registration and Regulation) Act, 2010 with Rules, 2012
- E-15. Equal Remuneration Act, 1976 along with allied Rules
- E-16. Essential Commodities Act, 1955 along with allied Acts
- E-17. Evidence Act, 1872
- E-18. Explosives Act, 1884 along with The Explosive Substances Act, 1908 and The Explosives Rules, 2008

F

- F-1. Factories Act, 1948
- F-2. Family Courts Act, 1984
- F-18. Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 with Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 and Rules
- F-3. Fatal Accidents Act, 1855
- F-4. Fiscal Responsibility and Budget Management Act, 2003 along with Rules, 2004
- P-24. Flag Code of India, 2002 *see* Prevention of Insult to National Honour Act, 1971
- F-16. Food Safety and Standards Act, 2006
- F-15. Food Safety and Standards Act, 2006 along with allied Rules, Regulations and Order
- F-5. Foreign Contribution (Regulation) Act, 2010 along with Rules and Regulations
- F-6. Foreign Exchange Management Act, 1999
- F-7. Foreign Exchange Management Act, 1999 along with allied Rules and Regulations & Orders
- F-8. Foreign Exchange Regulation Act, 1973 along with Rules, 1974
- F-9. Foreign Marriage Act, 1969 along with Foreign Marriage Rules, 1970
- F-10. Foreign Trade (Development and Regulation) Act, 1992 along with Rules, 1993
- F-11. Foreigners Act, 1946 along with Foreigners Orders, 1948 with Registration of Foreigners Act, 1939 and Rules, 1992
- F-12. Forest Act, 1927 along with The Forest (Conservation) Act, 1980 and Rules, 2003 with The Compensatory Afforestation Fund Act, 2016 with Rules
- F-13. Forward Contracts (Regulation) Act, 1952
- F-14. Freedom of Information Act, 2002
- F-17. Fugitive Economic Offenders Act, 2018 with Rules

G

- G-1. Gas Cylinders Rules, 2016 along with allied Rules and Orders
- G-2. General Clauses Act, 1897
- I-12. General Insurance Business (Nationalisation) Act, 1972 *see* Insurance Act, 1938
- G-5. Geographical Indications of Goods (Registration and Protection) Act, 1999 along with Rules, 2002
- G-9. Goods and Services Tax Acts with allied Orders (Containing 4 Acts)
- G-10. Goods and Services Tax Acts with allied Rules and Orders
- G-7. Government Securities Act, 2006 along with Regulations
- G-8. Gram Nyayalayas Act, 2008
- G-6. Guardians and Wards Act, 1890

H

- H-1. Hindu Laws (Containing 5 Acts)
- H-2. Hindu Adoption & Maintenance Act, 1956
- H-1. Hindu Disposition of Property Act, 1916 *see* Hindu Laws (Containing 5 Acts)
- H-3. Hindu Marriage Act, 1955
- H-4. Hindu Minority & Guardianship Act, 1956
- H-5. Hindu Succession Act, 1956
- H-6. Hire-Purchase Act, 1972 along with Hire-Purchase (Repeal) Act, 2005

I

- I-1. Identification of Prisoners Act, 1920
- I-2. Immoral Traffic (Prevention) Act, 1956
- I-18. Income Tax Act, 1961
- I-3. Indecent Representation of Women (Prohibition) Act, 1986 along with Rules, 1987
- I-4. Indian Penal Code, 1860 with Classifications of offences and State Amendments
- I-21. Indo-Tibetan Border Police Force Act, 1992 along with Rules, 1994
- I-6. Industrial Employment (Standing Orders) Act, 1946 along with Rules, 1946
- I-7. Industrial Disputes Act, 1947 along with (Central) Rules, 1957 and allied Rules
- I-25. Industrial Relations Code, 2020
- I-8. Industries (Development and Regulation) Act, 1951
- I-9. Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 along with Rules, 1993
- I-10. Information Technology Act, 2000 along with allied Rules
- I-19. Inland Vessels Act, 1917 with Rules, 2016
- I-11. Insecticides Act, 1968 along with Rules and Order
- I-23. Insolvency and Bankruptcy Code, 2016 with Rules, Regulations and Order
- I-12. Insurance Act, 1938 along with allied Act and Rules
- I-13. Insurance Regulatory and Development Authority Act, 1999 along with allied Rules and Regulations
- I-14. Insurance Regulatory and Development Authority Act, 1999
- I-15. Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 along with Rules, 1980
- I-16. Interest Act, 1978
- I-17. Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Act, 1993
- I-24. International Financial Services Centres Authority Act, 2019

J

- J-1. Juvenile Justice (Care and Protection of Children) Act, 2015 along with Juvenile Justice (Care and Protection of Children) Act, 2000 and Rules, 2016
- J-2. Jammu and Kashmir Reorganisation Act, 2019 along with Orders

K

- M-18. Kazis Act, 1880 *see* Muslim laws

L

- L-1. Land Acquisition Act, 1894
- L-9. Land Ports Authority of India Act, 2010 with Rules & Regulations
- L-7. Legal Metrology Act, 2009 along with Allied Rules
- L-2. Legal Services Authorities Act, 1987 along with allied Rules and Regulations
- L-3. Life Insurance Corporation Act, 1956 along with Rules, 1956
- L-4. Limitation Act, 1963
- L-6. Limited Liability Partnership Act, 2008 along with Notification and Allied Rules
- L-8. Limited Liability Partnership Act, 2008
- L-10. Lokpal and Lokayuktas Act, 2013 along with allied Rules
- L-5. Lotteries (Regulation) Act, 1998 with Rules

M

- M-26. Mahatma Gandhi National Rural Employment Guarantee Act, 2005 with Rules
- M-22. Major Port Trusts Act, 1963 with Major Port Authorities Act, 2021
- M-1. Majority Act, 1875 along with Guardian and Wards Act, 1890
- M-24. Maintenance and Welfare of Parents and Senior Citizens Act, 2007
- M-2. Maternity Benefit Act, 1961 along with Rules, 1963
- M-3. Medical Council Act, 1956 along with Allied Act, Rules and Regulations
- M-4. Medical Termination of Pregnancy Act, 1971 along with Rules and Regulations
- M-5. Medicine Central Council Act, 1970
- M-6. Medicinal and Toilet Preparations (Excise Duties) Act, 1955
- M-7. Mental Health Act, 1987 along with Central Mental Health Authority Rules, 1990 and State Mental Health Rules, 1990
- M-27. Mental Healthcare Act, 2017 with Rules
- M-8. Merchant Shipping Act, 1958 along with allied Rules
- M-25. Metro Railways (Construction of Works) Act, 1978 *see* Metro Railways (Operation and Maintenance) Act, 2002
- M-25. Metro Railways (Operation and Maintenance) Act, 2002 along with allied Rules and Metro Railways (Construction of Works) Act, 1978
- M-21. Micro, Small and Medium Enterprises Development Act, 2006 along with allied Act and Rules
- M-10. Mineral Concession Rules, 1960 *see* Mines & Minerals (Development and Regulation) Act, 1957
- M-9. Mines Act, 1952 along with allied Rules
- M-10. Mines and Minerals (Development and Regulation) Act, 1957 with allied Rules
- M-11. Minimum Wages Act, 1948 along with Central Rules, 1950
- M-12. Monopolies and Restrictive Trade Practices Act, 1969
- M-13. Motor Transport Workers Act, 1961
- M-14. Motor Vehicles Act, 1988
- M-15. Motor Vehicles Rules, 1989 along with allied Material
- M-16. Multimodal Transportation of Goods Act, 1993 along with allied Rules
- M-17. Multi-State-Co-operative Societies Act, 2002 along with Rules, 2002
- M-18. Muslim Laws (Containing 9 Acts & Rules)
- M-19. Muslim Personal Law (Shariat) Application Act, 1937
- M-20. Muslim Women (Protection of Rights on Divorce) Act, 1986 along with Rules, 1986
- M-18. Muslim Women (Protection of Rights on Marriage) Act, 2019 *see* Muslim Laws

M-18. Mussalman Wakf Act, 1923, Mussalman Wakf Validating Act, 1913 & 1930
see Muslim Laws

N

- N-1. Narcotic Drugs & Psychotropic Substances Act, 1985 along with allied Act, Rules and Order
N-18. National Anti-Doping Agency (NADA) Anti-Doping Rules, 2015
R-10. National Bank for Financing Infrastructure and Development Act, 2021
N-2. National Commission Acts [Containing 5 Acts-Women Act, 1990, Minorities Act, 1992, Education Institutions Act, 2004, Backward Classes Act, 1993, Safai Karamcharis Act, 1993 and allied Information]
N-3. National Commission for Minority Educational Institutions Act, 2004 along with allied Rules
N-16. National Food Security Act, 2013 with Rules
N-6. National Highways Act, 1956 along with allied Acts & Rules
N-6. National Highway Authority of India Act, 1988 see National Highways Act, 1956
N-15. National Green Tribunal Act, 2010 with Order, 2010 along with The National Green Tribunal (Practice and Procedure) Rules, 2011
N-14. National Investigation Agency Act, 2008 with Rules
N-17. National Judicial Appointment Commission Act, 2014 with Rules
N-20. National Medical Commission Act, 2019 with Rules
M-26. National Rural Employment Guarantee Act, 2005 with allied Rules
N-7. National Security Act, 1980
N-13. National Security Guard Act, 1986
N-12. National Tax Tribunal Act, 2005 with Rules
P-9. National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation with Multiple Disabilities Act, 1999 see Persons with Disabilities (Equal Opportunities.....) Act, 1995
N-19. National Waterways Act, 2016
N-8. Navy Act, 1957
N-9. Negotiable Instruments Act, 1881
N-10. Notaries Act, 1952 along with Rules, 1956

O

- O-1. Oaths Act, 1969
O-4. Occupational Safety, Health and Working Conditions Code, 2020
O-2. Official Languages Act, 1963
O-3. Official Secrets Act, 1923

P

- P-1. Partition Act, 1893
P-2. Parsi Marriage and Divorce Act, 1936
P-3. Partnership Act, 1932
P-4. Passports Act, 1967 along with Rules, 1980
P-5. Patents Act, 1970 along with Rules, 2003
P-46. Payment and Settlement Systems Act, 2007
P-6. Payment of Bonus Act, 1965 along with Rules, 1975
P-7. Payment of Gratuity Act, 1972 along with Rules, 1972
P-8. Payment of Wages Act, 1936 along with allied Rules
P-9. Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 along with Rules, 1996 and National Trust for Welfare of Persons with Disabilities Act, 1999 with Rules, 2000
P-10. Petroleum Act, 1934 along with Rules, 2002
P-11. Pharmacy Act, 1948
P-12. Places of Worship (Special Provisions) Act, 1991
P-13. Police Acts (6 Acts in 1)
P-13. Police (Incitement of Disaffection) Act, 1922 see Police Acts (6 Acts in 1)
P-13. Police Forces (Restriction of Rights) Act, 1966 see Police Acts
P-14. Post Office Act, 1898
P-15. Powers of Attorney Act, 1882

- P-16. Prasar Bharti (Broadcasting Corporation of India) Act, 1990
P-17. Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 along with Rules
P-18. Press & Registration of Books Act, 1867 along with Rules & Order
P-19. Press Council Act, 1978 along with allied Rules and Regulations
E-16. Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 see Essential Commodities Act, 1955
P-20. Prevention of Corruption Act, 1988
P-21. Prevention of Cruelty to Animals Act, 1960 along with allied Rules
P-22. Prevention of Damage to Public Property Act, 1984 along with The Delhi Prevention of Defacement of Property Act, 2007
P-23. Prevention of Food Adulteration Act, 1954 along with Rules, 1955
P-27. Prevention of Illicit Traffic in NDPS Act, 1988 see Preventive Detention Laws
P-24. Prevention of Insults to National Honour Act, 1971 along with Flag Code of India, 2002 and Orders Relating to the National Anthem of India
P-25. Prevention of Money Laundering Act, 2002 along with allied Rules
P-27. Preventive Detention Laws (Containing 4 Acts)
P-29. Prisoners Acts (Containing 6 Acts & Rules)
P-29. Prisoners (Attendance in Courts) Act, 1955 see Prisoners Acts
P-30. Private Security Agencies (Regulation) Act, 2005 with Rules, 2006
P-31. Prize Chits and Money Circulation Schemes (Banning) Act, 1978
P-32. Probation of Offenders Act, 1958
B-6. Prohibition of Benami Property Transactions Act, 1988 [Earlier Known as Benami Transactions (Prohibition) Act, 1988] with Rules, 2016
P-45. Prohibition of Child Marriage Act, 2006 along with Allied Acts
C-16. Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019
P-47. Protection of Children from Sexual Offences Act, 2012 with Rules
P-33. Protection of Civil Rights Act, 1955 along with Rules, 1977
P-34. Protection of Human Rights Act, 1993 along with Regulations and Rules
P-35. Protection of Plant Varieties and Farmers' Rights Act, 2001 along with Rules & Regulations
P-44. Protection of Women from Domestic Violence Act, 2005 along with Rules, 2006
P-36. Provincial Insolvency Act, 1920
P-37. Provincial Small Cause Courts Act, 1887
P-38. Public Gambling Act, 1867
P-39. Public Liability Insurance Act, 1991 along with Rules
P-40. Public Premises (Eviction of Unauthorised Occupants) Act, 1971 along with Rules, 1971
P-41. Public Provident Fund Act, 1968
P-42. Public Records Act, 1993 along with Rules, 1997
P-43. Public Servants (Inquiries) Act, 1850

R

- R-1. Railways Act, 1989 along with allied Acts and Rules
R-13. Railway Claims Tribunal Act, 1987 along with allied Rules
R-2. Railway Protection Force Act, 1957 along with Rules, 1987
R-17. Real Estate (Regulation and Development) Act, 2016 with Allied Order
R-16. Real Estate (Regulation and Development) Act, 2016 with Allied Order and Rules for UTs and NCT of Delhi
R-3. Recovery of Debts and Bankruptcy Act, 1993 along with allied Rules
R-19. Recycling of Ships Act, 2019

- R-4. Registration Act, 1908
 R-5. Registration of Births and Deaths Act, 1969 and The Births, Deaths and Marriages Registration Act, 1886
 F-11. Registration of Foreigners Act, 1939 along with Rules, 1992 *see* Foreigners Act, 1946
 C-11. Religious Endowments Act, 1863 *see* Charitable and Religious Trusts Act, 1920
 R-6. Representation of the People Act, 1950 and Representation of the People Act, 1951 along with allied Act & Rules
 R-7. Repatriation of Prisoners Act, 2003 along with allied Acts
 R-12. Requisitioning and Acquisition of Immovable Property Act, 1952
 R-8. Research and Development Cess Act, 1986 along with Rules, 1996
 R-10. Reserve Bank of India Act, 1934; Specified Bank Notes (Cessation of Liabilities) Act, 2017; National Bank for Financing Infrastructure and Development Act, 2021 along with allied Rules
 R-14. Right of Children to Free and Compulsory Education Act, 2009
 R-18. Rights of Persons with Disabilities Act, 2016
 R-15. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
 R-9. Right to Information Act, 2005 along with allied Rules and Regulations
 R-11. Road Transport Corporations Act, 1950
- S**
- C-26. SAFEMFOP Act, 1976 *see* COFEPOSA Act, 1974
 S-1. Sale of Goods Act, 1930
 S-2. Sales Promotion Employees (Conditions of Service) Act, 1976 along with Rules, 1976
 S-23. Sarais Act, 1867
 S-26. Sashastra Seema Bal Act, 2007 along with Rules, 2009
 S-3. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 along with Rules
 S-25. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
 S-4. Securities and Exchange Board of India Act, 1992 with SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2009
 S-5. Securities Contracts (Regulation) Act, 1956 along with Allied Rules
 S-6. Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 along with Allied Rules and Orders
 S-7. Seeds Act, 1966 along with Rules, & Order
 S-8. Semiconductor Integrated Circuits Layout-Design Act, 2000 along with Rules, 2001
 S-27. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 with Rules
 S-9. Sick Industrial Companies (Special Provisions) Act, 1985 along with BIFR and other allied Rules
 S-10. Slum Areas (Improvement and Clearance) Act, 1956 along with Rules, 1957
 S-11. Small Industries Development Bank of India Act, 1989 along with Rules & Regulations
 S-12. Societies Registration Act, 1860 with State Amendments
 S-13. Special Economic Zones Act, 2005 along with Rules, 2006
 S-14. Special Marriage Act, 1954
 S-24. Special Protection Group Act, 1988
 S-15. Specific Relief Act, 1963
 R-10. Specified Bank Notes (Cessation of Liabilities) Act, 2017 along with allied Rules *see* Reserve Bank of India Act, 1934

- S-16. Stamp Act, 1899 with Rules
 S-17. Standards of Weights and Measures Act, 1976 along with allied Rules and Act, 1985
 P-13. State Armed Police Forces (Extension of laws) Act, 1952 *see* Police Acts
 S-18. State Bank of India Act, 1955
 S-19. State Financial Corporations Act, 1951 along with Rules, 2003
 S-28. Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014
 S-20. Succession Act, 1925
 S-21. Suits Valuation Act, 1887 with State Amendments
 S-22. Supreme Court Rules, 2013 along with Regulations Regarding Advocate-on-Record Examination and Rules to Regulate Proceedings for Contempt of Supreme Court, 1975

T

- A-8. Tamil Nadu Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1966 *see* Ancient Monuments and Archaeological Sites and Remains Act, 1958
 T-1. Telecom Regulatory Authority of India Act, 1997
 T-11. Telecom Regulatory Authority of India Act, 1997 with allied Rules & Regulations
 T-2. Telegraph Act, 1885 with The Indian Wireless Telegraphy Act, 1933 along with allied Rules
 T-10. Terrorist Affected Areas (Special Courts) Act, 1984
 T-3. Trade Marks Act, 1999
 T-4. Trade Marks Act, 1999 along with allied Rules
 T-5. Trade and Merchandise Marks Act, 1958
 T-6. Trade Unions Act, 1926 along with Central Trade Unions Regulations, 1938
 P-29. Transfer of Prisoners Act, 1950 *see* Prisoners Acts
 T-7. Transfer of Property Act, 1882
 T-12. Transgender Persons (Protection of Rights) Act, 2019
 T-8. Transplantation of Human Organs and Tissues Act, 1994 along with Rules
 T-9. Trusts Act, 1882

U

- U-1. Unlawful Activities (Prevention) Act, 1967 along with Rules
 U-3. Unorganised Workers' Social Security Act, 2008 along with Rules, 2009
 U-2. Urban Land (Ceiling and Regulation) Act, 1976 along with Repeal Act, 1999

W

- W-1. Waqf Act, 1995 along with Central Wakf Council Rules, 1998
 W-9. Warehousing (Development and Regulation) Act, 2007 with allied Rules and Regulations
 W-2. Water (Prevention and Control of Pollution) Act, 1974 along with Rules, 1975, Cess Act, 1977 and Cess Rules, 1978
 W-3. Wealth-tax Act, 1957
 W-4. Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005
 W-5. Weekly Holidays Act, 1942
 W-10. Whistle Blowers Protection Act, 2014
 W-6. Wild Life (Protection) Act, 1972 along with allied Rules
 W-7. Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 along with allied Acts & Rules

Y

- Y-1. Young Persons (Harmful Publications) Act, 1956

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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

DISTRICT: KHEDA

MISCELLANEOUS CIVIL APPLICATION NO.1067 of 2022

copy for Prithu Parimad. Hudu

Jahirmiya Rehamumiya Malek
And others.

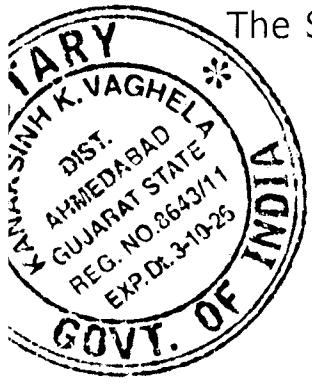
...Applicants

rom Jal. A. Valli Hudu

Versus

The State of Gujarat and others.

...Respondents



**AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NOS.4,7, 8, 10 & 14**

I, Hetalben M. Rabari, Police Sub-Inspector, Matar Police Station, Kheda, the respondent no.4 herein, do hereby, solemnly affirm and state on oath as under:

Done by Mr. S. P. Jani Advocate Date: 16/2/23

1. I say that I am conversant with the facts of the present case and therefore, I am filing the present affidavit in reply on behalf of the respondent nos.4,7,8,10 & 14. I deny all the contentions, averments and allegations made in the petition. My non-dealing with any of the paragraphs of the petition, para-wise may not be construed as being admission on my part. At this juncture, the deponents would like to state and submit that they do not admit any of the allegations, averments and statements made by the applicants in the present contempt petition and the same are hereby categorically denied.

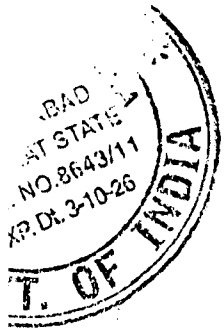
Received Copy Clerk Prithu Parimad (Advocate) 16/2/23

(Signature) 16.2.2023 (Signature) (Signature) (Signature)

2. At the outset, I say and submit that I hold the Honourable Supreme Court, this Honourable Court & other courts of law of this country, in highest esteem and there cannot be any deliberate intention or intentional wilful disobediences of the orders and judgments on the part of the present deponents to lower down the authority, majesty & dignity of this the Honourable Apex Court, this Honourable Court or any Court of Law of this country. At the outset, the deponents tender their unconditional apology and further assures this Honourable Court that the deponents would continue to hold the majesty of the Apex Court, this Honourable Court and the other courts of law of the country and would not commit any act wilfully and deliberately to lower down the esteem of the Apex Court, this Honourable Court and the other courts of law of the country. The deponents submit that there is no intention much less deliberate or wilful on the part of any officers of the department of police much less the present deponents to flout the orders or the directions issued by any court of law much less the Honourable Apex Court. The deponents herein again tender and unconditional apology and assures this Honourable Court that they shall more cautiously follow the orders/directions of the Apex Court, this Honourable Court and the other courts of law of the country.

3. That even otherwise, looking to the material available on record and looking to the guidelines which are framed by

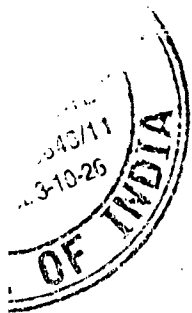
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 a. *Arshad* *AB* *M. Hil*



the Honourable Apex Court in the case of D.K. Basu, it cannot be said that the deponents have breached any requirements/directions of the said judgment. That the deponents have scrupulously followed the guidelines/requirements laid down by the Honourable Apex Court in the present case and the contemnor has failed to demonstrate as to how deponents have violated or have committed contempt of any of the requirements or directions issued in the case of D.K. Basu or any other judgment or order of the Honourable Apex Court or this Honourable Court.

4. The deponents herein would now like to deal with the contempt petition para-wise and would request this Honourable Court to drop the proceedings in view of the facts and submissions mentioned hereinbelow:
5. With reference to contents of para-1 of the application, it is submitted that the deponents have not breached any directions issued by the Honourable Supreme Court as stipulated in the case of D.K. Basu V/s. State of West Bengal, reported 1997 (1) SCC 416. That there is no wilful and deliberate disobedience pleaded by the applicant in his application and in fact, there is no wilful, deliberate or intentional disobedience on the part of the present deponents in non-following of the directions issued in the case of D.K. Basu.

2.00 a. Deponent vs. Contemnor



village and only with a view to see that the situation at the relevant point of time, would come under the control of law and order that such measures/actions as alleged seem to have been taken.

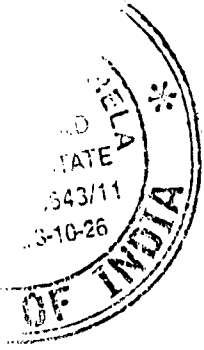


8. With reference to contents of para-2.2 to 2.14 of the application, the contents of this paragraphs are denied and it is stated before this Honourable Court that the Garba festival i.e. Navratri is celebrated in the village Undhela traditionally and regularly it is false to state that for the first time, the garba festivities took place. It is stated and submitted that more or less every year when the Hindu festivals much less Navratri is celebrated, some altercations happen between the two communities (Hindu & Muslim) residing in the said village. That the respondent no.15 has narrated the whole incident of stone pelting and communal disturbance which took place on 3.10.2022, around 11.30 at night in his reply on page-76 of the paper-book of contempt application. Therefore, for the sake of brevity and convenience, the deponents herein are not reiterating the said facts.

9. It is further submitted by the present deponents that the petitioner no.2 i.e. Maksudaben is alleged to have been beaten by the respondent no.2 and others entered her house at night in absence of lady constable to detain her. This is an absolutely false statement made by the applicants

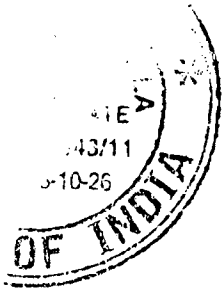
on oath as the present deponent being respondent no.4 being a lady police sub inspector was present when the petitioner no.2 was detained and that she was detained in presence of her husband and her son. It is pertinent to mention at this stage that during investigation, involvement of petitioner no.2 and her son in commission of crime as narrated in the FIR dated 4.10.2022 was found, she and her son was arrested and her husband was permitted to leave. It is further stated and submitted to this Honourable Court that around 30 persons were detained and brought to SOG office for verification and preliminary inquiry as to whether they were involved in the incident of stone pelting and communal disturbance which took place. Thereafter FIR was lodged and panchnamas were carried out and statements were also recorded eye witnesses. That only 8 persons were found involved and thus they were arrested, others who were detained for verification were released and were permitted to leave. It is further stated and submitted that looking to safety of those 30 persons who were initially detained, with a view to maintain law and order situation, they were brought to SOG Office. It is further relevant to mention before this Honourable Court that the applicant no.3 who was also found to be involved in the present offence spit on one of the police.

10. It is stated and submitted to this Honourable Court that the present deponent nos.4, 8 & 14 were not present

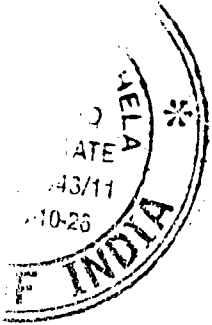


during the alleged incident which took place and which is narrated in para-2.7 of the application. Subsequently respondent no.4 went to Ahmedabad for further investigation and during that period, the investigation came to be transferred by the respondent no.15 and since then, the respondent no.4 has no role to play and has not committed any contempt much less the disobedience, non-compliance of the directions of the Honourable Apex Court, passed in the case of D.K. Basu.

11. It is further submitted that the respondent no.8 was also not present on duty at the place of alleged incident as his official duty was over and he was at his house.
12. The applicants have tried to gather the sympathy of this Honourable Court by mentioning in para-2.8 that the petitioner no.1 is a senior citizen aged about 62 years but has surreptitiously not mentioned that he is an opposition leader and there are serious cases of rioting against him and also was one of the prime accused of the "Godhra Kand" case. The applicants have incorrectly submitted before this Honourable Court that respondent nos.2 to 14 were mercilessly beating the petitioner no.1 despite he being senior citizen. Further during the course of investigation it was found that the petitioner no.1 is the main conspirator as per his mobile conversation.



13. Paragraph no.3 of the application reflects the directions laid down by the Honourable Apex Court in the case of D.K. Basu and the deponents herein would not offer any comment over these directions but in fact, the deponents herein would rely on para-31 & 35 which are reproduced in para-3.
14. With respect to para-4 & 5 of the application, the deponents herein would not like to offer any comment on the order passed by this Honourable Court in MCA no.191 of 2016 as they are not the parties to the said proceedings but, the said order relied upon and incorporated by the applicant in para-4 of this petition is an interim order and therefore, the submission of the deponents is this that the same will not have a bearing on the present petition in as much as the said order has been passed in the facts and circumstances of that case of which, the present deponent has no knowledge. Further, the deponents would not be able to make any comments on the contents of para-5 as they are not in receipt of the representation made before the Superintendent of Police, Kheda and Range I.G., Ahmedabad.
15. With reference to contents of para-6, the deponents would not like to offer any comment. With reference to contents of para-7 & 8 are formal in nature and the deponents would not offer any comments to them at present



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but in case the leave to amend or alter the memo then at that stage, the deponents would contest and controvert the same.

16. At this juncture, the deponents would like to briefly mention the role which, at the best, can be attributed to them in view of the contents and averments of the contempt application.

ROLE OF THE RESPONDENT NO.4

- That the present deponent no.4 was not present during the alleged incident which took place and for which, the photographs are placed on record by the applicant to demonstrate the breach of guidelines issued in D.K. Basu's case.
- That the investigation was taken over from the deponent no.4 and was handed over to the PI, SOG. Thus, after 4.10.2022, the deponent no.4 herein has no role to play.

ROLE OF RESPONDENT NO.7.

- The respondent no.7 herein is just seen standing in the photographs which are annexed with the petition nor is seen in the video.

ROLE OF RESPONDENT NO.8.

- That the present deponent no.8 was not present during the alleged incident which took place as he was not on



duty and after completion of his duty hours, he left for his house.

ROLE OF RESPONDENT NO.10.

- The respondent no.10 is seen standing beside accused and has no role to play in the commission of any act much less the act amounting to breach of violation of directions or requirements of D.K. Basu's case.

ROLE OF RESPONDENT NO.14.

- In para-2.1 of the contempt application, the applicants have impleaded the present respondent no.14 only for the reason that they are serving under respondent nos.1, 15 & 16 and is not seen anywhere in the photographs or videos.

17. Thus, in view of what is stated hereinabove, the deponents herein cannot be said to have committed any contempt. That the deponents cannot be said to have committed any wilful, deliberate and inattentive disobedience, of the order order/directions/requirements stipulated in D.K. Basu's case.

18. In view of what is stated hereinabove, this Honourable Court may be pleased to dismiss the contempt and drop the contempt proceedings initiated against the deponents and



thereby, be pleased to reject all the prayers prayed for in the present contempt petition.

Whatever stated hereinabove is true to the best of my knowledge, information and belief, which I believe the same to be true and correct,

Solemnly affirmed at Ahmedabad on this 16th day of February, 2023.

Identified by me;

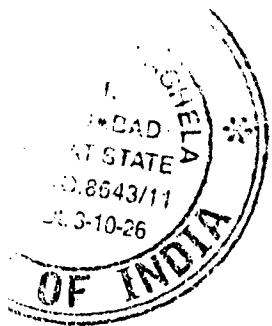
R/4 (Deponent)

R/7 20.01.2023

R/8 Prabhu

R/10 B

R/14 MB Chit



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

DISTRICT: KHEDA

MISCELLANEOUS CIVIL APPLICATION NO.1067 of 2022

Jahirmiya Rehamumiya Malek
And others.

...Applicants

Versus

The State of Gujarat and others.

...Respondents

AFFIDAVIT

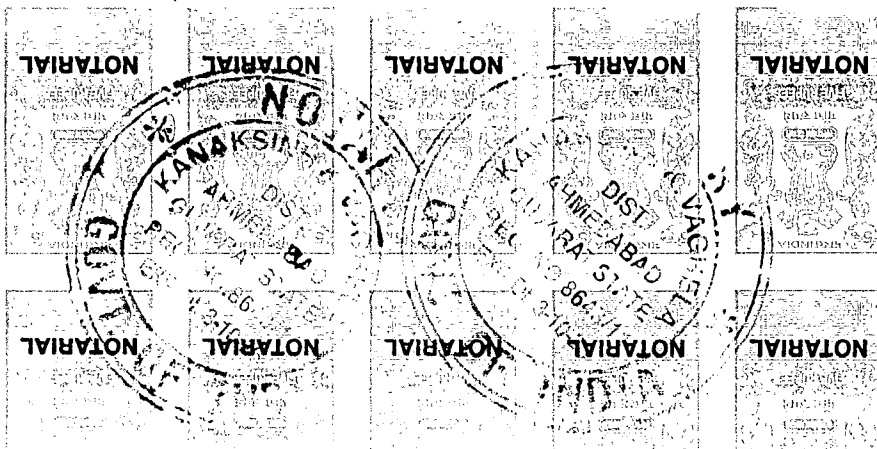
I Hetalben M Rabari - Police Sub-Inspector, aged 32
years, female, residing at:
Matax TA Matax Dist Kheda the respondent
no. 4 herein, do hereby, solemnly affirm and state on oath
that what is stated in para nos.1 to 18 are the facts of the case,
which I believe to be true, correct and are best to my information,
knowledge and belief.

Solemnly affirmed at Ahmedabad on this.....16th day
of February, 2023.

Identified by me;
Adi chokhi
c-25
Adi chokhi

[Signature]
(Deponent)
Hetalben M Rabari

SR. No. 1040 /2022
SOLEMNLY AFFIRMED
BEFORE ME
[Signature]
KANAKSINH K. VAGHELA, NOTARY
DATE: 16/02/2023



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

DISTRICT: KHEDA

MISCELLANEOUS CIVIL APPLICATION NO.1067 of 2022

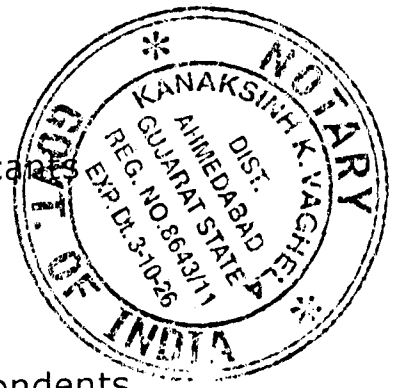
Jahirmiya Rehamumiya Malek
And others.

...Applicant

Versus

The State of Gujarat and others.

...Respondents



AFFIDAVIT

I Jayeshbhai Rabari - Head Constable ,aged 32 years,
male, residing at:
Nadiad, Dist Kheda the respondent
no. 7 herein, do hereby, solemnly affirm and state on oath
that what is stated in para nos.1 to 18 are the facts of the case,
which I believe to be true, correct and are best to my information,
knowledge and belief.

Solemnly affirmed at Ahmedabad on this 16th day
of February, 2023.

(Signature)
(Deponent)

Identified by me;
(Signature)
Chark to top
Page 1/1

SR. No. 4041 / 2023
SOLEMNLY AFFIRMED
BEFORE ME
(Signature)
KANAKSINH K. VAGHELA, NOTARY
DATE: 16/02/2023



401

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

DISTRICT: KHEDA

MISCELLANEOUS CIVIL APPLICATION NO.1067 of 2022

Jahirmiya Rehamumiya Malek
And others.

...Applicants

Versus

The State of Gujarat and others.

...Respondents

AFFIDAVIT

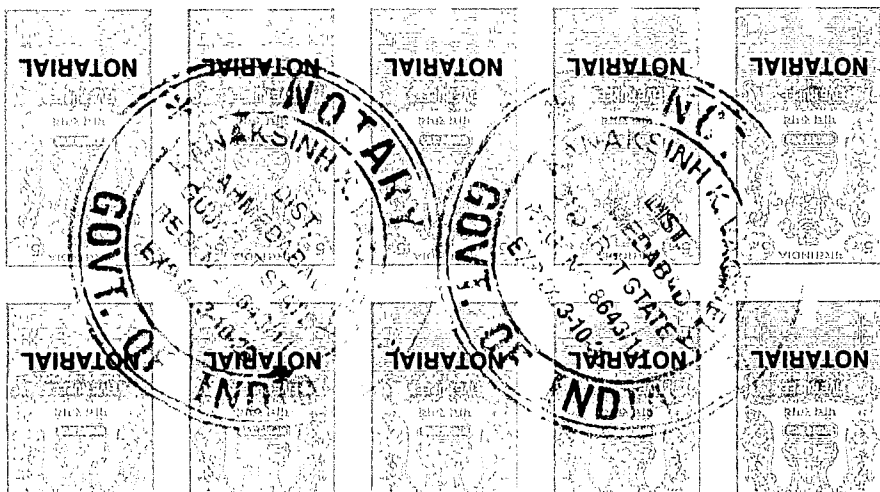
I Ruturajsinh Gopalsinh Parmar ,aged 38 years, male,
residing at: Nadiad. Dist Kheda the
respondent no. 8 herein, do hereby, solemnly affirm and
state on oath that what is stated in para nos.1 to 18 are the facts
of the case, which I believe to be true, correct and are best to my
information, knowledge and belief.

Solemnly affirmed at Ahmedabad on this.....16th day
of February, 2023.

Identified by me;

Ruturaj
(Deponent)
(Ruturajsinh G Parmar)

SR. No. 11042 / 12023
SOLEMNLY AFFIRMED
BEFORE ME
Kanaksinh K. Vaghela
KANAKSINH K. VAGHELA, NOTARY
DATE : 16/02/2023



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

DISTRICT: KHEDA

MISCELLANEOUS CIVIL APPLICATION NO.1067 of 2022



Jahirmiya Rehamumiya Malek
And others.

...Applicants

Versus

The State of Gujarat and others.

...Respondents

AFFIDAVIT

I Vanrajsinh Bhagubhai, aged 33 years, male, residing at: Makar TA Makar Dist: Kheda

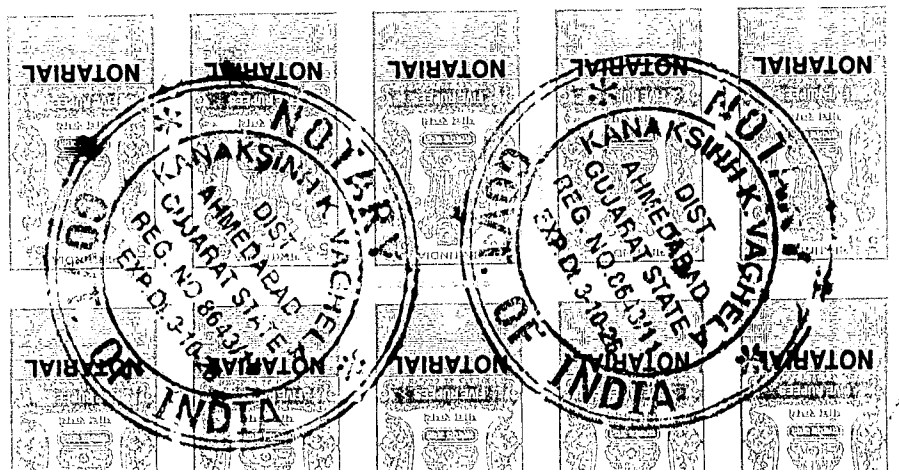
the respondent no. 10 herein, do hereby, solemnly affirm and state on oath that what is stated in para nos.1 to 18 are the facts of the case, which I believe to be true, correct and are best to my information, knowledge and belief.

Solemnly affirmed at Ahmedabad on this 16th day of February, 2023.

Identified by me;
[Signature]
C-25

[Signature]
(Deponent)
CVANRAJ .B. ALGOTA

SR. No. 4043 /2023
SOLEMNLY AFFIRMED
BEFORE ME
[Signature]
KANAKSINH K. VAGHELA, NOTARY
DATE: 16/02/2023



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

DISTRICT: KHEDA

MISCELLANEOUS CIVIL APPLICATION NO.1067 of 2022

Jahirmiya Rehamumiya Malek
And others. ...Applicants

Versus

The State of Gujarat and others. ...Respondents

AFFIDAVIT

I Mahipatsinh Bhagwatsinh ^{Chauhan}, aged 34 years,

male, residing at:

Matar TA Matar Dist Kheda the respondent

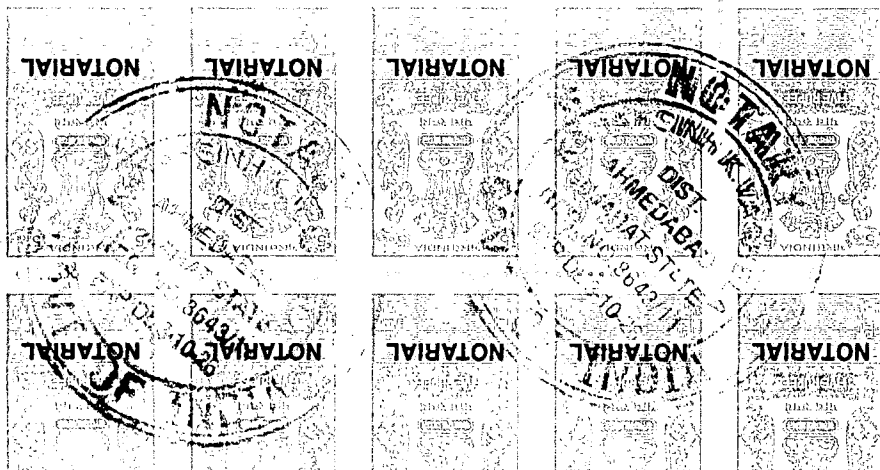
no. 14 herein, do hereby, solemnly affirm and state on oath that what is stated in para nos.1 to 18 are the facts of the case, which I believe to be true, correct and are best to my information, knowledge and belief.

Solemnly affirmed at Ahmedabad on this 16th day of February, 2023.

Identified by me;

(Signature)
(Deponent)

(Signature)
Mahipatsinh B. G.



OR. No. 1067 /20
SOLEMNLY AFFIRMED
BEFORE ME
(Signature)
KANARSINH K. VAGHELA, NOTARY
DATE : 16/02/2023