

THE TRIPURA HUMAN RIGHTS COMMISSION REGULATIONS, 2022

In exercise of the powers conferred by sub-section (2) of Section 10 read with Section 29 of the Protection of Human Rights Act, 1993 (Act 10 of 1994), the Tripura Human Rights Commission hereby makes the following Regulations, namely :

1. Short title and commencement :

- (i) These regulations may be called the Tripura Human Rights Commission Regulations, 2022.
- (ii) They shall come into force with immediate effect.

2. Definitions :

(1) In these regulations unless the context otherwise require :-

- (a) "Act" means the Protection of Human Rights Act, 1993 (Act 10 of 1994);
- (b) "Code" means the Code of Civil Procedure, 1908 (Act 5 of 1908);
- (c) "Commission" means the Tripura Human Rights Commission;
- (d) "Complaint" means an allegation made orally or in writing alleging violation of the human rights or abetment thereof or negligence in the prevention of such violation by a public servant;
- (e) "Chairperson" means the Chairperson of the Commission;
- (f) "Governor" means the Governor of the State of Tripura;
- (g) "Government" means the Government of Tripura;
- (h) "Member" means a Member or Members of the Commission;

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(i) "Regulation" means the regulations framed by the Tripura Human Rights Commission;

(j) "Rule" means The Tripura Human Rights Commission Rules, 2015;

(k) "Secretary" means the Secretary of The Tripura Human Rights Commission appointed in terms of Section 27 sub-section (1), Clause (a) of the Act;


(l) "Section" means a section of the Act.

(2) Words and expressions not defined in the regulations shall have the

same meaning as defined in the Act and Rules made thereunder.

3. In the event of vacancy or absence of the Chairperson, the Secretary shall take step in terms of Section 25 of the Act.

4. For the purpose of internal administration of the Commission there shall be (i) Judicial Wing (ii) Investigation Wing (iii) Administration Wing and (iv) Accounts Wing.

 (a) **Judicial Wing** : The Judicial Wing shall be responsible for production of records and for efficient implementation / execution of all orders / directions of the Commission in respect of any matter of human rights violations.

(b) **Investigation Wing** : There shall be a team of investigation headed by an officer not below the rank of Inspector General of Police, other officers and staff as may be notified by the Government on the

recommendation of the Commission from time to time and the investigation team shall function and perform the duties as may be directed by the Commission time to time.

- (c) **Administration Wing** : Administration Wing shall look after internal administration of the Commission, consisting of Office Superintendent / Head Clerk and other staff as may be assigned the works by the Secretary under the superintendence of the Chairperson.
- (d) **Accounts Wing** : The Accounts wing shall be responsible to deal with all accounts matter of the Commission.

5. Secretary of the Commission:

(1) The State Government shall appoint an officer not below the rank of a Secretary to the State Governments, as the Secretary of the State Human Rights Commission. The Secretary shall be the Chief Executive Officer (CEO) of the Commission.

(2) The Secretary shall communicate to the State Government the date on which any vacancy in the Commission is likely to arise due to completion of the term of the Chairperson or any Member, at least three months prior to such date.

6. General Administration:

(1) The Chairperson shall be the head of general administration of the Commission.

(2) The Secretary shall be responsible for day to day management of the affairs of Commission under supervision, direction and control of the Chairperson.

7. **Sitting for the Commission:**

(1) The Commission shall ordinarily sit together unless otherwise directed by the Chairperson.

(2) Every sitting of the Commission shall be chaired by the Chairperson.

(3) The Chairperson may constitute single bench or division bench of the Commission in any particular case. In case of the division bench consisting of only the Members, the senior member shall chair the meeting.

(4) The Commission or any member of the Commission as may be directed by the Chairperson, in any particular case may visit any place in connection with the allegation of violation of Human Rights.

(5) All decisions of a proceeding is expected to be unanimous. In any case of difference the majority decision shall prevail. The member in minority also may record his views.

(6) All decisions of the proceeding, except routine and administrative matters shall be recorded in the form of an order of the Commission and shall be signed by the Chairperson / member(s) attending the proceeding.

(7) A vacancy in the Commission shall not affect validity of any decision in any proceeding, if it is in terms of Act, Rules & Regulations.

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8. Procedure for Filing, Registering and Dealing with the Complaints:

- (1) Complaint(s) may be made to the Commission, either orally or in writing. In case of oral complaint, the Secretary or as directed by him, any other officer of the Commission shall reduce the same into writing which shall be read over and explained to the complainant and signature / thumb impression of the complainant should be obtained. The scribe of the complaint shall give a note at the bottom of the complaint that he read over and explained to the complainant and shall put his signature.
- (2) Complaint(s) may also be made through e-mail or by post which shall disclose the subject matter of Human Rights violation in details with supporting documents, if any, and the name, address and communication details of the complainant.
- (3) All complaint(s) shall be examined by the Secretary and with his note shall be placed before the Commission within next 24 hours.
- (4) The Commission may take suo-motu cognizance of any occurrence of human rights violation including abetment thereof and negligence in the prevention of such violation by a public servant. The Secretary shall register the case for further action as per direction of the Commission.
- (5) In all cases of registering a complaint, an acknowledgement thereof may be issued to the complainant.

(6) All registers of human rights violation complaints shall be maintained in the Judicial Wing.

(7) All the complaint(s) of human rights violation shall be entered in prescribed Form No. I.

9. **Complaints not ordinarily entertainable.**

The Commission may consider to dismiss in limine the complaints of following nature-

- (a) vague or anonymous or pseudonymous or illegible or trivial or frivolous;
- (b) barred Under Section 36 of the Act;
- (c) relates to civil dispute, such as property rights, contractual obligations;
- (d) relates to service matters or industrial disputes;
- (e) allegations are not against any public servant;
- (f) allegations do not make out any specific violation of human rights;
- (g) matter is subjudice before a court or tribunal;
- (h) matter is covered by a judicial verdict or decision of the Commission;
- (i) where copy of the complaint addressed to some other authority is received by the Commission;
- (j) matter is outside the purview of the Commission;
- (k) any complaint not signed by the sender;

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(1) where the complainant does not disclose the full postal address of the sender or the full identity of the public officer against whom grievance is made.

10. Inquiry into the complaint.

The Commission while enquiring into an allegation of violation of human rights may -

(1) Call for information or report from the Central Government or the State Government or any other authority or organization 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.

(2) In any particular case, if the Commission considers it necessary having regard to the nature of the complaint and the materials available before it, it may initiate an inquiry by its Investigation team or otherwise as may be directed by the Chairperson.

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11. Summons / Notice

1. The Commission may direct issue of summons / notice to :

(i) The complainant or any other person on his behalf, affording him a personal hearing; or

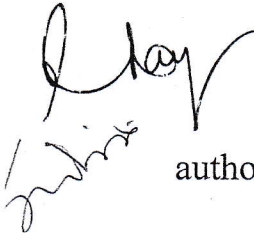
(ii) Any other person or authority who, in the opinion of the Commission, should be heard for appropriate disposal of the matter before it; or

(iii) Any person or authority to cause production of records required by the Commission; or


(iv) Any person to be examined as a witness as may be considered necessary by the Commission.

2. In respect of service of Summons/notices, the provision as prescribed in Section 12 of the Act shall be followed.

12. Authority to sign Notice / Summons.

 All notices/summons directed by the Commission to any party, witness, authority or official shall be signed by the Secretary of the Commission.

13. Power of the Commission relating to enquiries. Subject to the provision prescribed in Section 13 of the Act, the Commission shall observe the principle of natural justice in dealing with and disposal of any complaint of human rights



violation before it.

14. Hearing of the proceedings.

(1) Orders may be dictated to the Private Secretary or Personal Assistant attached to the Chairperson or any Member, Secretary or any other officer of the Commission. Every order shall contain Sl. No. of the order, the date of the order and page no. in seriatim.

(2) The order shall be typed in Form No. II as prescribed in after.

(3) All hearings before the Commission shall be conducted in the official language of the State. Provided that the Commission may allow in a particular case to engage an interpreter when the complaint / witness cannot understand the official language.

(4) With the leave of the Commission, a party to the proceedings may engage a lawyer. In case one party is allowed to engage a lawyer, the other party may also opt to do so.

(5) Subject to the proof of service of notice or summons, it shall be lawful for the Commission to draw adverse inference in the event of non-appearance of any person after receipt of notice and may proceed to take further action by invoking the power as prescribed by law.

15. Communication of recommendation.

The Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or Authority as the case may be and the concerned Government or Authority shall, within a period of one month from the date of receipt of the inquiry report 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.

16. Steps after calling for comments.

(1) If no comments are received within the time allowed, the case shall be taken up by the Commission for further direction.

(2) If comments are received, it shall be placed before the Commission by the Secretary with a brief note containing the following particulars, namely –

(i) whether the recommendation is accepted by the Government or the concerned authority, if so, whether in full or in part;

(ii) the action, if any taken or proposed to be taken by the Government or its concerned authority;

(iii) the reasons, if any, given for not accepting the recommendation; and

(iv) the action that may be taken pursuant to the comments received.

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A signature at the bottom left, possibly "A. K. Singh".

(3) On consideration of the comments received alongwith note referred to in Clause – (2), the Commission may pass such order, as it deems just and proper.

17. Completion of inquiry.

Every inquiry shall be completed as expeditiously as possible and in any case within a period of six months unless the Commission considers it necessary to extend further time for reasons to be recorded in writing.

18. Transparency in the working of the Commission.

(1) Every hearing of the Commission shall be open to the public provided that in exceptional circumstances and for reasons to be recorded in writing, the Commission may hold such hearing in camera.

(2) The Secretary or any other officer authorized by him for the purpose, shall be responsible for creating, developing and updating internal website to publicise working of the Commission.

(3) The Secretary shall ensure maintaining of cause list in Form No. III which shall be kept open for inspection by the public.

(4) The Secretary shall also ensure maintaining of Case Diary in Form No. IV for smooth functioning of the Commission.

(5) Minutes of all orders, meetings and decisions of the Commission shall be uploaded in the website without unnecessary delay.

(6) Any person may make an application to the Secretary, to obtain copies of orders or other information under Right to Information Act.

19. Awareness Programmes.



To spread human rights literacy among various sections of the society the Commission may arrange awareness programmes with a view to safeguard and protecting the human rights activities through publication of leaflets, seminars and other available means. For this purpose the Commission may encourage credible Non-Government Organizations (NGOs) and other institutions working in the field of human rights.

20. Mode of communication.

All communications to and from the Commission to the complainant and/or Respondent and/or any other interested person may be sent by speed post/registered post or any other authorized means of communications as may be directed by the Chairperson time to time.

21. Preservation/Destruction of records.

(1) All case records, finally disposed of, shall be kept/preserved in the Judicial Wing of the Commission in a separate steel Almirah under the supervision of the Secretary, year-wise and in seriatim according to the date of disposal. A register of destruction of records should be maintained in



Form No.V

(2) Unless otherwise order by the Chairperson, the record of cases disposed in limine under Regulation-9 shall be destroyed after expiry of six months from the date of disposal.

(3) The records of other cases shall be destroyed after the expiry of one year from the date of disposal. In cases where the recommendation of the Commission has been challenged before any court or pending for compliance of the recommendation, should be preserved till the purpose is over.

(4) All the registers which contained information regarding cases taken up by the Commission, shall be preserved permanently.

22. Destruction of records.

(1) The officer-in-charge of the Judicial Wing shall identify the cases, the records of which are due for destruction and ensure that appropriate entries are made in the register in Form No. V regarding the date of destruction. A list of such cases shall be maintained in a separate book in the Section.

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

(3) The Officer-in-charge of Judicial Wing shall cause to destroy the

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records subject to such general or special order or direction that may be given by the Secretary regarding the manner of destruction.

23. Miscellaneous.

(1) The Chairperson may, time to time, convene meeting of the Commission in any matter which in the opinion of the Chairperson seems to be of public importance and such meetings shall be arranged by the Secretary. The Minutes of the meeting shall be recorded in Minute Book which shall contain the number, date & year of the meeting.

(2) The Secretary shall take action as per the resolution of the meeting.

24. Annual Report.

The Commission shall furnish the Annual Report for the period commencing from 1st January to 31st December (calendar year) to the State Government as expeditiously as possible which shall contain details of the cases and other activities of the Commission, recommendations made by the Commission in particular case and the report shall be sent within 31st March of the succeeding year. The Secretary shall be responsible to prepare the Annual Report, to authenticate it and send it to the State Government.

25. Special Report.

The Commission may furnish such special report on specific matters as may

be considered necessary in terms of Section 28 of the Act.

26. Power to remove difficulties.

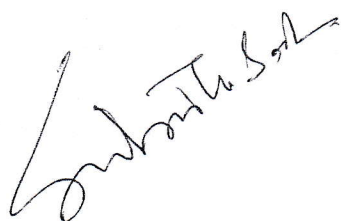
If any difficulty arises in giving effect to the provisions of the Act or these regulations, the Chairperson, by order, as occasion requires, do anything (not inconsistent with the provisions of the Act and these Regulations) which appears to him to be necessary for the purpose of removing the difficulty.

27. Amendments and Additions.


It shall be competent for the Commission to add, delete and amend these regulations from time to time and to issue appropriate directions or orders on any matter not covered by these Regulations.

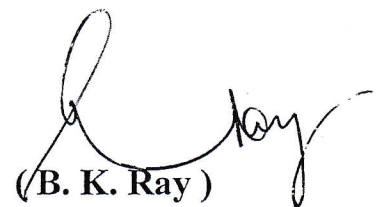
28. Repeal & Savings.

- (1) The Tripura Human Rights Commission Regulation 2016 is hereby repealed.
- (2) Notwithstanding such repeals anything done or any action taken under the said Regulation shall be deemed to have been done or taken in the corresponding provisions of this Regulation.



(S. C. Saha)
Member


(Justice S. C. Das)
Chairperson


(B. K. Ray)
Member

FORM NO. II

TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA

ORDER SHEET

Sl.No.	Date	Order	Note
1	2	3	4


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FORM NO.IV

TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA

Date

CASE DAIRY

Case No.	Name of Parties	Purport of Proceedings	Date to which adjourned	Witnesses examined	Remarks
1	2	3	4	5	6

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Signature
Secretary
Tripura Human Rights Commission

FORM NO. V

TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA

REGISTER OF DESTRUCTION OF RECORDS

Case No.	Name and Address of Parties	Date of Disposal	Date of Order of Destruction	Date of Destruction
1	2	3	4	5



Secretary
Tripura Human Rights Commission