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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

WEST BENGAL HUMAN RIGHTS COMMISSION

PURTA BHAVAN (2nd FLOOR), BLOCK-DF

SECTOR-I, SALT LAKE, KOLKATA-700 091

PHONE: 2337-2655, EPBX:2337-7707, FAX:2337-9633

E-mail: wbhrc8@bsnl.in, wbhrc2013@gmail.com

Website : www.wbhrc.nic.in

NOTIFICATION

No. 544/WBHRC/03/14-15

Calcutta, 22nd August, 2016.

RESOLUTIONS

In exercise of the power conferred by Sub-Section (2) of Section 10 read with Section 29 of the Protection of Human Rights Act, 1993 (Act No. 10 of 1994 as amended by the Protection of Human Rights Act, 2006 No. 43 of 2006), the West Bengal Human Rights Commission, hereby, makes the following Regulations :—

1. Short Title

- (a) These Regulations may be called the West Bengal Human Rights Commission, (Procedure) Regulations, 2015.
- (b) They shall come into force from 3rd December, 2015.

CHAPTER I - PRELIMINARY

2. Definitions

(1) In these regulations, unless the context otherwise requires -

- (a) "Act" means the Protection of Human Rights Act, 1993 as amended from time to time.
- (b) "Code" means the Code of Civil Procedure, 1908 as amended from time to time,
- (c) "Complaint" means all petitions or communications received by the Commission from a victim or any other person on his behalf, in person or by post or telegram or fax or e-mail with Electronic Signature (as provided under IT Act, 2009), alleging violation or abetment thereof or negligence in the prevention of such violation by a public servant, of all or any of the human rights defined in Section 2(d) read with Section 21(5) of the Act.

- (d) "Regulation" means the Regulations framed by the Commission.
- (e) "Commission" means the West Bengal Human Rights Commission.
- (f) "Chairperson" means the Chairperson of the Commission, and includes a member who is authorized to act as the Chairperson under sub-section 1 of Section 25 of the Act.
- (g) "Member" means a Member of the Commission.
- (h) "Division Bench" means a Bench consisting of two members of the Commission as constituted by the Chairperson.
- (i) "Full Bench" means a Bench consisting of all the members of the Commission as constituted by the Chairperson.
- (j) "Single Bench" means of Bench consisting of one Member of the Commission as constituted by the Chairperson.
- (k) "Secretary" means the Secretary of the Commission, who shall have administrative control and supervision over all officers and other staff made available by the State Government in terms of Section 27 of the Act.
- (l) "Director (Investigation)" means the person designated by the Chairperson as the Director of the Investigation team of the Commission,
- (m) "Registrar" means Registrar of the Commission who shall have supervision over law Division and Research Division.
- (n) "Division" means and includes Administrative Division, Law Division, Investigation Division, Research Division and such other Divisions in the Commission as may be constituted by the Chairperson,
- (o) "Officers and staff of the Commission" means Commission's own officers and staff including on deputations and those are posted as en-cadres. Notwithstanding anything contrary to the service terms and conditions of the deputed and encadred officers and staff; the Commission shall have the authority to fix up other terms and conditions such as taking disciplinary action, initiation of ACRs(As per enclosed Annexure "A" with relevant Forms) and any other relevant issues considered important for the efficient discharge of duties by officers and staff posted in the Commission,
- (p) "State Government" means the Govt, of West Bengal.

(2) Words and expression not defined in these regulations shall, to the extent defined in the Act, have the same meaning as assigned to them therein.

3. Head Quarters of the Commission

The Head Quarters of the Commission shall be as notified by the State Government.

4. Venue of the Meetings

The Commission shall ordinarily hold its meetings and sittings at its office in Kolkata. However, it may, at the discretion of the Chairperson, hold its meetings and sittings at any other place in West Bengal, if he considers the same necessary and expedient under intimation to Govt.

5. Periodicity of Sittings

The Commission shall normally have its regular sittings on all working days of every month, excepting Saturdays and holidays. The Chairperson may, however either suo motu or at the request of one or more members, direct a special sitting to be convened to consider any matter of urgency.

6. Secretarial Assistance

The Secretary shall, along with such other officers of the Commission as may be directed by the Chairperson, attend meetings of the Commission.

7. Agenda

The Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the Commission. Date of meeting shall be fixed in consultation with Chairperson. The Secretary shall cause notes to be prepared on each

item included in the agenda. Such Notes shall, as far as possible, be self contained. Files, reports, records and all papers relating to each agenda item shall be kept ready for reference by the Chairperson and members at the meeting as and when required. Notes on each item included in the agenda shall ordinarily be circulated to the Members at least two clear days in advance before the date of meeting. The Commission may, however, take up for consideration any matter which is not included in the agenda for that meeting. When matters are set down only for hearing cause list of the day of sitting shall be prepared and circulated.

CHAPTER II

PROCEDURE OF DEALING WITH COMPLAINTS OR SUO-MOTU ACTION

8. General

- (a) Complaint may be made to the Commission in English or Bengali or Hindi. If complaint is made in any other languages included in the Eighth Schedule of the Constitution, the translation of which in English is required to be filed.
- (b) No fee shall be chargeable on complaints.
- (3) Every complaint shall state the full facts relating to the matter complained against, specifying the date of occurrence of the incident and the nature of relief sought for (lest it be dismissed in limine.)
- (4) Every complaint shall—
 - (i) be submitted under the signature of the aggrieved person or of a person submitting the complaint on behalf of the aggrieved person:
Provided that when a complaint is made through any means which does not permit the complaint to be signed as aforesaid, a signed copy of the complaint shall be simultaneously dispatched to the Commission by post. In respect of e-mail electronic signature as envisaged in IT Act 2009 (as subsequently amended) be provided for acceptance by the Commission.
 - (ii) state the name and full address of the aggrieved person or each aggrieved person and if the complaint is made by any person other than an aggrieved person, the name and full address of the person making the complaint and of the aggrieved person or persons;
 - (iii) record a certificate to the effect that the subject matter of the complaint or the grievance is not sub judice before any Court or Tribunal or is not pending before a Commission including National Human Rights Commission and is not covered by a judicial verdict or decision of any Commission;
- (5) The Commission may, if necessary call for further information and may direct affidavits to be filed in respect of any matter or matters arising out of or connected with the allegation.
- (6) A complaint which does not comply with one or more of the requirements of Regulation 9 shall be liable to be rejected:
- (7) Complaint shall be filled within one year from the date of incident as per Sec. 36(2), The Protection of Human Rights Act.

Provided where the Commission is satisfied that a complaint prima facie reveals violation of a human right, it may permit the complainant to rectify defects or deficiencies under Regulation 9, if any, within such time as it may in its discretion allow, and in the event of such defects or deficiencies not being rectified within the time allowed by the Commission the complaint shall be rejected and the case closed.

9. Complaints not entertainable— Complaints of the following nature shall not be entertained by the Commission and shall be dismissed in limine:—

- (a) Complaints which are illegible, anonymous or pseudonymous,
- (b) Complaints which are vague, trivial or frivolous,

- (c) Complaints which do not prima facie disclose specific violation of human rights,
- (d) Complaints which are barred under Section 36(1) of the Act.
- (e) Complaints relating to civil disputes such as property rights, contractual obligation matrimonial disputes of civil nature and the like,
- (f) Complaints relating to deficiency in service covered by the provisions of Consumers Protection Act 1986 (68 of 1986),
- (g) Complaint relating to service matters or labour or industrial disputes or to claims & grievances arising out of conditions of service or service rules or labour laws and the like,
- (h) Complaints relating to any matter which is sub judice before a Court or Tribunal or is covered by a judicial verdict,
- (i) Complaints relating to matter being enquired into by the National Human Rights Commission or any other Commission duly constituted under any law for the time being in force and matter covered by decision of the National Human Rights Commission or any such Commission,
- (j) Complaints addressed to any other authority copy of which is received in the Commission,
- (k) Complaints relating to events or incidents which did not occur within the geographical limits of the State of West Bengal,
- (l) Complaints relating to Central Government in full from Organization/Armed Force of the Union & matters outside the purview of the Commission on any other ground.

10. Processing of Complaints:—

- (1) All communications in writing (by whatever mode dispatched) addressed to the Commission, its Chairperson, Members or other officers of the Commission by designation shall be received by the officer designated for the purpose.
- (2) All communication addressed to the Chairperson, Members or other officers of the Commission by name shall be placed before the Chairperson or the Member or the officer concerned, as the case may be, and shall after their perusal be forwarded to the officer designated under clause(1) above.
- (3) The designated officer shall then arrange to sort out all communications so received, division-wise and to get them diarised in Form-1
- (4) All complaints falling under Section 12(a) of the Act and all communications relating to any complaint already received or registered shall be submitted to the Registrar. All fresh complaints shall be scrutinized and on completion of scrutiny the Registrar shall fill up Form 2 indicating inter-alia whether the complaints are prima facie entertainable or not entertainable for any reason mentioned in Regulation 9. A scrutiny report shall also be prepared in respect of any information on the basis of which initiation of Suo-Motu action as under consideration and such scrutiny report shall be made in Form-3. He shall then send the complaint or information on the basis of which Suo- Motu action is under consideration with the scrutiny report appended thereto to the officer/Section concerned for registration. Other communication relating to complaints received earlier and registered shall be processed and appropriately dealt with.
- (5) If a communication is not a complaint under Section 12(a) of the Act, but relates to the other clauses of Section 12, the same shall be placed before the Secretary, who shall place it before the full Bench of Commission with a brief note as early as possible in accordance with the procedure outlined in Regulation-7

- 11. Classification :** Complaints shall be classified subject wise with reference to the subject list in Appendix-1. The subject list may be modified or amended from time to time with the approval of the Chairperson.
- 12.** A common register shall be maintained in Form-4 in the Law Division for entering in serial order the case number of each complaint registered, the relevant District Code and year of registration, the corresponding diary number and the District to which the incident relates. After completion of the scrutiny, entry shall be made in the common register and the case number assigned to the complaint along with the District Code shall be entered on the cover page of the case file in Form-5, of the complaint in red ink and also in the space provided in the Scrutiny Report.

- (b) Records relating to each complaint shall be kept in separate cover files and duly indexed in Form-6. The same shall be sent to the listing section or to the officers responsible for listing for placing the matter before the Commission.
- (c) All complaints registered as aforesaid shall be placed before the Commission for consideration as expeditiously as possible and ordinarily not later than seven working days from the date of its receipt. In case a complaint cannot be placed before Commission within the period as aforesaid, it shall be placed before the Chairperson for appropriate orders.
- (d) Where the Chairperson directs any complaint to be taken up for urgent consideration, it shall be placed before the Commission, within such time as may be directed by the Chairperson.

13. Constitution of Benches:—

Subject to such special or general orders of the Chairperson, all complaints other than suo-motu cases shall ordinarily be 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 Division Bench the papers shall be placed before the Chairperson for assigning the case to such a Division Bench if the Chairperson also concurs with that opinion. If the Chairperson feels that having regard to the importance of the matter the case should be heard by a Full Bench, the case may be referred to such a larger Bench, constituted for that purpose. A suo- motu case shall be considered by a Division Bench unless assigned to a larger bench in accordance with the procedure outlined above.

14. Preparation of Cause List : Cause list shall be prepared in Form-7 listing the cases under the following heads :

- (a) For Admission— Cases, which are prima facie not entertainable and complaints which are found to be defective shall also be included in this head, for rejection or appropriate directions.
- (b) For Directions— Cases in which information or report has not been received, cases in which summons are to be issued, cases requiring interim and interlocutory-orders will be included in this head.
- (c) for Final Disposal
- (d) Cases awaiting compliance
- (e) Review applications

15. Posting of cases — (a) Cases shall be included in the Cause list of each Bench as per the directions of the Chairperson.

- (b) The case files of the cases posted in the Cause List shall be circulated to the Bench two days in advance together with cause list.

16. Preliminary Consideration and steps— (a) If after consideration, complaint is dismissed in limine, the said order shall be communicated to the complainant in Form-8. The case shall then be treated as closed.

- (b) If a complaint is admitted or is taken cognizance of suo-motu, the notice in Form-9 shall be sent to the concerned authority enclosing a copy of the complaint or report or gist of information on which suo-motu cognizance has been taken, with an intimation to the complainant.
- (c) Such notice shall specify the time within which the information or the report has to be submitted.

17. Recording of orders : (a) Orders of the Commission shall be recorded in the Order Sheet in Form-10. Lengthy orders shall be recorded on separate sheets and appended to the Order Sheet. P.S. or P.A. attached to the Chairperson or Member shall enter in the relevant column of the Order Sheet the date of the order and the number of pages.

- (b) In cases requiring urgent action in pursuance of the order issued by the Commission, the concerned P.S. or P.A. shall send the file at once to the Registrar, who shall arrange for the communication of the order either by fax or telephone or speed post or telegram and then transmit the records to the concerned section for further action.

18. Detailed Information Register— A register in Form-11 shall be maintained and the relevant information shall be entered as and when available in the relevant columns.

19. Preparation of Synopsis— (a) upon receipt of the report or information called for, a detailed note in the form of a synopsis shall be prepared by the Registrar in Form-12 and the case then shall become ready for being placed before the Commission for final disposal.

(b) After considering the report or information, if the Commission disposes of the case without any recommendation, the case is closed.

20. Summons— (1) Summons in Form-13, indicating the purpose of summoning such person shall be issued in the following cases:—

- (a) To the complainant or any other person on his behalf to afford him a personal hearing,
- (b) To another person who in the opinion of the Commission, should be heard for appropriate disposal of the case,
- (c) To any person to cause production of records required by the Commission,
- (d) To any person to be examined as witness,
- (e) To any person whose conduct is to be enquired into,
- (f) To any person, whose reputation, in the opinion of the Commission is likely to be prejudicially affected.

(2) A case in which summons has been issued for personal appearance of a person shall be placed before the Commission, on the date noted in the summons.

21. Investigation— (a) Whenever the Commission orders investigation by its Investigation Division or by any other investigating agency of State Government with its approval as provided in Section 14 of the Act, a copy of such order along with copies of the papers relevant thereto shall be furnished forth-with to such Division or Agency calling upon it to conduct the investigation and submit its report within, the time specified in the order.

(b) If report is not received within the specified time, the matter shall be placed before the Commission forthwith for further directions.

22. Communication of recommendations — (i) Whenever the Commission makes any recommendation after considering the inquiry report, along with its recommendation shall be sent in Form-14 within 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 one month or such further time as the Commission may allow.

(ii) While recommending prosecution in respect of human rights violation following fact finding enquiry under provisions of Section 18(1) of Protection of Human Rights Act, the Commission may suggest to the Government recording of F.I.R. against the violator of human rights and trial in special Human Rights Court.

23. Follow up action — (a) If no comments are received within the specified time, the case shall be placed before the Commission forthwith

(b) If comments are received, the case shall be placed before the Commission with a brief note in Form-15 indicating whether the recommendation of the Commission has been accepted in full or part or not accepted at all, the reasons for such non-acceptance or part- acceptance and the action that may be taken or proposed to be taken.

(c) After considering the comments and the brief note on it, the Commission shall pass such order as it deems fit.

24. Procedure regarding Suo-Motu Action — (i) The procedure contained in this Chapter shall mutatis mutandis apply to suo-motu action taken by the Commission :

(ii) Provided that the Commission may cause a preliminary enquiry to be conducted before taking cognizance of any matter suo-motu. Suo motu cognizance shall be taken by the full Bench of Commission. However,

Member/Members can always make a separate reference to the Chairperson asking him that the matter be placed before the Full Bench of Commission for scrutiny/examination/cognizance. On receipt of such reference, the Chairperson shall place the matter before the larger Bench.

25. Publication — When the Commission passes order after inquiry under Section 17, the Registrar shall cause to —

- (a) Prepare a list of such cases in Form-16, furnishing particulars such as case number, name of the complainant, name of the Government or authority concerned and the date of the final order, with a further note that a copy of the inquiry report referred to in section 18(6) of the Act is 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) Send to the library of the Commission two sets of the documents referred to in Section 18(6) of the Act and the further order if any passed by the Commission in each case;
- (d) Send simultaneously free of cost a copy of each of -

- 1) the documents referred to in clause (C) to the complainant or his representative; and
- 2) the order referred to in regulation 23 (C) to the concerned government or authority

26. Mode of Communication.— Unless otherwise ordered, all communications from the Commission shall be sent by ordinary post, certificate of posting and also published electronically in its WEB-SITE.

27. Review.— (a) Ordinarily, no party may have a right to seek review of the order or proceedings of the Commission.

- (b) If any application seeking review or modification of the order or proceedings passed by the Commission is received, the same shall be placed before the same Bench, which made the order along with the case file and the same shall be disposed of by such order as may be deemed proper.

28. Consignment of Records.— Records of all cases finally disposed of shall be consigned to the Record section after completing the entries in the register in Form-11.

29. Period of Retention of Records.— (a) Unless otherwise ordered by 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) The register in Form-11, which contains detailed information regarding each complaint registered shall be retained permanently.

30. Destruction of Records.— (a) The record keeper shall identify the cases, the records of which are ripe for destruction and ensure that appropriate entries are made in the register in Form-11 regarding the date of destruction. A separate register shall also be maintained containing the list of cases taken up for destruction.

- (b) Original documents shall be returned to the person who produced the same on his application at any time before destruction.
- (c) Destruction shall be carried out as per the direction of the Registrar in the month of August every year.

31. Periodical Statements — The Registrar shall arrange for the preparation of the following statements.

- (2) Monthly statement of registration and disposal in Form-17.
- (3) Quarterly subject-wise statement of cases in Form-18.
- (4) Yearly statement.

CHAPTER - III
MISCELLANEOUS

- 32. Minutes of the Meeting** — (a) Minutes of each meeting of the Commission shall be recorded during the meeting itself or immediately thereafter by the Secretary or by any other officer as directed. Such minutes shall be submitted to the Chairperson for his approval and upon his approval be circulated to all the Members of the Commission at the earliest and in any case sufficiently before the date 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 form a part of and be kept on record.
- (c) 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.
- 33. 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 and a copy of the minutes pertaining to each item shall be taken to the relevant file for appropriate action. Opinion shall be kept in the respective records and for convenience, copies thereof with appropriate indexing shall be kept in guard files.
- 34. Report of Action Taken** — Report of follow up action shall be submitted to the Commission by the Secretary at every subsequent sitting indicating there in 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..
- 35. Transaction of business outside the Headquarters** — (a) The Commission or some of the Members may transact business at places outside its Headquarters as and when previously approved by the Chairperson.
- (b) The Commission or any of its Members, when requested by the Chairperson or the Chairperson may undertake visits for an on the spot study and where such study is undertaken a report thereon shall be furnished to the Commission as early as possible.
- 36. Authentication of orders and decisions** — Orders and decisions of the Commission shall be authenticated by the Secretary or any officer authorized by the Chairperson not below the rank of Assistant Secretary.
- 37. Copies** — Unless any document is classified by the Commission as confidential, a copy of the same may be made available to the parties, on payment of copying charges fixed by the Commission from time to time. Copies shall be furnished as expeditiously as possible.
- 38. Representative** — Parties before the Commission shall appear either in person or through authorized representative, unless personal attendance is required by the Commission. Such a representative may be a member of the Bar or such other person permitted by the Commission to represent the parties.
- 39. Annual Report** — The Commission shall prepare an Annual Report for the period commencing from the 1st April of a year to 31st March of the succeeding year, signed by the Chairperson and all the Members. The same shall be a permanent record and shall be preserved in the Commission. Authenticated copies shall be sent to the State Government.
- 40. Reports on Complaints and Inquiries** — Reports contemplated under Section 18 of the Act shall be sent to the concerned Government or authority or the person as the case may be within a week of completion of the proceedings before the Commission and on receipt of the comments of the concerned Government or authority or the person, the Commission shall publish the report in the manner provided in Section 18 of the Act.w
- 41. Investigation Division** — The Commission shall have its own team of investigation headed by an officer not below the rank of Additional Director General & Inspector General of Police, who shall be designated as the Director of Investigation. The Director of investigation shall be assisted by such number of Officers and men of such rank as may be decided from time to time in consultation with the State Government. The State Government shall make available the personnel to the Commission on deputation. If required, Scientific and technical personnel may also be included on temporary basis in consultation with the Government for the purpose of investigation.

The Investigation Division will have a Standard Operating Procedure which will serve as General Guidelines for investigating officers (**details in Annexure 'B'**).

42. **Saving** — (a) Complaints received and considered by the Commission prior to the commencement of the Regulations shall be deemed to have been dealt with under these Regulations and in respect of such complaints, records shall be compiled with and subsequent actions taken to the extent reasonably practicable in accordance with the provisions of these Regulations.
- (b) The West Bengal Human Rights Commission (Procedure) Regulations, 1995, vide No. 54-WBHRC Dt. 12.09.1995 are hereby repealed.
43. **Forms and Annexure** — The forms and annexures referred to these Regulations shall be deemed to be a part of these Regulations.
44. **Transitory Provision** — Where under these Regulations any duty or responsibility has been entrusted to any officer of the Commission or functionary and such officer or functionary is not available, the Chairperson may assign such duties or responsibilities to any other officer or functionary for the time being.
45. **Amendments and Additions** — Commission may from time to time add, delete and amend these Regulations or any provision thereof and may issue appropriate directions.

WEST BENGAL HUMAN RIGHTS COMMISSION

Form No. 1
Diaiy

Serial No. for the year	Date of Complaint	Name of complainant with address	Name of persons / official / authority against whom complaint is made	Name of Division	Remarks

Form No. 2**File No. (Computer Generated):****WEST BENGAL HUMAN RIGHTS COMMISSION
(LAW & RESEARCH WING)**

1. Diaily No. (Computer Generated)

2. Received Date

3. Complaint No.

4. Complainant's Name

5. Complainant's Address

6. Incident Date

7. Person complained against With address

8. Incident Code : [Vide Annexure-I]

9. Gist of Complaint:

10. Remarks of Registrar / Deputy Registrar :

11. Endorsement of the Hon'ble Commission :

WEST BENGAL HUMAN RIGHTS COMMISSION

Form No. 3

Scrutiny Report

Diary No.

Date :

It appears from the reports published in print media and telecast from electronic media that there are allegations of violation of human rights of (name of aggrieved person/persons) of (address) and negligence in the prevention of such violation by public servant (name of the public servant).

Copies of media reports are enclosed herewith.

This report may be considered by the Hon^{ble} Commission for appropriate action.

Concerned assistant to register it in the diary.

Sd/-

Registrar / Dy. Registrar,
West Bengal Human Rights Commission.

WEST BENGAL HUMAN RIGHTS COMMISSION

Form No. 4

Common Register of Complaint

Serial No. of case registered	Date of registration	District Code	Corresponding Diary No.	District in which incident occurred

WEST BENGAL HUMAN RIGHTS COMMISSION**Form No. 5****Cover Page**

File No.
(Law Division)

West Bengal Human Rights Commission
Purta Bhavan
Kolkata-700 091.

Complaint No. : _____ of 20

Name of Complaint :

Complaint lodged against :

Nature of complaint :

Date of receipt of the complaint :

Date of admission, if any :

Final order passed by the
Commission (with date) :

Further steps taken, if any :

WEST BENGAL HUMAN RIGHTS COMMISSION

Form No. 6

INDEX

File No.

Complainant			
Complaint against			

FILE

Serial No. of Paper	Sheets	Description	Period for which be preserved	Remarks

WEST BENGAL HUMAN RIGHTS COMMISSION**Form No. 7****Before Single Bench/Division Bench/Full Bench**

No. of case fixed for the day 1	Nature of the case 2	Result or date to which adjourned 3	Specific orders, if any, in brief 4
	For admission For directions For final disposal Cases awaiting compliance Review applications		

WEST BENGAL HUMAN RIGHTS COMMISSION

Form No. 8

Communication of Dismissal Order

Case No.

Date :

To

Sir/Madam,

The Commission upon consideration of complaint dated Received on
in respect of Sri/Smt.
passed the following order on

This is for your information.

Yours faithfully,
Sd/-

Registrar / Dy. Registrar / Assistant Secretary

WEST BENGAL HUMAN RIGHTS COMMISSION**Form No. 9****Notice to call for report**

Case No.

Date :

From :

To :

WHEREAS the complaint/intimation dated received from
 in respect of was placed before the Bench of
 Shri
 Justice On
 AND WHEREAS upon perusing the complaint the Commission has passed the following orders:

NOW THEREFORE TAKE NOTICE that you are required to submit the requisite information/Report within
 4 weeks from the date of receipt of the notice.

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

Given under my hand and seal of the Commission, this the date of 2014.

(BY ORDER)
 Sd/-

REGISTRAR/DY. REGISTRAR

Encl: Copy of the complaint.

- Note: 1. The information/report shall be furnished only by the authority which is called upon to do so.
 2. Please quote the Case No. referred above in all future correspondence/reports.

Cc to :

Sd/-

REGISTRAR / DY. REGISTRAR.

WEST BENGAL HUMAN RIGHTS COMMISSION

Form No. 10

Order Sheet for W.B.H.R.C.'s Records

Complaint :

Complaint against :

Serial No. of Order	Date	Order with signature of Chairperson / Member	Office Note as to action taken on order (if any)

WEST BENGAL HUMAN RIGHTS COMMISSION

Form No. 11

Detail Information Register

Serial No. for the Year	Date of Complaint or suo-motu cognizance	Name of the complaint / Source of suo-motu cognizance	Complaint against persons / official / Authority	Name of case	Order Passed with date		Date of Destruction	Remarks
					Preliminary	Final		
1	2	3	4	5	6	7	8	9

WEST BENGAL HUMAN RIGHTS COMMISSION

**Form No. 12
Synopsis of Report**

Complaint :

Complaint against :

Received report from (name of the officers/authority). It appears from the report that.....

The report be placed before the Hon'ble Chairperson/Hon'ble Single Bench/Hon'ble Division Bench for kind perusal.

Sd/-

Registrar / Dy. Registrar,
West Bengal Human Rights Commission.

WEST BENGAL HUMAN RIGHTS COMMISSION

**Form No. 13
Summons to witness**

To

Whereas complaint has been made by (name of complainant) of
alleging violation of human rights or suo motu cognizance has been taken on allegation of violation of human rights
of.....
and it appears to the Commission that you are likely to give material evidence or to produce any document or other thing
in this regard.

You are hereby summoned to appear before this Commission on the day of
at And (or to produce such document or thing or to testify what
you know concerning the matter of the complaint or suo-motu cognizance and not to depart thence without leave of the
Commission.

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

By order of the Commission.

Sd/-

Registrar / Dy. Registrar,
West Bengal Human Rights Commission.

WEST BENGAL HUMAN RIGHTS COMMISSION

Form No. 14

Communication of Recommendation

No.

Date :

Recommendation No.

From : The Secretary & C.E.O.
West Bengal Human Rights Commission.

To : The Chief Secretary,
Government of West Bengal,
Nabanna,
Sharat Chatterjee Road,
Shibpur,
Howrah-711 102.

Sir,

I am directed to enclose herewith an authenticated copy of the recommendations dated made by the West Bengal Human Rights Commission in connection with complaint dated of

Or in connection with news items dated Regarding
The recommendations are self explanatory.

Action taken by the Government on the recommendations may please be intimated to the Commission by

Yours faithfully,
Sd/-

Registrar / Dy. Registrar,
West Bengal Human Rights Commission
Or
Authorized Officer

Dated : As stated above.

WEST BENGAL HUMAN RIGHTS COMMISSION

Form No. 15
Action Taken Report

Sir,

Vide letter No. dated
of the Home Department (Human Rights Branch), Government of West Bengal the recommendation/recommendations
made in File No. has /have been fully accepted.

Partly accepted with reasons	Not accepted with reasons

WEST BENGAL HUMAN RIGHTS COMMISSION**Form No. 17****Monthly Statement of Registration and
Disposal Cases****Month :**

Pending at the beginning of Month 1	Registration of Cases during month 2	Disposal of cases during month 2	Pending after disposal during month 4

ANNEXURE - A**SCHEDULE**

Sl. No.	Post	Reporting Officer	Reviewing Officer	Accepting Authority
A.	<u>Statutory post of the Commission</u>			
1.	Secretary & Chief Executive Officer	Hon'ble Chairperson	Dispensed with	Hon'ble Chairperson
2.	Addl. Director General & Inspector of Police	Hon'ble Chairperson	Dispensed with	Hon'ble Chairperson
B.	<u>Officers deputed by the Govt.</u>			
1.	Dy. Secy/Jt. Secy./Spl. Secy.	Pr. Secy / Secretary	Dispensed with	Hon'ble Chairperson
2.	Registrar	Pr.Secy./Secretary	Dispensed with	Hon'ble Chairperson
3.	Deputy Registrar	Registrar	Secy./Pr. Secy.	Hon'ble Chairperson
4.	Superintendent of Police	Addl. D.G. & I.G.P.	Secy./Pr.Secy.	Hon'ble Chairperson
5.	Accounts Officer	Jt. Secy. / Spl. Secy.	Pr.Secy./Secy.	Secy./Pr. Secy. (F)
6.	Dy. Superintendent of Police	Supdt. of Police	Dispensed with	A.D.G. & I.G.P.
7.	Inspector of Police	Supdt. of Police	Dispensed with	A.D.G. & I.G.P.
8.	Personal Secy, to Chairperson	Jt.Secy./Spl.Secy.	Dispensed with	Pr.Secy./Secretary
9.	Personal Secy, to Secy.	Jt. Secy./Spl. Secy.	Dispensed with	Pr.Secy./Secretary
10.	Public Relations Officer	Jt. Secy./Spl.Secy.	Dispensed with	Pr.Secy./Secretary
11.	Statistician	Jt. Secy./Spl.Secy.	Dispensed with	Pr.Secy./Secretary
C.	<u>Other Officer & Staff deputed</u>			
1.	Section Officer/Accountant	Assistant Secretary	Jt. Secy./Spl. Secy.	Pr. Secy. / Secretary
2.	Upper Division Assistant/Cashier	Assistant Secretary	Dispensed with	Jt. Secy./Spl. Secy.
D.	<u>Commission's own Officers & Staff</u>			
1.	Assistant Secretary	Jt. Secy./Spl. Secy.	Dispensed with	Pr. Secy./ Secretary
	Asstt Librarian	Assistan. Secretary.	Dispensed with	Jt.Secy./Spl. Secy.
	Stenos./P.A.s	Assistant Secretary	Dispensed with	JtSecy./Spl.Secy.
	Upper Division Assistants/Lower Division Assistants	Assistant Secretary	Dispensed with	Jt.Secy./SpLSecy.
	Erstwhile Typists	Assistant Secretary	Dispensed with	Joint Secy./Spl.Secy.
	Computer Operator	Assistant Secretary	Dispensed with	Jt.Secy/Spl.Secy

West Bengal Form No. 290A

Government of West Bengal**District: Kolkata****Department:— West Bengal Human Rights Commission****Annual Confidential Report for Gazetted Officers**

For the period from

Name :

Rank :

Service :

Branch :

ATTENDANCE

1.	Total No. of Working days during the period under review	
2.	No. of days the incumbent was on leave	
3.	No. of days of late attendance and early departure during the period under review	
4.	No. of days of unauthorized absence without leave	
5.	No. of days deducted as leave due to late attendance/early departure	
6.	No. of days of effective attendance of the incumbent during the period under review (item 1 minus items 4 & 5)	
7.	Percentage of late attendance or early departure as against the total No. of working during the period under review [(item3/item1)%]	
8.	Percentage of effective attendance as against the total No. of working days during the period under review [(item 6/item 1)%]	

**RECORD ASSESSMENT WITH ONE OF THE FOLLOWING WORDS:
[VERY GOOD/GOOD/AVERAGE/POOR]**

Assessment

1.	Personality	
2.	Capacity for sustained work	
3.	Tact and ability to work with others	
4.	Ability to control subordinates	
5.	Reliability in carrying out Instruction	
6.	Ability to state a case	
7.	Initiative	
8.	Power to inspire confidence in general public	
9.	Power of taking responsibility	
10.	Knowledge of his work	
11.	Assessment of Integrity, if anything adverse, has come to your notice, please specify it also	

GENERAL REMARKS

Including a statement on the integrity, character, physical fitness and of any special qualification of the officer not reported over leaf)

Reporting Officer should give full statement below particularly in the case when reporting officer in a Senior Officer:-

Statement of Reporting Officer: -

Signature _____

Rank _____ Date _____

Statement by countersigning Officer:-

Signature _____

Rank _____ Date _____

Head of the Department:-

Signature _____

Date _____

N.B. 1) Please do not write in the margin.

2) The report on each officer should be prepared in four copies of which one copy should be kept in Commissioner's Office and rests should be sent to Government.

Vague and Indeterminate comment reflecting on the Integrity of the officer should not be made. Adverse comment should be made only when the reporting officer is reasonably satisfied and has reasons to believe that circumstances and facts justify the adverse comments made.

11. Assessment of integrity: If anything adverse has come to your notice, specify it also.		
10. Knowledge of his work.		
9. Power of taking responsibility.		
8. Part in important confidence in general public.		
7. Industry in his work.		
6. Attitude towards his work.		
5. Reliability in carrying out instructions.		
4. Ability to carry out his work.		
3. Reliability in carrying out his work.		
2. Ability to carry out his work.		
1. Reliability in carrying out his work.		

বিভাগের ১০।৯।২০০২ তারিখের ৯১৩৫ গ্রহণযোগ্য সংযোজনী - ১

পশ্চিমবঙ্গ সরকার

খ ও গ মন্ডলীভুক্ত কর্মচারীদের কর্মসম্পাদন প্রতিবেদন
(প্রতিবেদনকারী আধিকারিককে পূরণ করতে হবে)

..... মাস থেকে

মাস পর্যন্ত কর্মসম্পাদন প্রতিবেদন।

- ১। কর্মচারীর নাম :
- ২। বিভাগ/দপ্তর :
- ৩। পদের নাম :
- ৪। জন্ম তারিখ (ক) :-
- সরকারী চাকুরিতে যোগদানের তারিখ (খ) :-

অংশ-১। উপস্থিতি, কর্মসম্পাদন ও কর্মকুশলতার মূল্যায়ন :-

(ক) :- উপস্থিতি

নম্বর - ২৫

- ১। আলোচ্য কালপর্বে মোট কাজের দিন :
- ২। কর্মচারী কতদিন ছুটিতে ছিলেন :
- ৩। কর্মচারী কতদিন বিলম্বে উপস্থিত হয়েছেন এবং অফিস ছুটির পূর্বে দপ্তর ত্যাগ করেছেন :
- ৪। ছুটি ছাড়া অননুমদিত অনুপস্থিতির দিনের সংখ্যা :
- ৫। বিলম্বে হাজিরা ও অফিস পূর্বে দপ্তর ত্যাগ করার জন্য কতদিনের ছুটি কাটা হয়েছে :
- ৬। প্রকৃত উপস্থিতির সংখ্যা (১ দফা থেকে ৪ ও ৫ দফা বিয়োগ করে)
- ৭। মোট কতদিনের ভিত্তিতে বিলম্বে হাজিরা বা অফিস ছুটির পূর্বে সমস্ত অংশের শতকরা হার (৩ দফা×১০০/১ দফা)
- ৮। মোট কাজের দিনের ভিত্তিতে প্রকৃত উপস্থিতির শতকরা হার (৬ দফা×১০০ / ১ দফা)

(খ) কর্মসম্পাদন ও কর্মকুশলতা

নম্বর - ৬০

পর্যায়ক্রমিক মান : উৎকৃষ্ট (৬) খুব ভাল, (৫) ভাল (৪), সাধারণ (৩) সাধারণের নিম্ন (০) (কাজের খতিয়ান (কেস বুক), কাজের দিনলিপি (ডায়েরী), ক্ষেত্রীয় দিনলিপি, (ফিল্ড ডায়েরী) ইত্যাদি যেখানে যা প্রযোজ্য তার ভিত্তিতে নম্বর দিতে হবে)।

- ১। কতখানি গুরুত্ব দিয়ে কর্মচারী তাঁর কাজ সম্পন্ন করেন :
- ২। কাজের খতিয়ান (কেস বুক), কাজের দিনলিপি (ডায়েরী), ক্ষেত্রীয় দিনলিপি (ফিল্ড ডায়েরী) ইত্যাদি লেখার মান :
- ৩। বন্ডিত কাজের বন্টন তৎপরতার সঙ্গে এবং পুরোপুরিভাবে কতটা পেরেছেন। :
- ৪। নির্দিষ্ট সময়ে অথবা যুক্তি সংগত অতিরিক্ত সময়ের মধ্যে কর্মসম্পাদন দক্ষতা :

- ৫। জনসাধারণের আস্থা অর্জন করার ক্ষমতা। :
- ৬। কর্মসম্পাদনের মান। :
- ৭। সংশ্লিষ্ট পদের / কাজের প্রয়োজনে দপ্তরের কাজের পদ্ধতি, :
নিয়মাবলী, প্রনিয়মাবলী ও নির্দেশিকা সম্পর্কে জানা। :
- ৮। প্রাসঙ্গিক নিয়মাবলী ও প্রনিয়মাবলী সঠিক ভাবে প্রয়োগ :
করার সামর্থ্য। :
- ৯। কাজের বিষয়বস্তু পুঙ্খানুপুঙ্খ রূপে পরীক্ষা করার সামর্থ্য :
- ১০। সাধারণ ও সম্ভাব্য কাজের পরিস্থিতি মোকাবিলায় উদ্যোগ গ্রহণে সামর্থ্য

প্রতিবেদনকারী আধিকারিকের স্বাক্ষর ও সীলমোহর

তারিখসহ কর্মচারীর স্বাক্ষর : _____

প্রতিস্বাক্ষরকারী আধিকারিক স্বাক্ষর ও সীলমোহর

গ্রহণকারী কর্তৃপক্ষের স্বাক্ষর ও সীলমোহর

অংশ - ২ (খ ও গ মন্ডলীভুক্ত কর্মচারীদের) - দায়বদ্ধতা ও সততার মূল্যায়ন :-

(গ) দায়বদ্ধতার মূল্যায়ন

পর্যায়ক্রমিক মান :- উৎকৃষ্ট (৫), খুব ভাল (৪), ভাল (৩), সাধারণ (২), সাধারণের নিম্নে (০)।

১। নির্দেশ পালনের ক্ষেত্রে নির্ভরযোগ্যতা : _____

২। দায়িত্ববোধ, কাজের গুরুত্ব বিচারের ক্ষমতা এবং গুরুত্ব অনুযায়ী কাজ করার ক্ষমতা : _____

৩। সহকর্মী ও জনসাধারণের সঙ্গে ব্যবহার : _____

(ঘ) সততার মূল্যায়ন

(ক্ষতিকর কোনো প্রবণতা পরিলক্ষিত হলে তাও সুনির্দিষ্টভাবে উল্লেখ করতে হবে)

প্রাপ্ত নম্বর

প্রতিবেদনকারী আধিকারিকের স্বাক্ষর ও সীলমোহর

অংশ - ১

প্রতিবেদনকারী আধিকারিকের স্বাক্ষর ও সীলমোহর

অংশ - ২ :-

মোট :-

গ্রহণকারী কর্তৃপক্ষের

স্বাক্ষর ও সীলমোহর

ANNEXURE 'B'

S. O. P.

For

INVESTIGATION WING

OF

W.B.H.R.C.

General Guidelines

(Ref: Section 14 of The Protection of Human Rights Act., 1993)

1. Introduction: With the approval of Hon'ble Commission, WBHRC, this SOP for Investigation will be strictly followed by the I.Os of I.W. Section of WBHRC.
2. Initial Process: If Hon'ble Commission decides for any investigation of any matter, this will be placed before ADG, WBHRC for his official endorsement of I.O. SP, WBHRC will propose for the name of I.O. of that case for necessary approval of ADG, WBHRC. On approval of ADG, WBHRC, concerned I.O. will be briefed by SP, WBHRC and a separate Investigation File will be opened by I.W. Section incorporating copies of all necessary papers from the Main File of the Commission. All the queries of Hon'ble Commission will be minutely studied by the I.O. before initiating investigation.
3. Report in Specified Format: I.O.s of I.W. Section should submit all their reports in newly-designed Report Format customized for this Commission. They should specifically mention time of visit, place of visit, time of examination of witnesses, details of evidences collected, date/ time/ reference memo of all summons/ messages/ letters issued/ requisition for any public record/ production of any document, etc. A synopsis of investigation completed and what are to be done in future will be specifically mentioned in the C.D.
4. Forwarding of Report.: I.O.s will forward the C.D.s to SP, WBHRC for his comment twice in a week mandatorily for each case. SP, WBHRC, in turn, will make comment as "Progress Report". Periodically ADG, WBHRC will assess the "Status Report" of each case and give his opinion which will be strictly followed by I.O.s without any delay.
5. Time-bound investigation: All I.O.s should complete investigation within the date or stipulated period fixed by Hon'ble Commission. Normally all Investigation should be completed within four week from the date of endorsement.
6. Miscellaneous:
 - a. In case of any change of I.O. it should be approved by ADG, WBHRC.
 - b. Vehicular support will be adequately provided by the Commission for all visits relating to investigation.
 - c. Camera (still & video) will be used by I.O. when necessary.

In case of any problem faced by any I.O at any stage of investigation, he should bring this matter immediately to the notice of his superiors and get it solved at the earliest.

This is particularly applicable to collect medical documents and expert comments.

(A) ADG Should

- 1) Brief SP&I.O
- 2) Line of Investigation to be established.
- 3) **Balance of evidence and weights of evidences are to be prepared.**
- 4) Brief S.P how to conclude objectively on the case.

(B) Role of S.P.

1. Open a new file after receiving an order of enquiry from Commission.
2. The files should be numbered continuously for one year. This file number should be maintained in the office of SPHRC
3. The Report File to be sent to ADG proposing name of I.O.
4. The proposal to the ADG should contain
 - Name of proposed I.O.
 - Brief of allegation.
 - Existing evidence
 - ❖ Documentary.
 - ❖ Witness.

- Conflict of interest.
 - Reasons why commission endorsed to I.W.
 - In favour of conflict should mean truth of allegation.
5. On receipt of approval from ADG, the file should be marked to I.O and one attached constable.
 6. He should brief orally the I.O and attached constable regarding possible steps in a week's time.
 7. S.P will take weekly report of work done as reported by I.O in the prepared proforma.
 8. On completion of enquiry the report should be submitted to ADG not later than one month from date of endorsement by commission.
 9. The report should contain following chapters.
 1. **Cover Page**
 - Name of complainant.
 - Date endorsed by Commission.
 2. **Brief**
 - 2.1 Name of Complainant
 - 2.2 Allegation: 150 words
 - 2.3 Date of occurrence
 - 2.4 Time of occurrence
 - 2.5 Person/ Persons alleged against
 - 2.6 Evidences
 - Documentary
 - Witness
 - 2.7 Short narration of allegation (150 words)
 3. **Detailed report—**
 - 3.1 **Steps taken by I.O.**
 - 3.1.1 Visit to P.O
 - 3.1.2 Examination of witness.
 - 3.1.3 Collection of Documentary evidence
 - 3.1.4 Any other evidence collected.
 - 3.2 **Time Line of Events.**
 - 3.3 **Evidences in favour of conflict**
 - 3.2.1 Documents
 - 3.2.2 Witnesses
 - 3.2.3 Opinion of Expert
 - 3.4 **Evidences against conflict**
 - 3.3.1 Documents
 - 3.3.2 Witnesses
 - 3.3.3 Opinion of Expert
 - 3.5 **Opinion of I.O**
 10. Report should be submitted in compact format
 11. Report should preferably be signed by ADG, SP and I.O.
- (C) Duties and Responsibilities of I.O. :**
1. I.O. will go through the file Carefully.
 2. Examine all existing documentary evidences in the case.
 3. Highlight/Underline/encircle important part of documentary evidence.
 4. Examine Complainant.

5. Visit Place of occurrence.
6. Examine all witnesses (existing and proposed new).
7. Collect opinion of experts like forensic or Handwriting.
8. Highlight important part of Statement of witness.
9. Examine the balance of evidence.
10. Submit report by one month.
11. In case he requires more time, he should seek approval in file.

By order of the Commission,
Sd/-

LAIMA CHOZAH
Secretary & C.E.O.
West Bengal Human Rights Commission