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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW, JUSTICE AND HUMAN RIGHTS
(Human Rights Wing)

NOTIFICATION

Islamabad, the 6th November, 2015

S.R.O. 1342(1)/2015.—In exercise of the powers conferred by section 33 of the National Commission for Human Rights Act, 2012 (XVI of 2012), the National Commission for Human Rights, in consultation with the Federal Government, is pleased to make the following rules namely:—

1. **Short title and commencement.**—(1) These rules shall be called the National Commission for Human Rights (Complaint) Rules, 2015.

(2) They shall come into force at once.

2. **Definitions.**—Unless there is anything repugnant in the subject or context,—

(a) “Act” means the National Commission for Human Rights Act, 2012 (XVI of 2012); and

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- (b) "complaint" means a complaint or petition made in writing to the Commission in any language under the Act;

3. **Complaint to the Commission.**—(1) Upon information received from any proper source or based on its own knowledge the Commission may under sections 9(a) and 9(b) take *Suo-Moto* action against violation of human rights and may proceed to take action as laid down in sections 12, 13, 14, 15, 17, 18, and 21.

Explanation.—Proper source includes registered non-governmental organizations (NGOs), associations of trade unions or any other representative organization.

(2) A victim or any person authorized by him may present personally or send through registered post or through courier service a complaint to the Commission at its headquarters or a regional office. Where a complaint is received in the regional office it shall immediately be transmitted to the headquarters to be placed before the Commission before any action is taken.

(3) The complaint under sub-rule (2) shall be supported by an affidavit about truthfulness of its text and it shall briefly state the facts relating to,—

- (a) violation of human rights or abetment thereof; or
(b) negligence by a public servant in the prevention of such violation.

(4) A complaint may be made to the Commission as soon as possible but preferably within three months from the date the cause of action arose.

(5) After satisfying itself about the allegations in the complaint and examining any law, the safeguards under the Constitution and various treaties and, if need be after hearing the complainant or his representative, the Commission may proceed to take action envisaged in chapters III, IV and V of the Act or, as the case may be, make a reference to the Federal Government or Provincial Government for taking an appropriate action.

4. **Inquiry.**— (1) For purposes of inquiry and investigation, the Commission may requisition services of any officer or investigation agency of the Federal or a Provincial Government.

(2) The Commission after completion of an inquiry held under the Act may take all steps which may be necessary under section 18 of the Act.

(3) The Commission may, while exercising its jurisdiction under the Act, if required, publish public notices in the newspapers of wide circulation, besides sending notices at the known addresses of the parties.

(4) The Commission may appoint commissions for examination of witnesses, documents and any other public record or for seeking information and pay any fee or charges for that purpose.

(5) No anonymous or pseudonymous complaint shall be entertained. However, the Commission, on being convinced about truthfulness of the facts alleged, may proceed under its *suo-moto* jurisdiction.

(6) In case of frivolous and vexatious complaints and delays caused by anyone in responding to an action required to be taken on directions of the Commission, the Commission may award costs or order payment of compensation to an aggrieved party.

5. **Miscellaneous functions.**—The Commission may.—

- (a) establish working groups from among its members as necessary and set up local or regional sections to assist it in discharging its functions;
- (b) maintain consultation with other bodies responsible for the promotion and protection of human rights;
- (c) develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups, especially children, migrant workers, refugees, physically and mentally disabled persons, or to specialized areas;
- (d) seek an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

- (e) hear any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law; or
- (f) make recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons in order to assert their rights.

[No. 4(12)/2012-DD (HR-I).]

MUHAMMAD KHALIL AWAN,
Deputy Secretary (Admn).