



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS &  
HUMAN RIGHTS DEPARTMENT**

**NOTIFICATION**

*Peshawar dated the 22.06.2015*

**No. E&A/LD/2-58/93.** --- In exercise of the powers conferred by section 13 of the Khyber Pakhtunkhwa, Promotion, Protection and Enforcement of Human Rights Act, 2014, (Khyber Pakhtunkhwa Act No. III of 2014), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA  
DIRECTORATE OF HUMAN RIGHTS (PROCEDURE) RULES, 2015**

1. **Short title and commencement.**--- (1) These rules may be called the Khyber Pakhtunkhwa Directorate of Human Rights (Procedure) Rules, 2015.

(2) These rules shall come into force at once.

2. **Definitions.**--- In these rules unless the context otherwise requires:

- (a) "Act" means the Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act, 2014 (Khyber Pakhtunkhwa Act No. III of 2014);
- (b) "compliant" means the allegation with regard to violations of human rights made by the complainant, in writing, to the Directorate; and
- (c) "complainant" means any person, who personally or on behalf of any person makes a complaint.

3. **Filing of complaints.**---(1) The complainant, on violation of human rights, may file a complaint in the Directorate for taking necessary action under the Act.

(2) The complaint filed by any other person on behalf of the aggrieved person, under sub-rule (1), shall be treated as filed by the complainant himself.

4. **Procedure for dealing with complaints.**---(1) All complaints, in whatever form received by the Directorate, shall be registered and assigned a number and placed for admission before the Director in not later than two (2) working days of the receipt of such complaint and the Director shall within three (3) working days, decide whether the complaint shall be accepted or rejected. Ordinarily complaints of the following nature are not entertainable by the Directorate:

- (a) in regard to events which happened more than one year before the making of the complaint;
- (b) with regard to matter which is sub-judice in any Court of law;
- (c) which are vague, anonymous or pseudonymous;
- (d) which are false or frivolous nature; and
- (e) which are outside the purview of the Directorate.

(2) In case the Director is of the opinion that the complaint has not been accepted on the ground of being frivolous under clause (d) of sub-rule (1), the complainant shall be proceeded under section 182 of the Pakistan Penal Code, 1860.

(3) No fee shall be charged for the complaint filed by the complainant, with the Directorate.

(4) Every attempt shall be made to disclose a complete picture of the matter leading to the complaint and the same may be made in English or Urdu to enable the Directorate to take immediate action. To facilitate the filing of the complaints, the Directorate shall, however, entertain complaints in any language. It shall be open to the Directorate to ask further information and affidavits to be filed in support of allegations, whenever, considered necessary.

(5) The Directorate shall accept the complaints either through email, fax or through any other electronic source of communication.

(6) The Director shall have the power to dismiss a complaint in limini by giving solid reasons.

(7) After acceptance of a complaint, the Director shall mark the complaint to any officer of the Directorate for inquiry.

(8) On every accepted complaint, the inquiry officer shall, within fourteen (14) days of maximum time, call for reports or comments from the persons against whom, and Government Department, Authority or any other Agency, as the case may be, against which, such complaint has been made.

(9) In case such person, Government Department, Authority or Agency, as the case may be, failed to respond within the time limit, as specified in sub-rule (8), the Directorate shall issue a second notice which shall be responded by such person, Government Department, Authority or Agency, as the case may be, within seven (7) days, after receiving the same.

(10) On receipt of the report or comments as required under sub-rule (8) or sub-rule (9), as the case may, it shall be forwarded to the complainant for rejoinder which needs to be given within fifteen (15) working days time of its receipt and if the complainant does not respond within such time, another five (5) working days time may be given to him for the response.

(11) If the inquiry officer feels necessary or the complainant is not satisfied with the comments of the person, Government Department or Agency as the case may be, a date of hearing may be fixed by the inquiry officer to both the parties with the advice to bring the evidence in favour of their contention, if any exists, on the day of hearing.

(12) If on the day of hearing the person, Government Department, Authority or any other Agency does not turn up with a record, another date may be fixed for hearing.

(13) Similarly, if the complainant claims of certain evidence against the person, Government Department, Authority or any other Agency which he cannot produce at that time, another date may be fixed for hearing to get that evidence on the record.

(14) For hearing, the complainant may appear personally or through a legal representative or any other person may appear on his behalf after providing power of attorney on behalf of the complainant, to the inquiry officer.

(15) After the case has been examined, the inquiry officer shall submit a detailed note on the merit of the case to the Director in light of such report or comments, the Director may, if he deems necessary and if circumstances of the case warrants, issue directions or recommendations to the person against whom, Government Department, Authority or any other Agency, as the case may be, against which, the complaint has been filed.

(16) The Director may also, if feels necessary, in his discretion, afford personal hearing to the complainant and such other person or persons, as in the opinion of the Director, shall be heard for appropriate disposal of the complaint, before him and where necessary, call for records and examine witnesses in connection with it. The Director shall afford a reasonable opportunity of 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 or where in his opinion the reputation of such person is likely to be prejudicially affected.

(17) Where inquiry is conducted by an office or officers of the Directorate or the committee, as the case may be, authorized by the Director, the report, after completion of such inquiry, shall be submitted to the Directorate within fourteen (14) days:

Provided that, if such report cannot be submitted within fourteen (14) days, the Director may extend the time for another seven (7) days, for submission of the report.

(18) The Director may, in his discretion, direct further inquiry, in case he is of the opinion, that the inquiry has not been conducted properly or the complaint requires further inquiry for ascertaining the truth or enabling him to properly dispose of. On receipt of such report, within the time limit, as specified in sub-rule (17), the Director may, on his own motion, or if moved by the complainant, direct for receiving the evidence in the course of such inquiry.

(19) The Director may direct any officer of the Directorate to visit for an on-the-spot study. In this regard report or a joint reports, where such study is undertaken by more than one officers, shall be furnished to the Director within ten (10) days.

(20) The Directorate shall submit its recommendations to Government within 15 days, the Government shall implement the recommendation within 30 days on the receipt of the recommendation. on the receipt of implementation report the Directorate shall published such report within 15 days.

**5. Inquiry team.**---The Directorate shall have its own team of inquiry to be headed by an officer, not below the rank of Deputy Director, duly authorized by the Director. The Directorate may, in case to case basis, authorize an appropriate number of outsiders to be associated with the inquiry team.

**6. Reports on complaints and inquiries.**---Every report or recommendation shall be sent to Government within seven (7) days of completion of the proceedings before the Directorate and on receipt of the comments of Government , the Directorate shall publish such reports within seven (7) days after receiving it.

**7. Suo motu cognizance.**---(1) Where suo motu cognizance of any violation or abuse of human rights is taken by the Director, it may issue, to the principal officer or any other officer of the Agency, a notice incorporating brief facts and circumstances or send a copy of the written material which, in his opinion, appears to have caused human rights violation or abuse and call upon him to meet the allegations contained therein and to submit a detailed report in this regard.

(2) The procedure as provided in rule 4, for inquiry, shall be mutatis mutandis applicable in cases of suo motu cognizance by the Directorate.

**8. Authentication of orders and decisions.**---(1) All the directions, recommendations or decisions, as the case may be, of the Directorate shall be authenticated by the Director.

(2) Copies of the inquiry reports or orders passed finally while disposing of the complaint, which are not classified or confidential, shall be furnished to the parties free of cost.

(3) Every effort shall be made to provide the copies with utmost expedition and, in any case, not later than seven (7) days of the date of request made for such documents.

**9. Report to Government.**--- The Directorate shall, in each and every case, where the person to whom, and Government Department, Authority and any other Agency , as the case may be, to which a final notice has been issued to response under sub-rule (9) of rule 4, fails to respond, submit a detailed report to Government for appropriate action.

**10. Annual report.**---The Directorate shall furnish its Annual Report for

the period commencing from first April of the year to 31<sup>st</sup> March of the succeeding year to Government by the end of May every year. The Annual Report shall be signed by the Director.

**11. Special reports.**---The Directorate may furnish to Government the special reports on specific matters, as may be considered necessary.

**12. Printing of the reports.**---The Directorate shall be responsible for the printing of the annual, as well as, special report with utmost expedition and in any case, not later than thirty (30) days of finalization of the same.

**13. Appropriate direction.**---As and when any matter, which is not covered by these rules, arises, it shall be competent for the Directorate to issue appropriate directions not inconsistent, derogatory or beyond the powers of the Director under the Act or these rules, as the case may be .

**(Muhammad Arifeen)**

Secretary to Govt: of Khyber  
Pakhtunkhwa

Law, Parliamentary Affairs & Human  
Rights Department

**Endst: No. & Date Even:**

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa
3. The Advocate General, Khyber Pakhtunkhwa Peshawar.
4. The Registrar, Peshawar High Court, Peshawar.
5. The Secretary Khyber Pakhtunkhwa Public Service Commission.
6. The Manager, Government Printing Press, Khyber Pakhtunkhwa for publication in Government Gazette. He is requested to send ten (10) copies of the same to this Department.
7. The Director Human Rights, Khyber Pakhtunkhwa.
8. The Director of Archives and Libraries, Khyber Pakhtunkhwa, Peshawar.
9. The PS to Secretary Law Department.

**(Akbar Khan)**

Section Officer (General)