

## National Commission for Minorities

### Procedure for dealing with the complaints received in the Commission

In supersession of the O.M. No. 38/8/07-NCM dated 38/8/07-NCM dated 21.08.2007, the Commission under section 8 (2) of the NCM CT 1992 has approved the following procedure for dealing with the complaints received in the Commission.

1. All complaints addressed to the Commission including the complaints endorsed to, shall be dealt in NCM, provided the subject matter of such endorsements come under the purview of NCM's charter. The purpose of the complainant marking his complaint to the NCM as an endorsement has been that the Commission should also remain in picture and intervene in the matter whenever and wherever necessary.
2. Not only the complaints having discrimination angle should be dealt but also the representations and complaints which have relevance to the functions of NCM indicated in para 9 (a) to (i) of NCM Act should be dealt in the Commission.
3. The Commission, of course, is not supposed to intervene in sub-judice matters. However, the Commission can certainly take up the issues with the concerned authorities where the complainant has reported violation of court orders or non-implementation of court directives / orders which would otherwise be detrimental to the interest of the complainant belonging to the minority community. The Commission can certainly impress upon the concerned authorities to implement court orders and directives without prescribing any remedy from NCM's side.
4. The Commission cannot and is not supposed to rescind court judgements, orders and directives. However, it can definitely impress upon the authorities to strictly follow the court judgements, orders and directives.
5. There is no need to differentiate between the complaints of major or minor nature. All complaints referred to NCM, if come under the purview of the Commission must be dealt.
6. The State Minorities Commissions or Minority Welfare Departments may also be consulted / involved, wherever necessary.
7. The Commission may advise the complainant to exhaust all available channels for redressal of his grievance. However, if the complainant insists, NCM must take up the matter with the concerned authorities if he or she expects little from his / her parent department / employer.
8. Reports on complaints prima-facie indicating harassment, atrocities, discrimination, injustice, torture, deprivation etc. will immediately be called from concerned authorities within 21 days of the receipt of the complaint, followed by a reminder giving time of next 7 days, failing which a hearing will be conducted.

9. In case the complainant is not satisfied with the reply of the concerned authority and the Commission is also not convinced with such a reply, a hearing will be conducted within a period of one month.
10. In case the concerned authority / respondent fails to appear before the Commission, action for appropriate legal or administrative remedy will be taken. If they fail to comply with the directions / decision of the Commission, appropriate action (administrative / legal) will be initiated.
11. Maximum period of one month will be given to the concerned authorities to implement the decision of the Commission, failing which another hearing will be conducted in the Commission.
12. The Joint Secretary of the Commission will be overall in-charge of Grievances and Redressal Division of the Commission and will monitor the disposal of all complaints on fortnightly basis. He will submit a report of such monitoring to the Chairperson through Secretary on fortnightly basis.
13. The cases listed under Chairperson's Monitoring System or cases relating to deprivation of life or property will be handled on priority basis, preferably the same day and a status report will be submitted to the Chairperson through Secretary (NCM) on weekly basis.