

## **Practice directions of the NHRC**

Annual Report 1997- 98

ANNEXURE-I

**National Human Rights Commission**

**PRACTICE DIRECTION No.1**

**18th March, 1997**

It is seen that in a large number of complaints received from aggrieved persons, referred to the authorities of the State & Central Governments as the case may be for their report within specified time frame, there have been failures of compliance. No requests for extensions of time are made either and, far worse, even the receipt by them of the complaints are not acknowledged.

It has, therefore, become necessary to take up such instance of inaction at higher levels of the administration of the Governments. For this purpose, the Law Division will have to prepare a consolidated Government-wise list and wherever possible even district-wise also, of all the cases in which responses are so overdue.

Accordingly, the Law Division will prepare consolidated lists of such cases as on the first-day of each quarter, namely 1st January, 1st April, 1st July and 1st October respectively of each year.

The statement shall be in the tabular form on the lines of the one appended to this practice-direction indicating the name of the complaints, the date of the complaint, the date of the order of the Commission calling for report, the date on which the order was despatched, the date on which the report was due and the extent of delay case-wise. This statement shall be brought up and placed before the Commission on the 2nd Friday of the month, following the quarter to which it relates.

For systematic follow-up, an appropriate procedure would be evolved by the Commission.

*sd/-*

*(Justice Shri M.N.Venkatachaliah)*

*Chairperson*

**Statement Showing Cases Where Reports are overdue**

(Position as at the end of the quarter dated.....)

Name of the State.....

Sl. No. Case No. Name of the Date of Date of Date of \* Latest date Extent of  
complainant the the initial despatch on which the the delay as  
complaint Order of the of Order report was due on.....

Commission by NHRC

calling for a

report

\* *Includes extension of time given, if any.*

**National Human Rights Commission**

**PRACTICE DIRECTION No.2**

**1st April, 1997**

“Action taken report” on the decisions taken during the Commission’s meetings to discuss Administrative Agenda may be placed before the Commission on the 2nd Friday of the month following each quarter.

*sd/-*

*(Justice Shri M.N.Venkatachaliah)*

*Chairperson*

**National Human Rights Commission**

**PRACTICE DIRECTION No.3**

**1st April, 1997**

“Review of the progress of ongoing projects” may be included as a subject in the Administrative Agenda on the 2nd Wednesday of the month following each quarter. A note on each of these projects may also be put up before the Commission on that occasion to enable a discussion and review.

*sd/-*

*(Justice Shri M.N.Venkatachaliah)*

*Chairperson*

**National Human Rights Commission**

**PRACTICE DIRECTION No.4**

**15th July, 1997**

**[WITHOUT NOTICE]**

Whenever in preliminary hearing cases an order is made to the effect “**DG(I) to collect facts**” or to similar effect, without there also being an order for issue of Notice, the **purpose** is to **find out whether in the light of the Investigation Wing’s preliminary enquiries, there is prima facie substance in the complaint and whether any hardship or miscarriage of criminal justice would require immediate amelioration.**

Therefore, whenever such orders are made, the **Investigation Wing should make very expeditious enquiries, collect facts and place their views about the genuineness, of the complaint and of the identity of the complainant and the urgency of action, if any, to be initiated.** This should, as far as possible, be inquired into **by means of telephone, fax, etc. and preferably within ten days. The case-file must thereafter be listed for preliminary hearing again immediately.** It has been noticed that in such cases the files are not listed for an indefinite period. This should be avoided and a separate list of such cases be maintained by the Joint Registrar (Law) for close monitoring. There is no need for the Investigation Wing to issue notices itself, except in rare cases where the DG(I) considers it necessary so to do after obtaining requisite orders from the Bench.

[NOTICE]

Where **notices are also ordered**, along with an order to collect facts, however, the **Law Division will issue the notices and the Investigation Wing will side by side conduct the requisite enquiries to collect facts**, also within a **similar time-frame** and place its views on record as part of the file.

The procedure indicated above shall be implemented with immediate effect.

*sd/-*

*(Justice Shri M.N.Venkatachaliah)*

*Chairperson*

**National Human Rights Commission**

**PRACTICE DIRECTION No.5**

**12th August, 1997**

The Commission discussed the administrative steps required to be taken in follow-up cases in which the responses have not been filed by the Governments and their agencies in response to the notice from the Commission on the complaint.

The present proposal for consideration is whether the head of the Law Division should be authorised to issue the reminders to the authorities wherever responses have not been sent in time and to fix a further date for filing of such responses not exceeding 4 weeks from the date of expiry of the period originally fixed. This would imply that the head of the Law Division could himself extend the time initially granted.

**The Commission authorises the Registrar (Law Division) to issue such reminders and also extend time for filing of response at his discretion by such time, not exceeding four weeks from the date when responses were originally due.**

*sd/-*

*(Justice Shri M.N.Venkatachaliah)*

*Chairperson*

**National Human Rights Commission**

**PRACTICE DIRECTION No.6**

**Re: Recommendations for grant of interim relief and punishment of perpetrators**

In several cases involving flagrant violation of human rights by public servants, such as custodial deaths, serious custodial violence, rape, etc., recommendations have been made by the Commission for the prosecution of/disciplinary action against the offending persons and also for grant of interim compensation by way of "Immediate Interim Relief" to the victims or to the members of the family as the case may be.

However, there is no systematic or orderly procedure in the Registry for follow-up on these recommendations to find out whether these recommendations have been accepted, acted upon and complied with by the concerned Governments and if not, to consider what further action the Commission should initiate in respect thereof. There is, accordingly, a need for introducing a systematic mandatory review of the progress of such cases.

The Commission, accordingly, issues the following Practice Direction:

A. In all cases in which recommendations have been made, (other than cases falling under category 'B' hereinbelow), the registry shall prepare in a tabular form, a consolidated list of all cases and with a note as to

the action taken thereon and place it before the Registrar, Law Division every quarter, for his review. The Registrar, Law Division after such review, will himself initiate the requisite further follow-up action or he may bring up before the Commission any such specific cases as he may consider appropriate.

All cases falling under this category in which recommendations have been made upto 31 December, 1997 shall be tabulated and placed before the Registrar before the last week of February, 1998. Thereafter, the recommendations for every quarter i.e. 1st January 1998 to 31st March 1998 shall be so brought-up before the Registrar in the first week of May, 1998; and thereafter for successive subsequent quarter within 6 weeks after the end of the relevant quarter. For example, the recommendations made between 1.4.98 and 30.6.98 shall be placed before the Registrar in the 2nd week of August 1998 and so on.

B. In all cases where serious violation of Human Rights are involved such as custodial death/serious custodial violence/custodial rape and rape and dishonour of women by public servants and where prosecutions and/or award of compensation in excess of Rs.25,000 have been recommended by the Commission, such cases shall be brought up periodically before the Commission directly for review of the follow-up action.

All cases in which recommendations have been made upto 31 December, 1997 shall be tabulated and placed before the Commission in the last week of February, 1998, and all recommendations for every quarter i.e. 1st January '98 to 31st March '98 in the first week of May, 1998. Thereafter for each successive subsequent quarter, the list shall be placed before the Commission within 6 weeks of the end of the relevant quarter (for example, recommendations made between 1.4.98 and 30.6.98 be placed before the Commission in the 2nd week of August 1998 and so on).

*sd/-*

*(Justice Shri M.N.Venkatachaliah)*

*Chairperson*

## **National Human Rights Commission**

### **PRACTICE DIRECTION No.7**

**24th FEBRUARY 1998**

#### **Re: Action taken reports not received by the Commission**

The Commission issues notices to the Government and various other authorities calling for their reports/responses within specified time frame. In some other cases, the Commission forwards the complaints to the concerned authority for taking necessary action in the matter/disposal of complaint at their end, either by calling an action taken report or without that. It is noticed that in large number of cases reports/responses/action taken reports are not received in the Commission within the stipulated time or much thereafter despite reminders issued at the appropriate level. In such a situation, the Commission is left with no other course except to securing the presence of the concerned authority/officer responsible for not sending the response/report/action taken report, by issuing summons to him for his personal appearance before the Commission.

The Commission, therefore, directs that in all such cases where the responses/reports/action taken reports from the concerned authority(s)/officer(s) are not forthcoming despite reminders, **the Head of Law Division may with the approval of the Chairperson issues summons to the defaulting authority(s)/officer(s) for his/her personal appearance before the Commission. The summons shall, however, contain a stipulation that in case the summoned authority/officer sends the complete report/response by the stipulated date, his/her personal appearance before the Commission shall stand dispensed with.**

In other cases in which complaints have been simply transmitted for taking appropriate action, however, without calling for action taken reports, the Law Division select and make a list of such cases at the end of each quarter and 2% of all such cases, selected by a systematic sample alongwith the particulars of the orders made by the Commission, will be sent to the Investigation Division. On receipt of these cases, the DG(I) shall cause enquiries be made in respect of cases to find out whether the authorities to whom the petitions are transmitted have indeed taken any action or not. A report of the results of the monitoring will be placed before the Commission every quarter.

*sd/-*

*(Justice Shri M.N.Venkatachaliah)*

*Chairperson*

**NATIONAL HUMAN RIGHTS COMMISSION**

**(LAW DIVISION)**

Case No..... SARDAR PATEL BHAVAN

SANSAD MARG

NEW DELHI-110001

The complaint filed by - (Name of the complainant)

To

(Name, designation and address of the person summoned)

WHEREAS in the matter afore-mentioned, the Commission issued a notice dated to you calling for your report/response in the matter by

AND WHEREAS the report/response has not been received from you within the stipulated period or much thereafter despite reminders dated , , .

\*NOW THEREFORE you are hereby summoned to appear before the Commission in person on (day & date) at 10.30 a.m. or soon thereafter as may be convenient to the Commission for further consideration of the matter .

If you fail to comply with this order without lawful excuse, you will be subjected to the consequences of non-attendance as provided in rule 10 and rule 12 of Order XVI of the Code of Civil Procedure 1908.

Given under my hand and the seal of the Commission this the day of 19

**(BY ORDER)**

*(Signature)*

**Seal Registrar**

***\*Note: our personal appearance before the Commission shall stand dispensed with in case the complete report/response due from your end is received in the Commission on or before***

## **National Human Rights Commission**

### **PRACTICE DIRECTION No.8**

**23rd FEBRUARY 1998**

The number of complaints received by the Commission is on the up-swing for quite some time. It has, therefore, become necessary to devise effective measures for faster redressal, particularly of those complaints which are urgent in nature, where a serious human rights violation has occurred and which in view of the large number of filings get stuck-up in the queue. Commission must endeavour to avert the danger of not processing a serious complaint in time and avoid important and urgent matters having to be considered in their due time in the chronological order in which complaints are received. Many of the complaints though earlier in point of time may, as experience has shown, be wholly bereft of merits. In order to avoid this risk and in order to distinguish a needle from the haystack, it is necessary to outline a procedure for identification of urgent complaints.

At present, certain complaints are being placed before Single Member Benches regularly in the urgent cause list. But the experience has been that many of the complaints so placed do not deserve to be classified under such a category. On the other hand, some urgent complaints are noticed to have been sent through normal routine. Both these mistakes have to be avoided. A possible solution seems to lie in formulating criteria for determining 'urgent' complaints.

#### **(I) PRELIMINARY STAGE**

At the preliminary stage, the following types of complaints may be treated urgent:

- (1) In cases where the petitioner's near relatives - son, husband, father, etc. are alleged to have been taken away by the police and the petitioners express serious apprehensions as to the safety of their lives and where serious allegations of custodial violence or torture are made.
- (2) Complaints of bonded child labour/child trafficking/child prostitution.
- (3) Where urgent intervention may result in the saving of a life, etc.
- (4) Where the numbers involved are so high as to justify immediate action; say, for example, a large group of men and women in a village express high handedness by police (e.g. Mannikere Village case in Karnataka).
- (5) Where the petitioners belong to one of the vulnerable sections of society like children, women, disabled, scheduled castes/scheduled tribes, refugees, minorities, etc.

[**Note:** Just because a complaint has been sent through a telegram/fax, it does not by itself qualify necessarily to be treated as an urgent one. On the other hand, a petition sent through ordinary post may point to a very serious violation. Further, all complaints sent by the Amnesty International and other such international organisations do not automatically qualify to be treated as urgent complaints. Some of them, it has been noticed, were even time barred.]

#### **(II) REPORT CASES:**

In cases where Commission has issued notices and wherever reports confirming serious violation of Human Rights have been received, it has become necessary to fast track such cases. At present there is no system in place for fast tracking of such complaints. Quite often the State authorities themselves, upon investigation, admitted serious violation of human rights. The spot investigation conducted by the Commission's own Investigation Team might reveal a serious human right's violation.

Besides these, the report cases to be put on the fast track may include:

- (i) Cases which have received wide coverage in the media and whose resolution is eagerly looked forward to by the general public and others.
- (ii) Cases where the number of affected persons is quite large, say, refugees, members of a particular caste, tribe, community, etc. which is involved in a conflict.
- (iii) Cases which have been treated as urgent ones at the preliminary stage.

It shall be the responsibility of Registrar (Law) and Director General (Investigation) to identify such cases and bring it to the attention of the concerned Bench. It may be worthwhile to use file covers/folders of a particular colour (Red colour) to distinguish them from others. These directions may be put into immediate effect.

*sd/-*

*(Justice Shri M.N.Venkatachaliah)*

*Chairperson*

### **National Human Rights Commission**

#### **SUPPLEMENT TO PRACTICE DIRECTION No.8**

**2nd JULY 1998**

#### **FAST TRACK MOVEMENT OF URGENT CASES**

Vide Practice Direction No.8, Commission laid down a broad criteria for treating certain type of complaints as urgent at preliminary stage and subsequent stages. In order that such urgent cases get priority and receive urgent attention of all concerned in the Commission, the following procedure shall be followed:

- (i) Immediately on receipt of all the telegrams, Fax messages, wireless messages which are in the nature of complaints of violation of human rights, the Central Receipt Counter shall immediately forward the same to the concerned section of the Law Division.
- (ii) On receipt of the telegrams, Fax messages, wireless messages and other complaints/petitions, the concerned Assistant Registrar shall peruse the same and having regard to the guidelines laid down in Practice Direction No.8 shall decide if in his opinion any matter is required to be treated as urgent. Complaints identified as urgent shall be scrutinised on the relevant scrutiny form, placed in a red colour file meant for the purpose and placed before the concerned Member with a cause list under the title "Cause List of urgent cases". Urgent matters shall be sent to such Member as may be indicated by general or special order of the Registrar. Besides all such complaints, which have been directed by the Chairperson or Members to be treated as urgent or dealt with urgently shall also be scrutinised, processed and placed before the Commission immediately in accordance with these directions.
- (iii) On receipt of the files of urgent cases alongwith cause list, the Private Secretary of the Chairperson or the concerned Member shall place the same before the Chairperson or the concerned Member for consideration and for obtaining orders/directions urgently and as far as practicable, return the file(s) to the concerned section on the same day. However, if there are any special directions of the Chairperson/ concerned Member in any case requiring the attention of the Registrar or any other officer of the Commission, the said file shall be sent to the Registrar or the officer concerned for taking immediate steps/follow up action in accordance with the direction. A remark would be made against the entry of the said case in the cause list to the effect that the file has been sent to the Registrar or other officer for necessary action.
- (iv) On receipt of the files of urgent cases with directions of the Commission from the office of the Chairperson or the concerned Member, the concerned Section Officer shall enter or cause to be entered all such

cases in the 'Register of urgent cases' to be maintained in each section and will ensure immediate follow up action on the direction of the Commission on the same day and in any case not beyond the following day. Unless a date has been fixed by the Commission, the Assistant Registrar/Section Officer shall fix a date for placing the case again before the Chairman/concerned Member which shall ordinarily be a date not later than three days from the due date for receipt of the report/response from the concerned authority.

- (v) In all urgent cases, notices/communication shall be sent to the concerned authority by Fax or Speed Post, wherever available or by hand/through special messenger if it pertains to the authorities stationed in Delhi. However, if the above modes of communication are not available at the place where the concerned authority is stationed, the mode of communication shall be such as may be indicated by general or special order of the Registrar. In very urgent matters the Registrar may direct sending notice/communication through special messenger. However, if the direction is only to transmit the complaint with or without calling for an action taken report/compliance, such communication unless otherwise directed shall be sent by ordinary post under certificate of posting and such matters from that stage shall not be treated as urgent cases. A blue cross shall be marked on the file covers of such cases.
- (vi) Irrespective of the fact whether response of the authority has been received or not within the stipulated period, the urgent case shall be placed before the Chairperson/concerned Member who had considered the matter earlier and made the initial order on the appointed day for further directions in the matter. However, if the concerned Member is not available on the appointed day, the case may be placed before any other Member as may be directed by the Registrar by general or special order. The Private Secretary of the Chairperson/concerned Member shall ensure that the matter is considered by the concerned Member and further directions obtained in the matter and the file alongwith such further directions is returned to the concerned section so far as practicable on the same day on which further direction is made by the Commission or latest by the following day.
- (vii) On receipt of the file with further directions, the section shall take further follow up action. If on a perusal of the response of the authority concerned the Commission directs preparation of synopsis, the synopsis shall be prepared expeditiously and not later than one week from the date of the direction. After preparation of the synopsis the case shall be placed before the concerned Members again without any delay.
- (viii) After the case has been finally disposed by making certain positive directions, the same shall be pursued as a compliance case in terms of Practice Direction No.10.

The above procedure has the approval of the Hon'ble Chairperson.

*sd/-*

*(R.C.Jain)*

*Registrar*

**National Human Rights Commission**

**PRACTICE DIRECTION No.9**

**18th MARCH 1998**

**PROCESSING OF CASES OF CUSTODIAL DEATHS**

It is seen that a large number of custodial death cases are pending at various stages of processing. It is of utmost importance that these cases be processed not only expeditiously but also in a more systematic manner. Accordingly, the Commission directs that a Cell be set-up exclusively to deal and process custodial death cases and the officers of the Record Section and the Board Branch shall keep these files separately so as to facilitate the work of the Special Cell. The task of the Special Cell, amongst other things necessary and immediate, shall generally be following:

1. To monitor all the receipt of reports and custodial deaths from the various state authorities: both police and prisons; to register the particulars in a computer format; **notices to the appropriate Government/ authority calling for full report shall be issued the same day in an appropriate format.**
2. To verify from the State Commissions (wherever they are in position) whether the State Commissions have taken cognizance of the matter and are inquiring into it. If the State Commissions are so seized of the matter earlier, then the custodial death report in the case may be filed.

[**Note 1:** However there should be periodic collection of statistics from the State Commissions as to the cases registered by them so that a country-wide comprehensive statistical database of custodial deaths, to be prepared annually by the Commission, should have the input of and include all the cases dealt with by the State Commission also.]

[**Note 2:** In order to facilitate such statistical compilations, the State Commissions may be requested to develop similar uniform softwares/formats for recording and monitoring cases of custodial deaths. This could be taken-up with the State Commissions at the administrative level.]

3. The Special Cell shall immediately requisition from the concerned State Government/authorities a comprehensive report along with the Inquest Report and Post Mortem Report (in the Autopsy form prescribed by the Commission), the records of medical treatment, if any, administered to the prisoner during his stay in the jail and video-filming wherever post mortem examinations are video-taped.

4. After examining all these records, if there is any need or justification for cross-checking the authenticity, credibility or acceptability of the Post Mortem Report, the Cell shall requisition the services of one of the forensic experts on the panel of the Commission to review the video-film in juxtaposition with the post mortem report and other medical reports to eliminate any doubt or suspicion of the death of being the result of any custodial violence, negligence in affording timely medical treatment etc. If, upon advice from the forensic expert, the cause of death is attributable either to any custodial violence or negligence in medical treatment, the Special Cell shall formulate an appropriate show-cause notice to be issued to the appropriate Government/ authority calling upon them to show-cause why the Commission should not make appropriate recommendation for criminal prosecution/departmental disciplinary proceedings against the officer responsible and as to why, in addition, an appropriate immediate interim relief should not be recommended to be paid to the dependents of the victim.

5. To follow-up promptly the requisition for a report; to issue reminders to the appropriate Government/ authority for the prompt securing of the reports.

6. After receipt of the responses to the show-cause notice, analyse the grounds raised or cause shown by the government/authorities or if no response is furnished within the time prescribed, proceed on the premise that the government/authorities have no cause to show and draft an appropriate recommendation to be placed before the Commission.

7. The Special Cell shall ensure that from the date of receipt of the report and the final recommendation, duration shall not, generally, exceed the period of four months general. Shri K.L.Gandhi, Assistant Registrar shall be in-charge of the Cell and shall process the cases.

8. The Special Cell will develop an appropriate computer software for monitoring the progress of custodial death cases in the Commission to ensure prompt periodic attention at the appropriate stage of handling of the

cases. This software shall contain, amongst other particulars, the place of occurrence, (Jail, judicial lock-up etc.) and its location (State, District, Tehsil, Thana, etc.); the date of admission of the prisoner to the jail, the date of arrest or detention (and in the case of deaths in police custody, any medical check-up had been done in accordance with the directions of the Supreme Court in Basu's case); whether, in the case of prison, any initial medical check-up had been conducted at the time of admission, the age of the prisoner at the time of admission or, arrest; the particulars of and the address of the dependents; the cause of death as reported by the authorities; whether post-mortem and inquest have been conducted and if so, whether the copies thereof were received in the Commission; whether video-filming of the post-mortem had been done and whether video tape has also been received in the Commission and other relevant particulars.

9. On the basis of the analysis of the material relating to the custodial death cases, as recorded in the computer and disclosed in the files, the Special Cell shall prepare charts as per samples annexed.

10. Quarterly statements about the year-wise breakdown of the number of custodial death cases (separately for police custody death cases and prison custodial death cases) indicating the various stages at which they are pending in the Commission. Whether they are pending at a stage where full reports are yet to be received; whether at a stage after receipt of the full reports; whether they are pending at the stage where show cause-notice have been issued but not replied; whether they are pending after receipt of the responses for the show-cause notice and before final recommendations are made. The last mentioned type of cases shall be shown as cases ripe for final disposal.

*sd/-*

*(Justice Shri M.N.Venkatachaliah)*

*Chairperson*

### **National Human Rights Commission**

#### **PRACTICE DIRECTION No.10**

After a case is finally disposed of by the Commission by making directions/recommendations to concerned authority which involves certain acts to be done by the authorities and a compliance is sought from the concerned in that behalf, such cases shall be dealt with as "Compliance cases" and shall be pursued by the Registrar with the concerned authorities for ensuring compliance. The cases in which full compliance has been reported by the concerned authorities shall be placed before the Commission for its information and further directions, if any.

In cases where the compliance is not forthcoming despite pursuing the matter with the concerned authority/ authorities, or where there is undue delay in compliance or the concerned authority has expressed its intention/ inability to make compliance of the orders/directions of the Commission, such cases shall be put up before the Commission for further directions in the matter. The Registrar may also put up any case before the Commission for further directions necessary in order to secure the compliance of the original directions/recommendations of the Commission.

A register shall be maintained by the Board Branch of all the compliance cases and all such cases shall be put up before the Registrar periodically for directions on a weekly basis till such time the compliance is received. In appropriate cases, the Registrar may issue conditional summons for appearance of the concerned authority before the Commission with a stipulation that the personal appearance of the authority shall be dispensed with if full compliance is reported to the Commission by a particular date which shall ordinarily be about 10 days prior to the date fixed for appearance of authority before the Commission.

*sd/-*

*(Justice Shri M.N.Venkatachaliah)*

*Chairperson*

**Annual report 1998 – 1999**

**NATIONAL HUMAN RIGHTS COMMISSION**

**PRACTICE DIRECTION NO.12**

**On the BI-MONTHLY AGENDA ON**

**‘Cases and Projects under the Supreme Court’s mandate’**

I. There are, as of now, five assignments undertaken by the National Human Rights Commission on the orders passed by the Hon’ble Supreme Court of India. They are the following:-

- (I) Inquiry into allegations of fake encounters and mass cremations by the Police in Punjab.
- (II) Food Scarcity and starvation in the KBK Districts of Orissa
- (III) Monitoring the administration of laws against bonded labour
- (IV) Monitoring the functioning of Mental Hospitals at Ranchi Agra and Gwalior
- (V) Overseeing the Agra Protecting Home for Women

II. So far as items 1 and 2 are concerned, the matters are being listed before the sittings of the Full Commission for open court hearings directly and orders are being issued from time to time.

However, it is necessary that in the aforesaid two cases, the registry should ensure that when the matters come up before the Commission in its sittings in the Court-Room, they are not adjourned sine-die but definite dates are pre-fixed for the hearings. This shall be ensured by the Registrar, Law Division.

III. So far as the other three assignments (at sl.no.3, 4 and 5 are concerned, the pace of progress of the matters in the Commission require to be hastened. The Commission should ensure that the trust reposed by the Apex Court in the Commission is justified and fulfilled in the fullest measure by prompt follow up action by the Commission. Accordingly, the following procedural requirements and safeguards are to be built in:

(A) The Secretary General shall be the Chief Coordinator of the three projects set out in items 3,4 & 5 at para I and shall directly handle the matters

(B) The Action Groups constituted in respect of programmes of Bonded Labour, Mental Hospitals and the Agra Protective Home may have:

- (a) to identify and formulate responsibilities and functions that the NHRC has to undertake and discharge under the mandate of the Apex Court;
- (b) to categories and specify in a model list of details and programmes that need to be initiated to fulfil and carry out effectively and efficiently the objectives of the Apex Court’s remit as identified under (a) supra;
- (c) to list the powers and the specific functions to be exercised by the NHRC and its instrumentalities such as Special Rapporteurs etc. in relation to the work of overseeing in so far as the project of Bonded Labour is concerned, the work of the Statutory Authorities under the Bonded Labour System (ABOLITION) ACT 1976, and the State-wise NGOs and Advocates/Counsels appointed by the Supreme Court;
- (d) to device the machinery and clear procedures by which these tasks are to be accomplished;
- (e) to advise on the administrative logistic support required to sustain the system;
- (f) more importantly to device the mode of assessing, evaluating and monitoring the progress achieved in these projects and programmes;

(g) to formulate guidelines for financial management of the programmes; and

(h) to suggest efficient systems of computer-monitoring of the programmes.

IV. Periodic reports should be submitted to the Supreme Court as to the progress of these projects.

V. For all these purposes the Commission should be in close touch with the programmes and for that purpose the matter shall be brought up every fortnight i.e. on the 2nd and 4th Fridays respectively of each month under a separate Agenda called "Cases and Projects under the Supreme Court's Mandate". These cases are not appearing in the cause lists of the Programmes & Projects Division; but it is necessary to list them in a separate cause - list to distinguish and emphasis their importance. The periodicity of the listing twice a month shall be for the first three months namely, October, November and December, 1998 and thereafter once a month on the 4th Friday of each month. The agenda will contain a brief report of the Chief Coordinator on the progress of the projects.

*Sd/-*

*(Justice M.N.Venkatachaliah)*

*Chairperson*

*October 6,1998.*