

Practice Directions issued by the  
Chairperson, NHRC

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PRACTICE DIRECTION NO.1

19th 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 instances 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 complainant, 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.

*(Signature)*

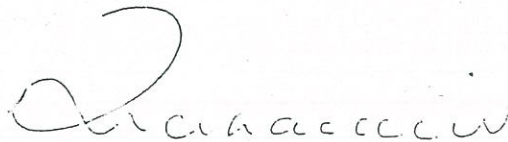
(Justice N.R. Venkatchaliah)  
Chairperson

NATIONAL HUMAN RIGHTS COMMISSION

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PRACTICE DIRECTION No. 2

"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.



(Justice M.N. Venkatachaliah)

Chairperson

1 April, 1997

S.G.



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 Complainant	Date of the complaint	Date of the initial Order of the Commission calling for a report	Date of despatch of Order by NHRC	*Latest date on which the report was due	Extent of the delay as on _____

\* Includes extension of time given, if any

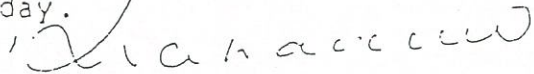


NATIONAL HUMAN RIGHTS COMMISSION

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PRACTICE DIRECTION No. 3

"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. If for any reason, the second Wednesday of the month following each quarter happens to be either a holiday or non-working day for the Commission, this will be taken up on the 3rd Wednesday.



(Justice M.N. Venkatachaliah)  
Chairperson  
1 April, 1997

NATIONAL HUMAN RIGHTS COMMISSION

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PRACTICE DIRECTION NO. 4

(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.

(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.

  
(Justice M.N. Venkatachaliah)

Chairperson

15.7.97

Secretary General

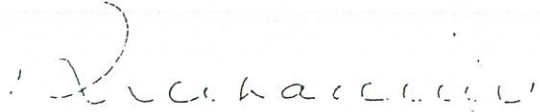
NATIONAL HUMAN RIGHTS COMMISSION  
SARDAR PATEL BHAWAN  
NEW DELHI

PRACTICE DIRECTION No. 5

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.



(Justice M.N. Venkatachaliah)  
Chairperson

Dt: 12.8.97



NATIONAL HUMAN RIGHTS COMMISSION  
SARDAR PATEL BHAWAN  
NEW DELHI

PRACTICE DIRECTION No. 6

( 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

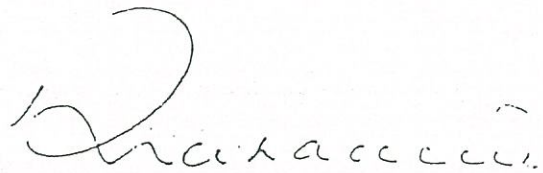
**Direction :**

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'98 to 31st March'98 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).



(Justice M.N. Venkatachaliah)  
Chairperson

R(L)

Be circulated to members

P.S./S.P.S.

1/2  
2/2



The Commission disposes of, at the preliminary hearing stage itself, many cases with directions to the appropriate authorities. The number of such cases where reports on action taken are not called for is quite large and that presently there is no effective follow-up action to monitor whether the authorities to whom the petitions have been so transmitted have taken action or not. Keeping this in view, a viable and effective follow-up mechanism needs to be institutionalised within the Commission in respect of cases which have been disposed of with directions. Quite obviously, to monitor all such cases is an arduous task, well nigh impossible, in view of the largeness of the number involved. Some system of monitoring at least some selected cases chosen at random or on some system of sample survey is necessary to ensure the attention of the authorities to such cases.

The Law Division shall select and make a list at the end of each quarter, 2% of all such cases, both in which action-taken-reports are called for and also cases in which they are merely transmitted without the request of action-taken-reports, selected by a systematic sample and the list along with the particulars of the orders made be sent to Investigation Division and DG(1) shall cause enquiries to 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 be placed before the Commission every quarter.

*M.N. Venkatachaliah*

(Justice M.N.Venkatachaliah)  
Chairperson  
12.2.98

S.G.  
D.G.(1)  
Registrar(Law)

but may work out  
a mechanism.  
Please discuss

*12/2/98*

13.2.98

*Resr*

with ch person  
fracher  
issued

385  
13/2/98

200  
DG

283 covered  
23/2/98

1/2/98  
DTR  
1/2/98



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PRACTICE DIRECTION NO. 7

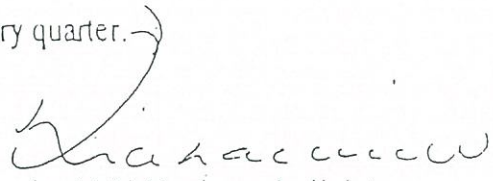
Practice direction No. 7 dated 12.2.98 will be substituted with the following:

2. (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.

3. (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. )

12/02

4. (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.)

  
( Justice M.N. Venkatachaliah )  
Chairperson  
24.02.98

SG  
DG (I)  
Registrar (Law)



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 31 of the Code of Civil Procedure 1908.

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

(BY ORDER)

Seal

(Signature)  
Registered

\*Note: Your 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 \_\_\_\_\_.

PRACTICE DIRECTION NO. - 8

( 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.

*It is probable that some cases will be sent in this regard, some to the back.*



(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 rights' 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 DG (I) 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.



( Justice M.N. Venkatachaliah )  
Chairperson  
23.2.1998

S.G.

DG (I)

✓ Registrar(Law)



NATIONAL HUMAN RIGHTS COMMISSION  
(BOARD BRANCH)

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Dated, the 2nd July, 1998

Sub.: Supplement to Practice Direction No. 8.

A copy of the Order No. 1/R(L)/PD/98-5387, dated 2.7.1998, is sent herewith for information and necessary action please.

*Abhishek*  
(A.K. Parashar)  
Asst. Registrar (Law)

Copy to:

1. PS to Hon'ble Chairperson
2. PS to Member (Sri Virendra Dayal)
3. PS to Member (Justice Sri V.S. Malimath)
4. PPS to Secretary General
5. PS to Director General(I)
6. PS to Joint Secretay
7. PS to Director
8. US (Coordination)
9. All Assistant Registrars
10. All Section Officers of Law Division
11. CR Unit.

*lc*  
*lc*  
2/7/98

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*shir D G*

NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)

Dated:2.7.1998

SUPPLEMENT TO PRACTICE DIRECTION NO.8

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.

(v) 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.

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 Member 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.

*R.C. Jain*  
( R.C. Jain ) 2/7/98.  
Registrar

Copy for information and necessary action to:

1. P.S. to Hon'ble Chairperson
2. P.S. to Hon'ble Member (Shri Virendra Dayal)
3. P.S. to Hon'ble Member (Justice Shri V.S. Malinath)
4. PPS to S.G.
5. P.S. to DG(I)
6. P.S. to J.S.
7. Director
8. U.S. (Co-ordination)
9. All Assistant Registrars
10. All Section Officers of Law Division
11. C.R. Section

PRACTICE DIRECTION NO. 9

(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 receipts of reports of 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 Commissions 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.]



96) 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 dependants 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 generally. 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.

(Justice M.N. Venkatachaliah)

Chairperson

18-03-1990

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NATIONAL HUMAN RIGHTS COMMISSION

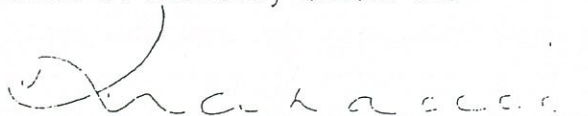
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PRACTICE DIRECTION NO. 10

( 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. )



(Justice M.N. Venkatachaliah)  
Chairperson



NATIONAL HUMAN RIGHTS COMMISSION

PRACTICE DIRECTION NO. 11

GUIDELINES FOR  
"THE SUMMER INTERNSHIP PROGRAMME"

(M/s McKinsey & Company, Inc. in its management study report recommended, amongst other things, that the Commission should evolve and put in position and institutionalise a system of internship whereunder talented students, both from India and abroad, pursuing graduate and post-graduate studies in Law, Political Science, Sociology, Criminology etc. be accepted for internship in the Commission during the vacation intervals of the academic sessions.) This, it was pointed out, would while providing the requisite exposure to the philosophy and culture of Human Rights to the successive batches of students would also, in a measure, augment the personnel resources of the Commission.

(The Commission considered this recommendation of M/s McKinsey & Company, Inc. and has accepted it in principle.) The details of the mechanism of implementing the scheme remains to be worked-out. In the very nature of things, it is neither possible nor advisable to enumerate exhaustively the areas in which the internship programme be developed and the nature of the work the interns are expected to do. Broadly speaking, the interns shall participate in the work of the Commission to the extent to which and in the manner in which the Commission may permit.

There will, accordingly, be a Summer Internship Programme in the Commission.

In the beginning of each calendar year namely, in the month of January of each year, the Commission shall announce the details of that year's "Summer Internship Programme" intended to provide to deserving and qualified students an opportunity of direct experience of working with the Commission's Members and its departments. The announcement will also define the areas of work in which internships are entertained for the year. The areas selected should be such as would not only sustain the interest of the interns and include participation in and review of programmes of the ongoing



jects in the Commission, but also enable them to attend or participate in meetings of Core-groups and Working-groups of the various projects and programmes of the Commission; to follow-up the agenda and the deliberations of the Core-groups or Working-groups; to participate in the preparation of their recommendations; and be engaged in a broad interaction with the upper echelons of the Commission's functionaries during meetings, conferences, dinners, etc.)

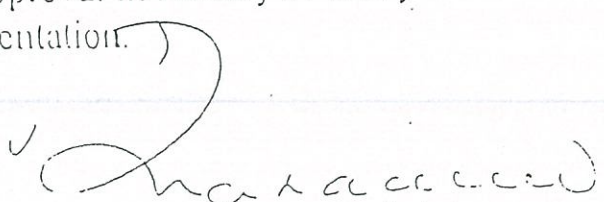
Notification of the annual Summer Internship Programmes shall be circulated to the Law Universities and Law Colleges in India and faculties of Criminology, Political Science, Sociology etc. When the system of Summer Internship Programme stabilises, intimation may also be sent to the leading universities in the Common Wealth and the United States of America.

The stipends payable to the interns shall also be indicated in the notification. In course of time representatives of the NGO fraternity, both in India and abroad, could also be included in the list of eligible participants. The prospective interns shall be expected to have a strong academic background, a positive interest in human rights issues and good communication skills. The notification will also identify the functionaries who will be responsible for overseeing the programme.

Key factors for the success of this programme would be ensuring

- That it is positioned attractively
- That it is publicised enough
- That interns have interesting work to do
- That interns have enough contact with Members of the Commission

(The content of the Summer Internship Programmes for each year shall be placed before the Commission for its approval in January of that year and action as approved be taken-up for implementation.)

  
( Justice M.N. Venkatachaliah )

Chairperson

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NATIONAL HUMAN RIGHTS COMMISSION

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PRACTICE DIRECTION No. 12

ON THE  
BI-MONTHLY AGENDA ON

'CASES AND PROJECTS UNDER THE SUPREME  
COURT'S MANDATE'

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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:-

- (1) Inquiry into allegations of fake encounters and mass cremations by the Police in Punjab
- (2) Food scarcity and starvation in the KBK Districts of Orissa
- (3) Monitoring the administration of laws against bonded labour
- (4) Monitoring the functioning of Mental Hospitals at Ranchi, Agra and Gwalior
- (5) Overseeing the Agra Protective 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 afore-said 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 categorise 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/Counselors - appointed by the Supreme Court;

(d) to devise 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 devise 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 2<sup>nd</sup> and 4<sup>th</sup> Fridays respectively of each month under a separate Agenda called "Cases and Projects under the Supreme Court's Mandate". These cases are now 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 emphasise 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 4<sup>th</sup> Friday of each month. The agenda will contain a brief report of the Chief Coordinator on the progress of the projects.

(Justice M.N. Venkatachaliah)  
Chairperson  
October 6, 1998

S.G.

DG(1)

Registrar(Law)

Sub: Policy, Research, Projects & Programmes Division  
(Custodial justice: Prisons)  
Practice Direction No.12 - Para II (ix).

\* \* \* \* \*

Chairman desires a comprehensive register of Prisons in India to be prepared using an appropriate format setting out state-wise and union territory-wise the number of central and state prisons in the country, the brief history, particulars of the infrastructure and other related facts. It has been suggested that replaceable sheets be used in a filing system, the sheets being substituted by updated information sheets.

I would prefer a computerised filing systems where the files are opened in the computer itself. This will help in prompt updating and to integrate the visitors inspection programmes and other related programmes of the National Human Rights Commission and harmoniously incorporated in the file. The following information may be called for:

1. Name of Prison.
2. Category - Central, District, Otherwise.
3. Address specifying the location, district, state.
4. Total area of the prison - constructed, open.
5. Classification of the constructed area like cells, work area, recreation area, etc.
6. Authorised capacity.
7. Actuals on date, the extent of overcrowding or otherwise, since when.
8. Career staff, the structure, the prison staff, how they are selected and engaged.
9. Officers manning the jails, their addresses, telephone numbers and other facilities available in the Office.



10. The basic amenities provided like kitchen facilities, fuel use, procurement system of rations, etc.
11. Toilet facilities before and after lock-up time, availability of water facilities for drinking, ablution purposes, the system of sanitation and hygiene, how manned.
12. Medical facilities - Is there any hospital, if so number of beds, number of doctors, prison-bed ratio, prison-doctor ratio, prisoners - para-medical ratio. Whether the hospital is equipped for chronically ill patients, specialist facilities available nearby and distance, ambulance and transportation facilities for emergency care etc.
13. Education and literacy facilities available.
14. How the teaching staff are recruited - whether the education facilities are recognised by the State Government and whether the Schools are under the education programme of the state administration? Is there scope for vocational training and if so what are the vocations?
15. Is there any captive production centre? Is the prison industry integrated to the external economic conditions in the state and the country? Is there scope for job opportunity-linked activities?
16. Number of deaths in the judicial custody for the past five years, prison violence, agitation by prisoners.
17. Classification of prisoners on date.

Once these data is made available, a comprehensive software can be prepared with necessary codes .

I would suggest that the data may be collected under a time-bound programme as a first step. The second step will be classification of data and the preparation of software package which will be of functional use with necessary flexibility compared to traditional filing system and have the additional advantage of saving space.

**HUMAN RIGHTS INSPECTION REPORT**

Part I

(to be filled by the Prison Authorities)

Inspection by  Date of Inspection

1. Prison  District  State  year of construction

2. Strength of Prison population

Convicts	Number		U.T.	Number		Others	Number	
	M	F		M	F		M	F

3. Classification and strength of Prison population sentence based :

Below 1 year	Upto 3 Years	Upto 7 years	Upto 10 Years	Above 10 Years	Capital Punishment

Open area  <sup>Sq Mts</sup> Constructed Area  <sup>Sq Mts</sup> Administrative Area  <sup>Sq Mts</sup> Cell  <sup>Sq Mts</sup>

Work Area/Facility  <sup>Sq Mts</sup> Hospital  Ambulance

4. Area per prisoner Authorised  Actual  Surplus/Deficit

5. Number of courts the prison serves as custody For undertrials  No. Vehicles

6. No. of deaths in custody duty

Total Number		From Normal Causes		Unexplained		Suicides	
AV 3yrs	Actual	AV 3yrs	Actual	AV 3yrs	Actual	AV 3yrs	Actual

7. Budget Allocation

AV 3 years	Actuals	Difference

8. Strength of Career Staff

Authorised	Actuals	Difference

9. Strength of Prison Wardens



PART II  
Check List for Inspection

A) Accommodation

- 1) Adequacy
- 2) General Up keep
- 3) Additions and alterations required
- 4) Ventilations and lighting
- 5) Toilets and Ablution facilities (before and after lock up - adequacy, hygiene, comfort and privacy)
- 6) Space per prisoner after lock-up time in cells.
- 7) Drinking water facilities
- 8) Overcrowding causes.
- 9) Sleeping and rest area-sufficiency.

B) Food

- 1) Kitchen and cooking facilities
- 2) System of Management
- 3) Prisoner participation
- 4) System of ration supplies
- 5) Scale of food authorised.
- 6) Quality of food - how tested everyday.
- 7) General hygiene and cleanliness of kitchen and dining area
- 8) Preparation of special diet for sick prisoners.

C) Clothing

- 1) System of provisioning
- 2) Facilities for washing, supply of soaps and detergents, Adequacy thereof.
- 3) Clothing of undertrial prisoners and issue of washing material and facilities for them.
- 4) Possibility of introducing modern centralised mechanised washing system.

D) Sanitation

- 1) Sanitation of cells, cook-houses, toilets and ablution areas.
- 2) Cooks personal hygiene, preventive inoculations.
- 3) Convict sweepers personal and preventive hygiene.

- 4) How task is assigned to convict sweepers.
- 5) Hygienic drinking water supply.
- 6) Adequacy of night latrines and cleanliness thereof.
- 7) Sanitation facilities for female prisoners.

### PART III

#### Health and Medical Facilities

1. System of Medical check-up on admission
2. Facilities available in the prison.
3. Access to the facilities and procedure therefore.
4. Adequacy of hospital facilities-beds for inpatient treatment
5. How well the hospital is equipped.
6. Number of doctors, para-medical staff nursing facility (male nurses) and ratio of doctor, para-medical to prisoner strength.
7. Access to facilities in Emergency, availability of first-aid kits.
8. Whether separate accommodation for segregation, diagnosis and treatment facilities to patients suffering from TB, Aids, leprosy etc.
9. Preventive measures to protect other prisoners.
10. Availability of medicines, system of purchase.
11. Prevalent types of chronic diseases in the particular jail - reasons therefore.
12. Availability of medicines for bronchitis, asthma, Epilepsy, angina and oral dehydration.
13. Treatment of psychic and psychotic prisoners numbers of such patients who cannot be certified.
14. Availability of clinical and therapeutical psychiatrists.
15. How the patients are classified and how they are engaged.
16. Drug addicts and alcoholics.
17. Number of addicts-whether diagnosed at the time of admission especially NDPA custody cases.
18. Facilities and programmes for de-addiction.
19. Facilities available for specialist treatment and nearby and their accessibility.
20. The extension of preventive health programmes of the state to the prison population.



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## PART IV

### A) Education and Welfare

- 1) Education facilities available.
- 2) Programmes
- 3) Availability of trained teachers.
- 4) Eradication of illiteracy.
- 5) Library facilities
- 6) Programme for under trial prisoners.
- 7) Vocational education
- 8) Is the prison school recognised by the State Education Authority

### B) Recreation and Amenities

- 1) Scope for games and outdoor activities
- 2) Time management for recreation
- 3) Availability of co-operative canteen facilities
- 4) Scope for meditation, spiritual activities to create a feeling of freedom from within.

## PART V

### Work Programmes

- 1) Adequacy of facilities and diversification
- 2) System of allocation of work-whether they are humane, suited to the health condition of the prisoner.
- 3) Type of prison industry, facilities and equipment available.
- 4) Modernisation programmes if any
- 5) Training and fine tuning of talents.
- 6) Wage structure and its compatibility with the wage structure outside.
- 7) Relevancy of the skill and talents developed for reintegration in society.

## PART VI

### Custodial Deaths

- 1) Number of custodial deaths during the year
- 2) How they compare with the previous three years
- 3) Cause of deaths, whether, natural, accidental or suicide, could they have been prevented by better care and timely action.
- 4) Death due to poison violence.
- 5) Whether the details have been reported with full details
- 6) Which is the disease most prevalent resulting in death
- 7) In case of aged and sickly prisoners whether early release will help.
- 8) In these cases a sample examination of the medical history of the disease to be seen to notice any abnormality.
- 9) Prison violence-incidents and causes.

## PART VII

### General

#### Post lock-up activities

- 1) The post lock-up pre-retirement time and how it is spent.
- 2) Is the lighting arrangement inside the cells and barracks sufficient to enable the prisoners to read write and play games before light out time.
- 3) Availability of facilities like TV, Music
- 4) Whether this block of prisoner time can be used for constructive purposes.

#### Undertrials

- 1) The maximum period, the average period and the shortest period for undertrials.
- 2) Nature of offences in general and whether compounding bail etc. can reduce the load.
- 3) How many bail applications have been rejected/pending.
- 4) Availability of legal aid, counseling



**C Short Term Prisoners**

- 1) The programmes for these groups should be specially studied as incarceration is a punishment with a idea of rehabilitation.
- 2) Staff - prisoner relation
  - a) Staff time devoted for prisoner interaction and rehabilitation.
  - b) Motivation of Staff
  - c) In service training
  - d) Empathy with the prisoners.

**D Women Prisoners**

- 1) Is segregation adequate to ensure safety
- 2) The attitude of jail-wardens to these prisoners
- 3) Nature of Offences undertrial duration
- 4) Education and literacy programmes
- 5) Health and welfare
- 6) Number of children staying with mothers their health care, facilities for education and welfare.
- 7) Whether any of the prisoners require ante-dated permission in sentence.

**General Observation.**

- 4 -

NATIONAL HUMAN RIGHTS COMMISSION  
(BOARD BRANCH)  
\* \* \*

F.NO. 40/19/97-LD(BB)

Dated 16th December, 1998

Subject: Practice Direction.

As directed by the Registrar (Law), a copy of the Practice Direction No. 13 dated 16th December, 1998 issued by the Hon'ble Chairperson is sent herewith for strict compliance by all concerned.

*Aparna*  
(A.K. Parashar)  
Asst. Registrar (Law)

Copy to:

1. All Assistant Registrars (Law)
2. All Section Officers (Law)

Copy for information to:

1. PS to Registrar (Law)
2. PPS to Secretary General
3. US (Coord.)



# NATIONAL HUMAN RIGHTS COMMISSION

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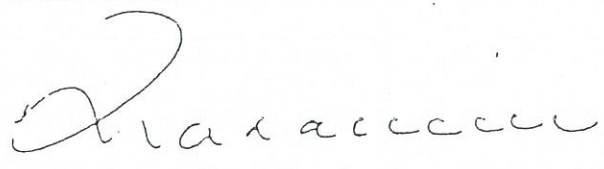
## PRACTICE DIRECTION NO. 13

### CONSTITUTION OF BENCHES FOR CONSIDERATION OF FULL COMMISSION CASES AND COURT HEARINGS

Regulation 2(g) of the National Human Rights Commission (Procedure) Regulations, 1994 as amended by the National Human Rights Commission (Procedure) Amendment Regulations, 1997 defines Full Bench as "Full Bench" means three or more Members of the Commission as constituted by the Chairperson. Now the strength of the Commission is full, all the four Members being in position, it is clarified that unless otherwise directed by the Chairperson, the cases required to be considered by the Full Commission shall come up before the Full Bench ordinarily consisting of the Chairperson and two Members and, in absence of the Chairperson, full bench consisting of three Members. Similarly the cases which have been notified for Court hearing shall be heard by Benches of two or three Members.

The coram for Full Benches and Benches for Court hearings shall be decided by the Registrar keeping in view the availability of Chairperson and Members at the Headquarters on the date of hearing. While deciding the coram for these hearings regard shall also be had to the question whether a case was partly heard by a particular bench.

These directions may be put into immediate effect.



(Justice M.N. Venkatachaliah)

Chairperson

December 16, 1998

*[Handwritten notes and signatures at the bottom of the page, including 'A-1(i)', 'Ge', and other illegible scribbles.]*

## NATIONAL HUMAN RIGHTS COMMISSION

### PRACTICE DIRECTION NO. : 14

#### PART-I

PERIODIC REVIEW AND MONITORING OF PAYMENT OF TRAVELLING AND OTHER EXPENSES, GRANT OF HONORARIA, ETC. FOR "SPECIAL RAPPOORTEURS", "SPECIALLY AUTHORIZED REPRESENTATIVES" AND "SPECIAL REPRESENTATIVES OF NHRC FOR CIVIL AND POLITICAL RIGHTS"

With a view to enhancing the presence of the National Human Rights Commission in the States, particularly where the State Human Rights Commissions have not been constituted so far, the National Commission has adopted several measures. The Commission has envisaged several structures outside the formal administrative set-up. Such non-formal institutions include "Special Rapporteurs", "specially authorised Representatives" and "Special Representatives of NHRC for Civil and Political Rights" in the States of Uttar Pradesh, Bihar, Karnataka, Orissa and Andhra Pradesh. The individuals chosen to undertake these assignments are eminent men in their own right and their active collaboration with the Commission in its human rights agenda will greatly enhance the presence of the Commission in various parts of the country. The set-up of a National Commission to look after the vast field of Human Rights, in what is virtually a sub-continent, must itself be a reminder and indicative of the awesome responsibilities the Commission bears. The work of the Commission must be a mass movement.

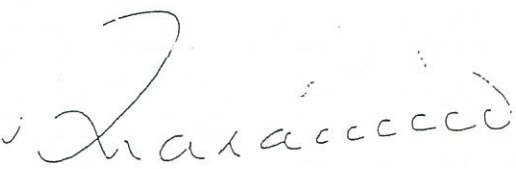


PART-II

SUPPLY OF APPROPRIATE STATIONERY TO SPECIAL RAPORTEURS,  
SPECIALLY AUTHORISED REPRESENTATIVES AND SPECIAL  
REPRESENTATIVES OF THE COMMISSION FOR CIVIL AND POLITICAL  
RIGHTS.

The Secretariat shall prepare in appropriate formats, Letter-Heads and other requisite stationery including envelopes addressed to the Commission with superscription specifying the programme it relates to and supply them from time to time to the aforesaid persons. This would facilitate easy identification of the subject even on a mere external view of the envelopes.

This task shall be carried out within one month.

  
(Justice M.N. Venkatachaliah)  
Chairperson  
13.10.1999

NATIONAL HUMAN RIGHTS COMMISSION

## PRACTICE DIRECTION NO.: 15

Subject: Investigation required in the pending cases.

The matters pending in the Commission wherein the occurrence of the incident is more than one year old and seem to require investigation by the Investigation Team of the Commission may be placed before the Full Commission for consideration.



(JUSTICE J.S. VERMA)  
CHAIRPERSON  
31/1/2000



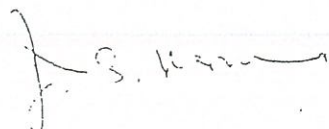
NATIONAL HUMAN RIGHTS COMMISSION

PRACTICE DIRECTION NO.16

Subject: Cognizance and processing of suo-motu actions.

To avoid duplication, inconsistent/conflicting directions being made in matters of which suo motu cognizance is taken by the Commission and with a view to attain uniformity in this matter, it is appropriate that the following procedure be followed for registering and processing such matters:

- (i) Whenever a Member or senior officer considers any matter relating to the violation of human rights fit for suo-motu action, he/she may so indicate on the press clipping etc. and send the same to the Registrar General for placing before the Chairperson for issuing the necessary direction in this behalf.
- (ii) On receipt of such references the Registrar General shall get them processed in the Registry to avoid any duplication of the same matter and with the report place it before the Chairperson promptly to obtain the necessary direction for further action.
- (iii) All such cases where the Commission decides to take suo-motu cognizance shall be treated, processed, followed and pursued as fast track cases.



(Justice J.S. Verma)  
Chairperson  
25.02.2000

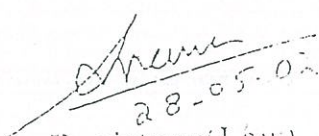
NATIONAL HUMAN RIGHTS COMMISSION  
(REGISTRAR'S SECTT.)

PRACTICE DIRECTIONS No.17

Subject: Processing of complaints received through NGOs.

During the meeting of the Commission on 15.2.2002, a proposal based on the recommendations made by a Core Group of NGOs was considered in the Administrative Agenda. It has been decided with the approval of the Chairperson that in respect of complaints received from NGOs, (i) where a decision is to be taken by the Commission for the closure of any case, comments of the concerned NGOs, in appropriate cases may be obtained before passing the final orders (ii) where complaints received are proposed to be investigated by the investigation team of the Commission, the concerned NGO, in appropriate cases, may also be informed of the visit of the team.

The aforesaid directions are issued for strict compliance with immediate effect.

  
28-05-02  
Registrar(Law)

- 1) PS to Chairperson
- 2) PSs to Members
- 3) DG(I)
- 4) DIG
- 5) Presenting Officers
- 6) JR
- 7) All ARs
- 8) PPS to SG
- 9) PS to JS