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# Guidelines for the engagement of Special Monitors

(with effect from 29.05.2024)

National Human Rights Commission



## 1. Introduction

1.1 The National Human Rights Commission has been set up under the Protection of Human Rights Act, 1993 for the better protection of human rights and for matters connected therewith or incidental thereto. The functions of the Commission are detailed in Section 12 of the Act and apart from enquiry into complaints of violation of human rights or negligence in the prevention of such violation by a public servant, includes visits to jails and other institutions, spreading of human rights awareness, encouraging the efforts of Non-Governmental Organizations and institutions working in the field of human rights etc. As the Commission is based in Delhi, it is not possible for the Commission to be present in the different parts of the country to ascertain the position of human rights in these areas. In order to ensure the reach of the Commission to all regions of the country, the Commission has decided to engage Special Monitors on thematic issues who function as the eyes and ears of the Commission.

1.2 Special Monitor is a title given to an individual who is working on behalf of NHRC within the scope of laid down Guidelines on either a region specific mandate or on thematic issues pertaining to the human rights.

## 2. Objective

2.1 The primary responsibility of the Special Monitor is to 'examine, monitor, evaluate, advise and report' on human rights violations through 'activities undertaken by special procedures, conducting visits and providing advice on emerging issues from the perspective of human rights. The Special Monitors are also engaged in general promotional activities towards promotion and protection of human rights

or any other duty as assigned by the Commission. Services of eminent persons who have knowledge or practical experience in dealing with the Human Rights issues and are domain experts may be utilized to assist the Commission in discharging its statutory responsibilities. Accordingly, this scheme for engagement of such persons as Special Monitors has been formulated. The engagement of Special Monitor will be governed by the following general conditions.

## 3. Nature of engagement

3.1 The engagement of Special Monitors is not a regular appointment. It is a temporary contractual arrangement under which an honorarium on 'per diem' basis will be paid for the services rendered by the Special Monitors.

## 4. Eligibility Criteria for Special Monitors

4.1 A person who has held high posts in Government of India or State Government or is an academician of repute or an eminent person who has knowledge of, or practical experience in, matters relating to Human Rights or a domain expert, shall be eligible for appointment as Special Monitor.

## 5. Number of Special Monitors

5.1 Special Monitors are engaged to deal with different themes. The Commission would engage Special Monitors as per the functional requirement and need basis.

## 6. Special Monitors on Thematic Basis

6.1 Engagement of Special Monitor for specific thematic area & subjects will be on need basis on the basis of emerging issues. An illustrative list of thematic emerging human rights issues are given under:

S. No.	Thematic area and subjects
i.)	Human Rights Advocacy (HR Education and Gender Equality)
ii.)	Criminal Justice System (Subject covered -Jails, Juvenile Justice & Correctional Homes) and Police & Police Reforms (All matters relates to Police & Police Reforms) Victim compensation scheme data, SC/ ST offences, sexual offence victims to be collected from Government only, not from DLSA
iii.)	Bonded Labour and Child Labour (Subject covered - All matters relates to Bonded Labour and Child Labour)
iv.)	Tribal Welfare (Subject covered - All matters relating to welfare of Tribals & Forest dwellings)
v.)	Matters relating to the implementation of Advisory in relation to the mechanization of sewer and septic tanks, cleaning, matter relating to beggars, matter relating to silicosis and other matters as assigned specifically, time to time.
vi.)	Women and Disability (Subject covered - Sexual Violence & Rape, Domestic Violence and Sexual Harassment at work place)
vii.)	Child Rights and Elderly Citizens (Subject covered - All matters relating to Child Rights and Elderly Citizens)
viii.)	Transgender (Subject covered - All matters relating to Transgender, LGBT Rights)
ix.)	Panchayati Raj and local self Government (Subject covered - All matters relating to Panchayati Raj and local self Government)
x.)	Human Trafficking (Subject covered - All matters relating to Human Trafficking)
xi.)	Business & Human Rights (Subject covered - All matters relating to Business & Human Rights)
xii.)	Environment, Climate change & Human Rights
xiii.)	Elementary Education and Literacy
xiv.)	Public Health, Healthcare and Hospital (Mental Health, HIV/AIDs, Spurious drugs, Diagnostics and Labs)
xv.)	Terrorism, counter-insurgency, LWE, communal riots, etc.
xvi.)	Cybercrime and Artificial Intelligence
xvii.)	Livelihood, skilling and Employment
xviii.)	Water, Sanitation and Hygiene (Wash)

*Note: These thematic areas and subjects are suggestive and indicative in nature and may change as per requirement from time to time as per requirement.*



6.2 Notwithstanding the above assignment, a Special Monitor may be assigned additional work including work in a different or related to any other thematic area & subject, by the Commission, if the need arises.

## 7. Mode of Selection

7.1 The selection of Special Monitors would be on need basis and on functional requirements. The Commission shall pre-select the Special Monitors for different subjects without having recourse to a prolonged recruitment process and on nomination basis. The Chairperson shall have the discretion to engage an eminent person with domain knowledge as Special Monitor for any thematic area or subject for such a period as considered appropriate.

## 8. Age and Duration of Engagement

8.1 The upper age limit for initial engagement of Special Monitors would be 67 years. However, in exceptional cases it can be extended for a further period of up-to 3 years. The engagement shall be up-to 70 years, not beyond it.

8.2 The Special Monitor shall initially be engaged for a period of up-to 3 years. Depending upon the performance, this can be further extended up-to 5 years or up-to the age of 70 years, whichever is earlier, on the basis of annual evaluation of their performance by a Committee appointed by the Chairperson.

8.3 Engagement of Special Monitors on thematic basis will be on need basis only. They are assigned a research/ investigation activity on a particular subject, which involves monitoring to the Commission after carrying out visits.

## 9. Functions of Special Monitors

9.1 The Commission may prioritize the institutions and work/ issues which should be visited by the Special Monitors on regular intervals. There will be an annual action plan for the work/ assignments to be undertaken by the Special Monitors during the year. Based on this, the Special Monitors shall submit the quarterly work programme to the Commission through the Secretary General of NHRC.

9.2 The Commission has also formulated guidelines/ broad parameters to be followed by the Special Monitors, including indicative check list of points to be considered while visiting various institutions. A Special Monitor may be entrusted with all or any of the functions listed below:

- i.) Visit area related to the thematic areas. They may visit jails, police lock ups and other place of detention, namely, juvenile homes, beggars homes, preventive homes, after-care homes, Nari Niketans, probation homes, or any other place as and when required in connection with discharge of his duties.
- ii.) Projects/ programmes taken up in the States/ UTs at the instance of the Commission or which have bearing upon human rights issue.
- iii.) Liaise with non-governmental organization(s) and other human rights institutions specifically identified by the Commission on such matters as the Commission may direct.
- iv.) Matters remitted to the NHRC by Supreme Court.

- v.) Monitoring of Action Taken Reports by the concerned States/ Organizations, etc., on the specific recommendations given by the Commission.
- vi.) Participation in Seminars/ Conferences etc., organized by NHRC.
- vii.) The Special Monitor may be assigned additional work including work in different region or relating to any subject by the Commission/ Chairperson/ Member.

## 10. Headquarters of Special Monitor

- 10.1 The Headquarters of the Special Monitors will preferably be at the Station residing at the time of engagement. No office accommodation will be provided by NHRC to the Special Monitors.

## 11. Authority to whom Special Monitors to report

- 11.1 After completing the visit, the Special Monitors will be shall submit a report and suggest special recommendations through the Secretary General of NHRC. All the tour programmes shall be approved by the Chairperson. The report shall be more by exception and contain specific issues and recommendation rather than general description of events.

## 12. Honorarium

- 12.1 The Special Monitors shall be paid an honorarium on 'per diem' basis, which would be Rs. 8,000/- (Rupees Eight thousands only) per day during mission visits. The number of days to be visited by the Special Monitor may be limited to 6 days in a month or 18 days in a quarter and maximum of 2 trips per month and 4 per quarter. Over and above, the Com-

mission will reserve the right to send them to any particular areas on a need basis in exceptional/ significant cases.

- 12.2 For calculation of per diem rate for visit days, it will be calculated after taking into account the number of days/ hours from the time of commencement of tour to completion of tour as done in Government TA/ DA rules. The basis of calculation shall be absence from headquarters on calendar day basis, i.e. from midnight to midnight as detailed below:

- i.) Absence not exceeding 6 hours - Nil
- ii.) Absence exceeding 6 hours but not exceeding 12 hours - 70%
- iii.) Absence exceeding 12 hours - 100%

- 12.3 As regards secretarial/ report writing is concerned, a consolidated amount of Rs.20,000/- (Rupees Twenty thousand only) per month shall be paid towards secretarial or other expenses pertaining to office and other logistic support for facilitation of submission of reports, over and above the visit days, subject to the Special Monitor completing a minimum of 5 days visit in a month. Wherever, number of visits are less than 5 days, reimbursement of secretarial assistance will be restricted to Rs.10,000/- per month. No reimbursement to be made when visit has not been undertaken.

- 12.4 In case a Special Monitor, attends Core Group Meetings in the Commission as Member or Special Invitee, they shall be paid Rs. 3,000/- (Rs. 2,000/- towards fees and Rs. 1,000/- towards conveyance) as being paid to the other Members/ Special Invitees.



### 13. Tours

- 13.1 Special Monitors shall undertake tours only after obtaining approval from the Chairperson, NHRC. While on Tour, they shall be entitled to travel by Air, by Economy class with an undertaking that the cheapest fare has been availed on the date of booking of air tickets, in terms of latest instructions of the GOI, MOF dated 31.12.2021, whereby air tickets can be booked only through the following three Authorized Travel Agents, inter alia:
- i.) M/s Balmer Lawrie & Company Limited (BLCL) (Govt of India Employee booking portal)
  - ii.) M/s Ashok Travels & Tours (ATT)
  - iii.) Indian Railways Catering & Tourism Corporation Ltd (IRCTC)
- 13.2 Further, a Special Monitor shall also be entitled to avail TA/ DA (except air travel), equivalent to the level 14 and above of the GOI, in terms of the TA rules of the Govt., amended from time to time, subject to approval of the competent authority. Request for relaxation of any kind, shall also be subject to the final approval of the competent authority.
- 13.3 The Special Monitor should submit the visit report within 10 days from the completion of visit.

### 14. Organizational and Institutional Support

- 14.1 The State Governments shall provide organizational and institutional support to facilitate the Special Monitors in their areas of responsibility as an extension of

the Commission. The tour programme and curriculum of the Special Monitors shall be informed by the Coordination section of NHRC to the respective States well in advance to enable them to make the necessary arrangements.

### 15. General Conditions

- 15.1 Special Monitors will maintain confidentiality of the assigned work and communicate their views/ report etc. only to the Commission.
- 15.2 They may decline State Guest facilities in visits to State/ Union Territories wherever they consider that it might be seen to affect their image of impartiality.
- 15.3 The Special Monitors may take up other assignments, but are expected to reveal conflict of interest, if any, at the time of entrusting any task to them. Such assignments should not have any implications on their function as Special Monitor.
- 15.4 In case they accept any other full time employment or any part time employment which infringes upon their functioning as Special Monitor, they will not be considered or will be disqualified.

### 16. Termination

- 16.1 The engagement of Special Monitor can be terminated by either party by giving one month's notice. Chairperson, NHRC will be the final authority in this matter.