

Dilip K. Basu & Others

v.

State of W.B. & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE R.C. LAHOTI HON'BLE MR. JUSTICE S.N.
PHUKAN

Criminal Misc. Petition No. 4201 Of 1997, 4105 Of 1999, 2600, 2601 Of 2000,
480 Of 2001, 12704 Of 2001 In Wps (Crl.) No. 539 Of 1986, 592 Of 1987 | 15-
02-2002

1. Vide order dated 19-10-2001 this Court requested the Chairmen of the State Human Rights Commissions of different States/UTs or the Committees appointed by the Chief Justices of the High Courts in the States where State Human Rights Commissions do not exist to report on compliance within the States/UTs with the directions (11 requirements) laid down by this Court in D.K. Basu case (D.K. Basu v. State of W.B., 1997 (1) SCC 416) on 18-12-1996. Reports from the Commissions/Committees from the States of Madhya Pradesh, Uttar Pradesh, Rajasthan and Punjab have been received and we appreciate the commendable work which they have done and in apprising this Court of the state of affairs prevailing in these States. Indeed, the reports project a dismal picture prevailing in these States in the matter of compliance with the requirements laid down in D.K. Basu case (D.K. Basu v. State of W.B., 1997 (1) SCC 416). No serious effort appears to have been made by these States and their senior officials in apprising the police personnel, dealing with people, of the directions made by this Court which is the law of the land, not to speak of their having been educated and trained in securing compliance with the directions of this Court. The State Governments ought to know that protection of human rights is their primary constitutional obligation and not the sole concern of this Court alone. The Registry shall make available copies of these reports to the appearing counsel for the States of M.P., U.P., Rajasthan and Punjab, who shall, within a period of six weeks, file the response in the matter of non compliance with the directions of this Court highlighted in the reports, the action taken by the State Governments against the officials responsible for non compliance, and the steps taken and to be taken in seeing that such directions are complied in letter and spirit by the States hereinafter. Such response must be filed on the affidavit of either the Chief Secretary or the Home Secretary.

2. The Commissions/Committees from the States of Karnataka, Kerala, Sikkim and Manipur have filed the responses which are either too brief or skeletal and do not satisfy the requirement of compliance with the order of this Court dated 19-10-2001. Issue notice afresh asking for detailed reports.

3. Commissions from the States of Himachal Pradesh, Jammu & Kashmir, Maharashtra, Manipur, Tamil Nadu and West Bengal and Committees appointed by the High Courts in the States of Arunachal Pradesh, Goa, Gujarat, Haryana, Jharkhand, Karnataka, Nagaland, Tripura and Union Territories of Andaman & Nicobar Islands, Chandigarh, Daman & Diu, Dadra & Nagar Haveli, Lakshadweep and Pondicherry have not responded so far. Issue fresh notice requiring the response within a period of six weeks from the date of service of notice.

4. The Registry shall see that the reports received from the Commissions/Committees in terms of the directions made on 12-10-2001 and today are made available to the learned amicus as also to the respective Standing Counsel/appearing advocates for the States concerned so that they can be ready with their responses to the reports received by the time the matter comes up for hearing before this Court.

5. In such of the States which do not have Human Rights Commission, the Committees established by the High Courts should be extended full cooperation and assistance by the State Governments concerned to make the Committees' functioning real and meaningful who shall also see that no obstruction is caused in their functioning.

6. List after eight weeks.