
(1999) 07 SC CK 0018

In the Supreme Court Of India

Case No : Criminal Appeal No. 4105 Of 1999, 4201 Of 1997

Shri Dilip K. Basu

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision : 23-07-1999

Acts Referred:

Citation : (1998) 1 BLJR 63 : (1999) 4 SCALE 475 : (1999) 7 SCALE 222

Hon'ble Judges : A. S. Anand, C.J.;N. Santosh Hedge, J;M. Jagannadha Rao, J

Bench : Full Bench

Final Decision : Allowed

Judgement

1. Learned Amicus Curiae has filed an application for directions in connection with the report, which appeared in the "Times of India", Calcutta Edition of 20th July, 1999. Copy of the Petition has been furnished to learned counsel for the State of West Bengal, who prays for a short adjournment to seek instructions and response from the concerned authorities and the State of West Bengal. He is granted ten days time for the purpose.

1. STATE OF GOA

2. We have examined the affidavit filed on behalf of State of Goa. According to that affidavit, the various directions, given by this Court in D.K. Basu's case have been and are being complied with by the concerned authorities in the State of Goa. In the affidavit, however, there is no indication as to whether the directions, which were required to be broadcast/telecast with a view to create awareness about the rights of the arrestee among the public, in general, were actually broadcast/telecast? Learned counsel prays for two weeks time to file an affidavit stating the correct position in that behalf. We grant the prayer.

2. STATE OF RAJASTHAN

3. We have perused the affidavit filed on behalf of the State of Rajasthan. According to that affidavit, there has been compliance with all the directions

issued by this Court in D.K. Basu's case insofar as that State is concerned.

4. Through an affidavit filed on 11th May, 1999 by Shri Govind Narain Purohit, Additional Superintendent of Police, Headquarters Jaipur City, it has also been conveyed that the State of Rajasthan has already constituted the Rajasthan Human Rights Commission with headquarters at Jaipur vide a Gazette Notification dated 18.1.1999. We record the fact about the constitution of the Rajasthan Human Rights Commission.

3. STATE OF HARYANA

5. Mr. Prem Malhotra, learned counsel appearing for the State of Haryana submits that though the State Government had earlier decided that there was no need for the setting up of State Human Rights Commission in the State of Haryana, because there was already a District Grievances Committee in position in each district, but, subsequently, the State Government has reviewed the decision and steps are now being taken for the constitution of the State Human Rights Commission. Learned counsel prays for four weeks time to file an affidavit indicating the stage at which the constitution of State Human Rights Commission is at present.

4. STATE OF JAMMU & KASHMIR

6. Insofar as the affidavits filed on behalf of the State of Jammu & Kashmir are concerned, we find that with regard to the directions (e), (f) and (g), the affidavits are not clear. Mr. Ashok Mathur, learned counsel appearing for the State of J & K submits that within four weeks, an affidavit shall be filed indicating whether or not directions (e), (f) and (g) in D.K. Basu's case are being complied with by the concerned authorities.

7. Mr. Mathur submits that after the filing of the last affidavit, the State has since constituted a State Human Rights Commission. We record the statement.

8. We are informed that the affidavits which were required to be filed by the State of Maharashtra and the State of Andhra Pradesh have since been filed.

9. On the next date, cases relating to the States/UTs. of Andaman & Nicobar, Lakshdweep, Daman & Diu, Dadra and Nagar Haveli, Meghalaya and Nagaland shall be taken up for consideration,

10. The matter arising out of the Report which appears in the Times of India, dated 20th July, 1999 insofar as the State of West Bengal is concerned, shall be listed separately on a date other than on the date on which the cases of these States/U.Ts. are taken up for consideration. The dates shall be fixed in consultation with the learned Amicus Curiae.