

(2001) 10 SC CK 0128

In the Supreme Court Of India

Case No : Criminal M.P. No's. 4201 of 1997, 4105 of 1999, 2600-2601 of 2000, 480 of 2001 and 12704 of 2001 in Writ Petition (Criminal) No. 539/86 and 592 of 1987

Shri Dilip K. Basu, Etc., Etc.

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision : 19-10-2001

Acts Referred:

Citation : (2002) 1 PLJR 117

Hon'ble Judges : A.S. Anand, C.J;N. Santosh Hegde, J;Arijit Pasayat, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. According to the affidavits filed by most of the States and Union Territories, the II "requirements" laid down by this Court in D.K. Basu Vs State of West Bengal on 8th December, 1996 in the interest of the arrestees and to minimise, if not, altogether, eliminate custodial violence are being implemented. There are, however, some reports which have appeared in the Press or otherwise brought to our notice that despite "those requirements", the rights of the trustees, which are sought to be protected by those requirements, are not being respected and custodial violence continues. With a view to ensure proper compliance, we consider it now proper that for further monitoring of the case to see that the 11 "requirements", as spelt out in D.K. Basu's case, besides other statutory safeguards, are implemented in letter and in spirit that the task, be assigned to the Human Rights Commission constituted in various States/Union Territories. We, accordingly, request the Chairmen of the State Human Rights Commission of different States/Union Territories to constitute a sub-committee in the Human Rights Commission with a view to oversee whether those requirements are being carried out or not and to take all such further necessary steps as are required to ensure that those requirements are carried out. It shall be open to the committee constituted by the Chairman of the State Human Rights Commission, to make surprise checks with a view to see actual implementation of those

requirements. In the States or Union Territories, where Human Rights Commissions have not been set up, we request the Chief Justice of the High Court concerned, to constitute a committee, as found appropriate for the same purpose and directions which we have given in regard to the State Human Rights Commission would, equally apply to those committees also.

2. A report of action taken shall be sent to this Court by the committee of State Human Rights Commission or the committee constituted by the Hon"ble Chief Justice of the High Court within three months.

3. List the matter for further directions after three months in consultation with the learned Amicus. The criminal miscellaneous petition is, accordingly, disposed of.