

The West Bengal Human Rights Commission(Procedure) Regulations 2015, (hereinafter referred to as regulations) replaced the W.B. Human Rights Commission(Procedure) Regulations 1995 dated 12.09.1995 at the instance of the Hon'ble Member(A) himself when he was the Acting Chairperson.

He by his note dated 3rd September, 2020 has challenged legality of the said regulations without indicating any source of sudden discovery that they are illegal. If the regulations are illegal they were illegal on the day the same were notified. The order dated 06.08.2020 ostensibly challenged as illegal is based on the regulations. The order cannot be faulted so long as the regulations are not struck down by a Court of competent jurisdiction. Even if the regulations are Struck down the order would remain valid subject however to the question whether the order could have been passed within the frame work of the protection of Human Rights Act, 1993(hereinafter PHR Act) Act. Since exercise of power by the Chairperson by his order dated 06.08.2020 has been challenged by the learned Member(A) who is also former Acting Chairperson of the Commission, it is necessary, I think to place on record the background which necessitated the said order.

BACKGROUND

Shortly after I took over the reins of the WBHRC from Mr, Mukherjee on 21st December, 2016 I came across a case () which had been directed to be dropped. The facts briefly stated, as I remember, were that the petitioners being 3 sisters had complained to the Commission that their ailing aged father had wrongfully been confined by their only brother. They were not allowed to see him or to render any service including medical assistance to the ailing father. They in the circumstances sought for intervention of the Commission. An order was passed directing the Commissioner of Police, Kolkata to look into the matter and to furnish a report. After quite sometime a report was received indicating that the old man had already died and it was a case of dispute between

Mukherjee
23/9/20

S.C. HIRA, WBCS (Exe.)
Joint Secretary
Govt. of West Bengal
Human Rights Commission

