



WEST BENGAL HUMAN RIGHTS COMMISSION

PURTA BHAWAN, (2<sup>ND</sup> FLOOR), BLOCK -DF, SECTOR - I,

SALT LAKE, KOL- 700 091.

Email: [wbhrc8@bsnl.in](mailto:wbhrc8@bsnl.in)

Website: [www.wbhrc.nic.in](http://www.wbhrc.nic.in)

No. 1088/WBHRC-69/14-15  
From : Shri S.K.Halder, WBCS(Exe)  
Special Secretary

Date: 15-12-14

To : Shri Sumit Sen  
Resident Editor,  
The Times of India

Sir,

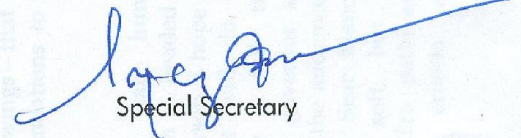
Sub : Publication of corrigendum

With reference to publication of a news item under the heading "Guv's reminder on rights panel chief" published on 11.12.14 in your esteemed daily, I am directed by the Commission to put the following facts for your kind perusal and also publication in the form of corrigendum.

1. The Protection Human Rights Act, 1993, has been amended by Act 43 of 2006 with effect from 23.11.2006
2. As per amendment of Section 21, the Constitution of State-Human Rights Commission shall be of three Members who are:
  - a) a Chairperson who has been a Chief Justice of a High Court.
  - b) One Member who is, or has been, a Judge of a High Court or District Judge in the State with a minimum of seven years experience as District Judge;
  - c) One Member to be appointed from amongst persons having knowledge of, or practical experience in matters relating to human rights;
3. Shri M.S.Dwivedy has been appointed as Judicial Member in place of Justice N.C.Sil and he joined West Bengal Human Rights Commission on 08.04.2014.
4. The State Commission can very well function under the Act with two Members as per Section 9 of PHR Act, 1993.
5. The present Commission under the Acting Chairperson is well within its power to discharge all the functions of a Commission as per Section 25 of the Protection of Human Rights Act, 1993.

I am further directed by the Hon'ble Commission to request you to kindly publish the aforesaid corrigendum and dispel the doubts created in the minds of readers of your esteemed newspaper.

Encl:- Copy of the news item

  
Special Secretary



# Appoint HRC chief, guv reminds state

11/12/13

With Only Two Members, Rights Body Has Been Clipped Of Its Wings For Nearly A Year

TIMES NEWS NETWORK

Kolkata: Governor Keshari Nath Tripathi on Wednesday chose the occasion of International Human Rights Day and the podium of the West Bengal Human Rights Commission to remind the Mamata Banerjee government that it needs to appoint a full-time chairperson for the commission.



Governor Keshari Nath Tripathi speaks to Napanajit Mukherjee at the programme at Sishir Manch on Wednesday. To the governor's left is speaker Biman Banerjee

Justice Asoke Kumar Ganguly tendered his resignation on January 6 and commission member and former DGP Napanajit Mukherjee has been acting as the chairperson since then. Bereft of a judicial member, the state rights body has been clipped of its wings—that is, making recommendations to the state.

"Currently the state human rights commission is headed by an acting chairperson. I hope the state government will do the court," Tripathi said.

Among those present at the event was Mukherjee himself and assembly speaker Biman Banerjee. The voice was soft, but the message strong. Tripathi even spelled out the criteria and member S N Roy's term ended.

qualification for the chairperson of a human rights commission.

"For the National Human Rights Commission, it is a retired judge of the Supreme Court while for a state human rights commission it has to be retired judge of either the Supreme Court or a high court," Tripathi said.

Mukherjee was appointed in end-2013, after commission member S N Roy's term ended.

The replacement for the judicial member, lying vacant since the end of N C Silt's term, is yet to be found. Further, with Justice Ganguly's resignation, the three-member commission now has one acting chairperson and one special member in M S Dwivedy.

According to the state human rights act, the state rights body can be stretched to a maximum five members with two judicial members (one a retired high court judge; another a retired district judge), two non-judicial

sources, the state did reach out to one former Calcutta high court chief justice, but he declined the offer. The state has since been trying to find a way out of the logjam, but the 1993 The Protection of Human Rights Act was passed in Parliament and only it can add or delete provisions to it.

In fact, according to sources, the last case heard by a commission full bench is the brutal rape-murder of a 16-year-old in Madhyamgram in October 2013. Justice Ganguly retired before the commission could make its recommendations. The chief minister has reportedly claimed in her close circles that the lack of suitable candidates meeting the strict criteria is the reason behind the delay in appointing a full-time commission chairperson.

However, the acrimonious war of words culminating into Mannata writing to the President, seeking Ganguly's removal, gave an impression that relying under adverse recommendations, the state was perhaps too keen to let Ganguly go.