

GAHC030002732021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/4/2021

Zofa Welfare Organization (ZWO) Mizoram
R/b Rev.Robawia, President, ZWO

VERSUS

1.State of Mizoram and 5 Ors.
R/b Chief Secretary, Govt. of Mizoram, Aizawl

2:State of Mizoram
R/b Secretary Home Dept.
Govt. of Mizoram

3:The Secretary
Dept. of States Ministry of Home Affairs
North Block Cabinet Secretariat
Raisina Hill New Delhi Pin-110001

4:Chairman/ General Secretary
National Human Rights Commission
Manav Adhikar Bhawan
Block-C GPO Complex
INA New Delhi - 110023.

5:Secretary to the Govt. of Mizoram
Dept. of Personnel and Administrative Reforms (DPandAR)
Aizawl Mizoram.

6:The Under Secretary
Finance Dept. Govt. of Mizoram
Aizawl Mizora

For the Petitioner : Ms. Rosalynn L. Hmar, Advocate.

For the Respondent(s) : Mrs. H. Lalmalsawmi, Government Advocate, Mizoram (through Video Conferencing) for respondent Nos.1, 2, 5 & 6.
: Ms. Zairemsangpuii, Central Government Counsel for respondent Nos.3 & 4.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

06.09.2024

(Vijay Bishnoi, CJ)

This writ petition is filed in the public interest by the petitioner Organization with a prayer to issue direction to the State of Mizoram to set up the State Human Rights Commission as per the provisions of the Protection of Human Rights Act, 1993 (hereinafter to be referred as the Act of 1993).

It is noticed that this writ petition (PIL) is pending since 2021 and on every occasion the State is coming with the response that the process for setting up the State Human Rights Commission is going on.

This Court, on several occasions, has taken note of the fact that the Hon'ble Supreme Court in ***Shri Dilip Kumar Basu Vs. State of West Bengal & Ors.*** [Judgment dated 24.07.2015 passed in CRL.M.P. No.16086/1997 in CRL.M.P. No.4201/1997] has directed the respective State Governments to set up State Human Rights Commission in every State. However, despite the specific directions by the Hon'ble Supreme Court, the State of Mizoram has failed to establish the State Human Rights Commission.

On 03.09.2024, an additional affidavit was filed on behalf of the Secretary to the Home Department, Government of Mizoram stating that the State Government is taking steps for establishment of Human Rights Commission and

in that direction a proposal for creation of 29 posts was submitted to the Government of Mizoram, DP & AR (ARW) and out of these 29 proposed post, approval was accorded by the DP&AR (ARW) for new creation of 16 posts vide order dated 08.08.2024.

It is to be noticed that the sanction of posts is only on paper and till date, the State Human Rights Commission has not been constituted.

Taking into consideration the overall facts and circumstances of the case, we are constrained to observe that the State Government is not willing to set up the State Human Rights Commission as per the provisions of the Act of 1993 and as per the directions given by the Hon'ble Supreme Court in ***Dilip Kumar Basu*** (supra).

However, in the interest of justice, last opportunity of 2(two) months is granted to the State of Mizoram to set up the State Human Rights Commission as per the provisions of the Act of 1993 and as per the directions issued by the Hon'ble Supreme Court in ***Dilip Kumar Basu*** (supra), failing which, we will be forced to impose heavy cost upon the State of Mizoram and to initiate contempt proceedings against the State of Mizoram.

List this matter after 10(ten) weeks.

JUDGE

CHIEF JUSTICE