

Hon'ble Chair/Person.

REPLY TO NOTES OF HON'BLE CHAIRMAN

Background :

- (i) The Hon'ble Chairman passed certain orders vide note dated 06.08.2020 through constitution of three benches out of which two of them were Division Bench and One Single Bench was headed by the Hon'ble Chairman himself.
- (ii) Subsequently, the Member vide his notes dated 12.08.2020 requested for a discussion on the subject. The Hon'ble Chairman refused to hold discussion on the grounds that his powers were absolute in these matters and asked the member to submit his written views or objections before taking up the matter any further.
- (iii) Further, in terms of the said order of the Hon'ble Chairman, two types of benches for dealing with complaints from Presidency and Calcutta divisions has been formed, - in respect of Suo-motu complaints two-member bench would take cognizance, but in respect of complaints by petitioner/complainant or someone on his behalf cognizance would be taken by single bench of Chairman himself.

Submission :

Hence, in view of Hon'ble Chairman's desire and direction the Member is submitting his views and/or objections to order dated 06.08.2020 asunder:

1. As the word 'Bench' has been repeatedly used in the said order. Laying down the meaning of the term according to Black's Law Dictionary (P175; Ninth Edition), 'Bench' has been defined as - *'The court considered in its official capacity, judges collectively bench and the bar.'*
2. Section 20 of the Indian Penal Code defines "Court" as a judge who is empowered by law to act judicially alone or a body of judge which is empowered by law to act judicially as a body when such judge or body of judges is acting judicially'. In Section 19 of the Indian Penal Code, a "Judge" has been defined as- judge denotes not only every person who is officially designated as a judge but also every person who is empowered by law in civil or criminal proceedings, a definitive judgement, which if not appealed against would be definitive or a judgement which if confirmed by any other authority would be definitive or who is one of the body of persons is empowered by law to give a judgement.'

Authenticated
23/9/20
S.C. HIRA, WBCS (Exc.)
 Joint Secretary
 Govt. of West Bengal
 W.B. Human Rights Commission