W. B. HUMAN RIGHTS
COMMISSION
KOLKATA - 27

Dated, the 3rd January, 2017

The Commission was of the opinion that the plight of the senior citizens who died while attempting to withdraw money from their respective bank accounts should be looked into and the next of kin should be awarded appropriate compensation to be paid by the RBI..

With the aforesaid objective in mind we undertook a study of the relevant materials. The notifications bearing no. S.O. 3407(E) and S.O. 3408(E) both issued on 8th November, 2016, the notifications bearing No. S.O. 3416(E) and S.O. 3417(E) both dated 9th November, 2016, the notification bearing No. 3429(E) dated 10th November, 2016, the notification bearing No. 3445(E) issued on 11th November, 2016 including the Ordinance under the name and style 'The Specified Bank Notes(Cessation of Liabilities) Ordinance, 2016 published on 30th December, 2016 were perused and considered. Section 10 of the aforesaid Ordinance provides as follows:

> "No suit, prosecution or other legal proceeding shall lie against the Government, the Reserve Bank or any of their Officers for anything done or intended to be done in good faith under this Ordinance."

We also have perused a Division Bench Judgement in the case of M. Seeni Ahamed Vs U.O.I. delivered on 10th December, 2016 by which the Madras High Court refused to interfere.

The step of demonetizing was taken by the Central Government in exercise of powers under Section 26(2) of the RBI Act. The liability therefore, to pay compensation has to be foisted upon the Central Government which we are unable to do under Section 29 of Protection of Human Rights Act, 1993. That can only be done by the National Human Rights Commission.

There is yet another stumbling block arising out of Section 10 of the Ordinance quoted above.

In that view of the matter we are of the opinion that the matter may be referred to the National Human Rights Commission for such step as may be considered fit and proper in the facts and circumstances of the case.

(Justice Girish Chandra Gupta)
Chairperson

Ld. Registrar