

Daily Order

Judge Name	Case No/Year	Date of Order	Daily Order
CHIEF JUSTICE AND S VISHWAJITH SHETTY	WP 7990/2020	12/11/2020	<p>We have perused the memo of compliance dated 12th November 2020 submitted by the Registrar General of this Court and in particular, memo dated 8th October 2020. The Registry will have to take further steps on the basis of the letter dated 29th April 2019 submitted by the Principal Secretary to Government, Law Department, Bengaluru, in which, a request has been made to the High Court Administration to furnish its opinion and if necessary, send a proposal for establishment of nine Special Courts in the Districts which are mentioned in the memorandum dated 8th October 2020. The Registrar General shall ensure that the reports submitted by the Principal District & Sessions Judges are processed and placed before the appropriate Committee for taking necessary decision.</p> <p>It is pointed out from the documents annexed to the report that in certain districts, the posts of designated Courts under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the said Act of 1989'), are vacant. The Registrar General shall invite the attention of the concerned Committee to the fact that posts are vacant, so that appropriate decision can be taken.</p> <p>Now coming to the compliance made by the State, it is necessary to have clarity about the pendency of cases. It will be appropriate if the State Government furnishes to the Court, a year-wise chart indicating number of offences registered under the said Act of 1989 in that particular year, number of cases in which charge sheets have been filed, number of cases which are still pending investigation, number of cases in which orders of acquittal/discharge have been passed, number of cases in which orders of acquittal/discharge have been challenged and number of cases which resulted in conviction of the accused. A detailed chart in this form shall be furnished from the year 2015 upto the end of October 2020.</p>

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			<p>In page 3 of the compliance report of the State Government, it is stated that in some of the cases, investigation of the offences under the said Act of 1989 have been stayed. Along with the compliance report, a list of such cases in which stay has been granted along with specific case numbers shall be furnished so that question of giving priority to the said pending cases can be considered.</p> <p>Now we come to the compliance report regarding holding meetings of various committees which are required to be constituted under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (for short, 'the said Rules of 1995'). It appears that the State Level Vigilance and Monitoring Committee which is required to be constituted as per Rule 16 of the said Rules of 1995 has been re-constituted by the order dated 12th October 2020. It is pointed out that after 2017, for the first time, the meeting of the State Level Vigilance and Monitoring Committee was held on 11th November 2020. The Committee under Rule 16 is the High Power Vigilance and Monitoring Committee. Sub-rule (2) of Rule 16 of the said Rules of 1995 contemplates that the meetings of the said committee should be held atleast twice in a calendar year in the month of January and July, to review the implementation of the provisions of the said Act of 1989. There is a complete default as far as the compliance of sub-rule (2) of Rule 16 of the said Rules of 1995 is concerned. Now the State will have to ensure that atleast two meetings are held in every calendar year in the months of January and July as contemplated under sub-rule (2) of Rule 16 of the said Rules of 1995.</p> <p>As regards the District Level Vigilance and Monitoring Committee, the said Committee is required to be established under Rule 17 of the said Rules of 1995. The mandate of sub-rule (3) of Rule 17 of the said Rules of 1995 is that the District Level Committee shall meet atleast once in three months. The chart at Annexure-R3 shows that except for five districts, the</p>

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			<p>committees have not met four times in a year. In the year 2020, in some of the districts like Bengaluru Rural, Mysuru, Chamarajanagar, Dharwad, Koppal and Bidar, not a single meeting has been held.</p> <p>There is lot of laxity when it comes to holding of meetings of the sub-divisional level vigilance and monitoring committees. The said committees are required to be constituted under Rule 17A of the said Rules of 1995. For example, not a single meeting of sub-divisional level committee for Bengaluru Urban and Bengaluru Rural Districts was held in the year 2019. The same is the case with the districts of Ramanagara, Chickballapura, Kodagu, Udupi, Belagavi, Koppal, Bellari, in the year 2019. Even in 2020, not a single meeting has been held of the sub-divisional level committee of Bengaluru Urban District, Chickballapura, Mysuru, Hassan and Kalaburagi Districts. Even this committee is required to meet atleast once in three months as contemplated by sub-rule (4) of Rule 17A of the said Rules of 1995.</p> <p>The State Government shall ensure that the functioning of all these committees shall effectively continue by holding atleast minimum number of meetings required as per the said Rules of 1995.</p> <p>Now coming to compliance of sub-rule (4) of Rule 12 of the said Rules of 1995 regarding the compensation payable, the information furnished may not be adequate. Year-wise information shall be furnished by the State Government indicating in every year how many cases for the offences under the said Act of 1989 were registered and in how many cases, compensation as required by sub-rule (4) of Rule 12 has been actually disbursed. Only after a fresh chart is furnished, we will get some idea regarding the implementation of the said rule.</p>

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			<p data-bbox="673 197 1479 481">As regards the Contingency Plan, no material is placed on record to show that there is any effort made to implement the Contingency Plan. Whether any monitoring is being made of the implementation of the Contingency Plan is also not placed on record. We direct the State Government to place on record the aforesaid details.</p> <p data-bbox="673 616 1479 1108">The submission of the learned Counsel appearing for the petitioner is that adequate representation has to be given to all sections of the Society in the State Level Vigilance Monitoring Committee. The Committee has already been constituted by appointing twenty-five members. Since the committee consisting of twenty-five members has been already constituted, we cannot issue any direction in this regard. However, the State Government will have to consider the question of giving adequate representation to permanent NGOs working in the field whenever the committee is reconstituted.</p> <p data-bbox="673 1243 1479 1527">The compliance of all the above directions shall be reported by 27th November 2020. The petition will be considered on 30th November 2020 for reporting compliance. IA-1/2020 shall also be listed on the next date. The State Government shall file statement of objections, if any, to the said IA-1/2020 by the next date.</p>

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