

[← back](#)**Status: Pending**Case Number: **WP 7990/2020**
(KAHC010179052020)Classification: **GM RES**Date of Filing: **05/06/2020**
14:55:34Petitioner: **PARISHISTA**
JAATHI/ PARISHISTA
PANGADAGALA
MELVICHARANE MATTU
BALAVARDHANA SANGHAPet. Advocate: **ROHAN**
KOTHARIRespondent: **STATE**
GOVERNMENT OF
KARNATAKA

Resp. Advocate:

Filing No.: **WP 8286/2020**Judge: **REGISTRAR (PROTOCOL**
AND HOSPITALITY)Last Posted For: **ORDERS**Last Date of Action:
09/02/2022Last Action Taken:
ADJOURNED

Next Hearing Date:

Daily Orders: WP 7990/2020

1	REGISTRAR (PROTOCOL AND HOSPITALITY)	<u>20/01/2022</u>
	ADJOURNED	
2	RITU RAJ AWASTHI(CJ) AND SACHIN SHANKAR MAGADUM	<u>01/12/2021</u>
	WP NO. 7990/2020 Connected Cases: WP NO. 24436/2018, WP NO. 13246/2020 On account of paucity of time, these matters on daily board have not reached today. Accordingly, these matters stand adjourned to 4th January, 2022. If there is interim/ad-interim relief operating till today, the same stands extended till the next date. If ad-interim or interim relief granted earlier is not of limited duration, the said order will remain unaffected.	
3	SATISH CHANDRA SHARMA(Ag.CJ) AND SACHIN SHANKAR MAGADUM	<u>05/10/2021</u>
	Learned Counsel for the petitioner submits that she is filing a memo today. Sri Srinidhi, learned Counsel submits that he will file compliance report keeping in view the memo submitted by the learned Counsel for the petitioner. He prays for four weeks time to do the needful. Prayer is allowed. List on 25.11.2021.	

4	SATISH CHANDRA SHARMA AND SACHIN SHANKAR MAGADUM	<u>30/08/2021</u>
	<p>Learned Additional Government Advocate for the State of Karnataka prays for two weeks time to submit details of issue pertaining to compliance with the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, which have not been complied by the State Government.</p> <p>List the matter on 05.10.2021.</p>	
5	ABHAY SHREENIWAS OKA (CJ) AND N S SANJAY GOWDA	<u>13/08/2021</u>
	<p>WP NO. 7990/2020 Connected Cases: WP NO. 24436/2018, WP NO. 13246/2020</p> <p>Due to the change in Government, the meeting of the High Power Vigilance and Monitoring Committee fixed on 28th July 2021 was not held. Eight months of the year 2021 are already over, but not a single meeting has been held. It is, therefore, high time that a meeting is immediately convened. Moreover, the State Government has not reported compliance with the directions contained in paragraph 2 of the order dated 21st June 2021. Time was granted, by way of last chance, till 11th August 2021.</p> <p>List the petitions on 30th August 2021 when the State Government will inform the Court about the date fixed of the meeting. Apart from considering compliance with paragraph 2 of the order dated 21st June 2021, I.A.No.1/2021 filed in W.P.No.7990/2020 will be heard on that day.</p>	
6	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	<u>16/07/2021</u>
	<p>WP NO. 7990/2020 Connected Cases: WP NO. 24436/2018, WP NO. 13246/2020</p> <p>In the morning, the learned Additional Government Advocate made a statement that a meeting of the High Power Vigilance and Monitoring Committee which is so far not held in the year 2021 will be held in August 2021. However, in the afternoon session, he produces a letter dated 16th July 2021, which records that the meeting has been convened on 28th July 2021. The compliance with the directions contained in first and second paragraphs has not been reported. Only by way of last chance, we extend the time till 11th August 2021 to do so.</p> <p>List the petition on 13th August 2021. The proceedings of the meeting held on 28th July 2021 shall be produced for consideration of the Court.</p>	
7	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	<u>21/06/2021</u>

	<p>Perused the order dated 16th April 2021 and the affidavit filed by Sri H.K.Jagadeesh on 9th June 2021. Though the State can easily get ordinary copies of the judgments of acquittal and though the copies of the relevant documents such as, exhibited documents, the depositions etc., will be normally available with the concerned Prosecutors who conducted the trials, Sri H.K.Jagadeesh has maintained that unless the certified copies of all the documents are received, the process of giving opinion on the issue of preferring of an appeal against an order of acquittal cannot commence. Perhaps, this age-old practice of getting the certified copies is a factor which contributes to the delay in filing appeals against the order of acquittal. We direct the State Government to correct the said practice and ensure that the process of giving opinion commences on the basis of the copies of the documents such as, exhibited documents, the depositions etc. provided by the concerned Prosecutor and downloaded ordinary copy of the judgment. Only if the concerned Prosecutor who is supposed to give opinion finds that any material document is missing, then an application for the certified copy can be made. We direct the Director of Prosecutions to frame proper guidelines in this behalf.</p> <p>2. Our attention is invited to the second paragraph of the order dated 16th April 2021. Necessary statistics is not placed on record. We direct the State Government to produce necessary statistics and the decision taken as aforesaid within a period of three weeks from today.</p> <p>3. Our attention is also invited to the directions issued under the order dated 12th November 2020. We direct the State Government to place on record the data of the meetings of the High Power Vigilance and Monitoring Committee, the District Level Vigilance and Monitoring Committees as well as the Sub-Division Level Vigilance and Monitoring Committees held after 12th November 2020. Needless to add that if the High Power Vigilance and Monitoring Committee has not held a meeting as required by sub-rule (2) of Rule 16 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, the same shall be immediately convened. We grant time to the State Government to make the aforesaid compliances till 15th July 2021.</p> <p>4. The State Government shall ensure that the copies of the affidavits/compliance reports etc., are furnished to the learned counsel appearing for the petitioner in W.P.No.13246/2020 and to the petitioner appearing in person in W.P.No.24436/2018.</p> <p>5. List the petitions on 16th July 2021.</p>	
8	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	<u>10/06/2021</u>
	<p>The learned Additional Government Advocate states that the affidavit dated 9th June 2021 has been filed, a copy of which will be supplied to all concerned parties. He states that within one week, a memo will be filed enclosing therewith necessary statistics.</p> <p>A copy of the affidavit and the memo be supplied to the learned counsel for the parties by 19th June 2021.</p> <p>List the petitions on 21st June 2021.</p>	
9	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	<u>26/05/2021</u>
	<p>The learned Additional Government Advocate seeks time to comply with the order dated 16th April 2021. Considering the nature of the order, we are of the view that the second wave of Covid-19 may not prevent the Director of the Prosecution from complying with the order. The State Government must also respond on an earlier order suggesting imparting the training to the Prosecutors. The State Government can always approach the Karnataka Judicial Academy for conducting online training courses for the prosecutors. The time granted to the State Government under the order dated 16th April 2021 is extended till 9th June 2021.</p> <p>List these petitions on 10th June 2021 when the State will also respond on the issue of training.</p>	

10	ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ	<u>16/04/2021</u>
<p>We have perused the affidavit filed by Sri H.K.Jagadeesh, Director of Prosecutions and Government Litigation. The affidavit does not record compliance with first part of second paragraph of the order dated 31st March 2021.</p> <p>Our attention is invited to a chart submitted by the Deputy Director of Prosecution (Administration) dated 22nd March 2021. We direct the State Government to file up to date chart on record by adding additional columns i.e. a column mentioning the number of appeals actually filed and another column indicating the number of appeals where there was a delay in filing. It is pointed out across the bar that the chart dated 22nd March 2021 shows that in the year 2015, the State Government recommended filing of twenty appeals. However, the chart placed on record by the State Government in January 2021 records that only six appeals were filed in the year 2015. The modified chart containing information up to 30th April 2021 shall be filed by 25th May 2021.</p> <p>In the affidavit of Sri H.K.Jagadeesh, detailed procedure followed has been read out. The first observation which we must make is about what is stated in paragraph 4 which records that the prosecuting officers prepare opinion only after obtaining certified copy of the judgment. If the judgment is available on Computerized Information System or National Judicial Data Grid, there is no need to wait till receipt of the certified copy.</p> <p>The State Government will have to also state whether time lines has been fixed for taking decision on the question of preferring an appeal.</p> <p>The chart as directed above and an additional affidavit shall be filed by 25th May 2021.</p> <p>List the petition on 26th May 2021.</p>		
11	ABHAY SHREENIWAS OKA (CJ) AND S VISHWAJITH SHETTY	<u>09/03/2021</u>
<p>In W.P.No.7990/2020:</p> <p>The learned Additional Government Advocate seeks time to comply with the order dated 12th February 2021. Time of two weeks is granted by way of last chance.</p> <p>In W.P.No.13246/2020:</p> <p>The learned Additional Government Advocate has placed on record the details of infrastructure provided to the Karnataka State Commission for Scheduled Castes and Scheduled Tribes.</p> <p>The learned Counsel appearing for the petitioner submits that the State Commission is having an office not in its own premises but in a premises taken on rental basis. So long as all the infrastructure is provided to the State Commission, the grievance that the office is situated in the premises taken on rent is irrelevant and need not be considered. The State Government will place on record the details of the meetings of the Commission held from 1st January 2021 onwards and copies of the directions/recommendations issued by the Commission.</p> <p>List the petition on 31st March 2021.</p>		
12	ABHAY SHREENIWAS OKA (CJ) AND SACHIN SHANKAR MAGADUM	<u>12/02/2021</u>

IN W.P.No.7990/2020

We direct the State Government to file an affidavit dealing with the memo submitted by the petitioner across the bar today.

The Chart (Annexure-R2) appended to the affidavit filed by the respondents is incomplete. The year-wise details of the number of acquittals in each year will have to be set out. In almost all the Districts, a very few Acquittal Review Committee Meetings have been held and that is the reason why in the year 2020, a very few cases have been reviewed.

The State Government shall place the figures of the acquittals on record so that the performance of the said Committees for the years 2015-2020 can be assessed.

In W.P.No.13246/2020

The State Government has filed a memo which indicates that now the Commission as required by Section 3 of the Karnataka State Commission for the Scheduled Castes and Scheduled Tribes Act, 2002 (for short 'the said Act of 2002') has been established. The functions and powers of the said Commission are set out in Section 8 of the said Act of 2002. The reports of the Commission as provided in clause (d) of Section 8 of the said Act of 2002 are required to be placed before each House of the State Legislature.

In view of the constitution of the Commission, the first four prayers have been worked out. The prayer F is very sweeping and the said prayer virtually calls upon the Court to legislate. However, the prayer for ensuring that the Commission discharges its statutory obligations will have to be considered.

We, therefore, direct the State Government to place on record the details about the staff provided to the Commission as per the said Act of 2002 and other infrastructure provided to it.

Needless to add that the Commission must efficiently discharge its functions and duties under Section 8 of the Act of 2002. The State Government, apart from setting out the nature of the infrastructure provided to the Commission, will also place on record the number of meetings held by the Commission and the business conducted therein.

In W.P.No.24436/2018

In this petition, a memo is filed by the learned Additional Government Advocate. A copy of the same shall be supplied to the petitioner appearing in person.

The response of the State Government shall be filed on or before 6th March 2021.

List the petitions on 9th March 2021.

13	ABHAY SHREENIWAS OKA (CJ) AND SATISH CHANDRA SHARMA	<u>05/01/2021</u>
<p>W.P.No.7990/2020 c/w W.P.Nos.13246/2020, 24436/2018</p> <p>ORDER In W.P.No.7990/2020 This petition concerns the implementation of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In terms of the earlier order passed by this Court on 14th December 2020, the State Government has filed a memo. In the memo, it is contended that Annexure-R10 to the memo dated 12th November 2020 is the Contingency Plan framed by the State Government in accordance with Rule 15 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (for short 'the said Rules').</p> <p>2. After having perused Annexure-R10 to the memo dated 12th November 2020,</p>		