

FACT - FINDING REPORTS  
and  
NHRC & SHRC CASES  
and  
RELATED CORRESPONDENCE  
VOLUME - I

PUCL Dakshina Kannada

**FACT - FINDING REPORTS and NHRC & SHRC CASES and  
Related Correspondence - Vol I**

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**Publisher : People's Union for Civil Liberties, Karnataka**

**First edition : December 2010**

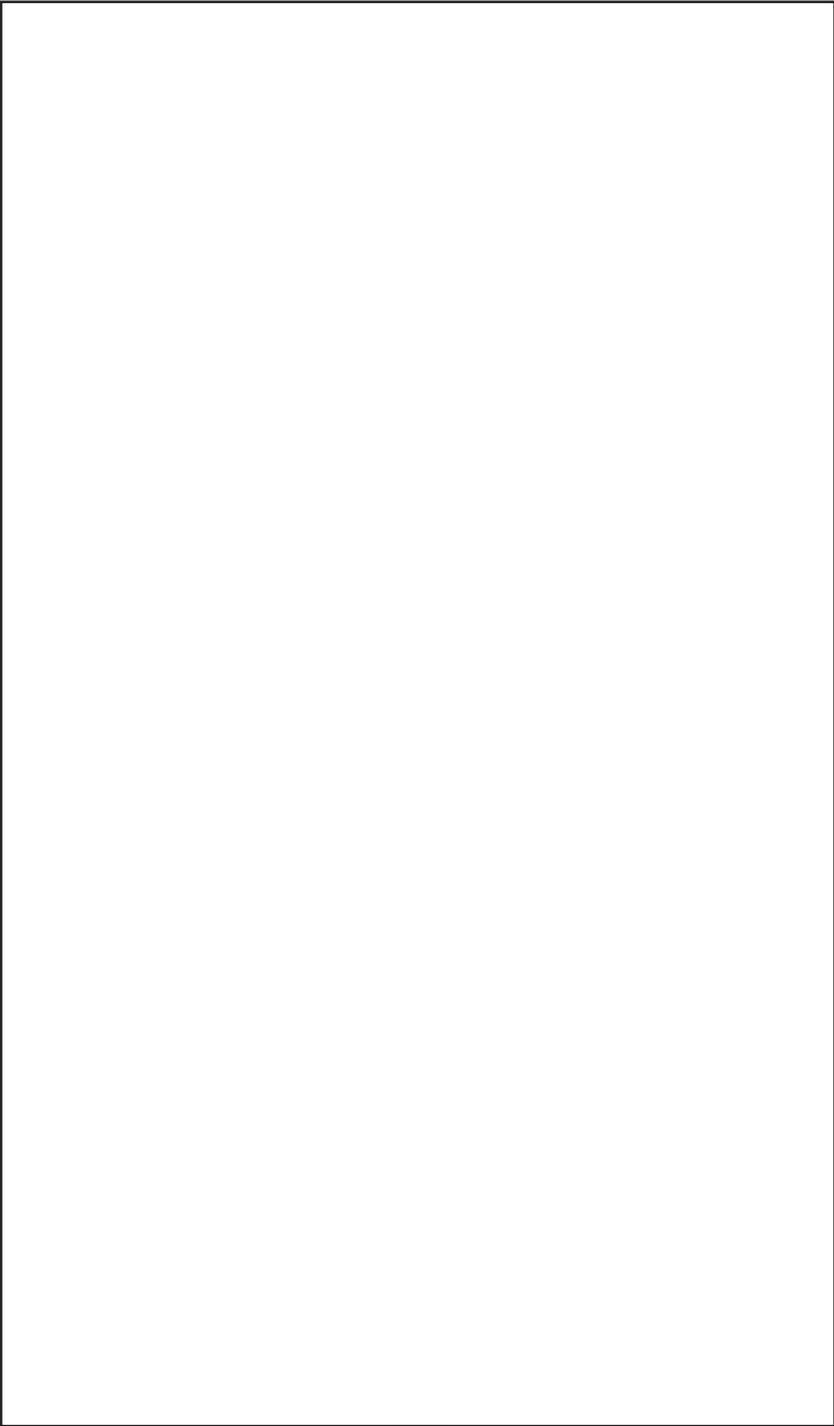
**Pages : 96**

**Copies : 1000**

**Contribution : Rs.125/-**

**Printer : Prasad Printers, Kulshekar, Mangalore-5**

Note: This book is the first of a series. The remaining will be published subsequently





# FOREWORD

One question that repeatedly haunts the common man is: why is it that the behaviour of the Indian police towards the masses has not undergone any appreciable change despite the country becoming an independent republic. The answer is to be found in the country's continued dependence on the archaic and colonial Indian Police Act of 1861. The latter law was passed by the then British rulers of India immediately after the Sepoy Mutiny of 1857 with the sole purpose of imposing a firm and stiff regime of police force upon the local population. In fact, that police system was designed for maintaining the absolute authoritarian form of foreign rule in India. The managerial philosophy of the police hierarchy was based on distrust of the lower ranks. However despite attaining Independence in 1947, the Indian Police Act of 1861 was not replaced. Political powers continue to maintain a strict control over the police organization and structure. The managerial philosophy, value system, and ethos of the police to date remain militaristic in design, and suppressive in practice. Today the Police Act of 1861 functions in association with the Indian Penal Code (IPC), the Code of Criminal Procedure (Cr. PC) and the Indian Evidence Act, 1872.

As per the provisions of the Indian Constitution, policing is a state subject. Hence the responsibility of providing police service to the people vests with the respective state governments. That most states have chosen to adopt the old 1861 Act without change tells its own story. Though some have passed new laws, the changes are only cosmetic and they are still patterned on the 1861 model. The unfortunate result is there for all to see. Over the years political control of the police force has only tightened.

There has been almost 30 years of debate and discussions on the subject of a new Police Act. While reports submitted by several government committees and commissions gathers dust on shelves, the country continues with the same old colonial law. A brief history of the new Police Act that is still in the making is worth recalling. It was only in 1979 that a National Police Commission was set up to draft a new law. It

produced 8 reports including a Model Police Act. But nothing happened till 1996. In that year two former senior police officers filed a writ petition in the Supreme Court praying for directions to the various governments to implement the recommendation of National Police Commission. As per the Court's directions the government set up one more Committee headed by former police chief J.F. Rebiero, to revise the recommendations. The Rebiero Committee produced two reports between 1998 and 1999. In 2000 the government set up a third Committee under the former Home Secretary K.Padmanabhaiah which released its report in the same year. Then in 2005 the government appointed a group headed by advocate Soli Sorabjee to draft a new Police Act. This group submitted a Model Police Act in late 2006. At the same time Supreme Court directed the various governments to implement police reforms and provided them with a framework within which to begin the reform process. A copy of the Court's guidelines can be found at the end of this book.

But sadly there is hardly any progress on the reforms front. Though some states claim to have carried out some reforms, it is partially correct because in actuality they have diluted the provisions defeating the very purpose of the Court's intentions. On the whole, the picture remains dismal and the Indian police continue to act as the private henchmen of vested interests and unscrupulous politicians. In the present neo-liberal economic age we have neo-colonialism managing a back-door entry into the country in the form of multi-national corporations and getting entrenched. The pliant governments of the day which enable an unhindered plundering of the country's resources by the national and international corporations, utilize an obedient police force to contain the rising resistance of the masses.

Today India is witness to a very sad situation where criminals, communalists and anti-social elements have infiltrated into politics, bureaucracy and the police force. As a result there is a phenomenal increase in the number of cases of custodial deaths, torture, extortion and fake encounters by the police. But Government doctors and judiciary have shamelessly joined hands with the police. There is injustice everywhere. The Unlawful Activities Prevention Act and the Official Secrets Act are mainly being utilized for the purpose of arresting innocent citizens, branding them as terrorists and keeping them in indefinite custody

thus denying them their fundamental rights. According to noted writer Arundhati Roy, "In the year 2004, 181 nations signed a document calling for additional emphasis to be given to the protection of human rights this era of the war on terrorism. India did not sign this document even though the USA did."

PUCL has consistently been protesting the rights violations committed by the police. It has found that the majority of violations occur in the case of minorities, poor and the dalits. PUCL has been conducting fact-findings wherever possible and submitting such reports and complaints to the National and State Human Right Commissions and various other authorities. In this compilation you will find some of our fact-finding reports, the complaints we lodged and the replies received. On the whole it reveals the ineffectiveness of the Human Right Commissions in properly dealing with the various rights violations and punishing the guilty. In our opinion the Commissions suffer from lack of infrastructure and manpower which appears to be the result of deliberate neglect by the governments. It seems as though the governments have created these bodies as an obligation under the International Human Rights Covenant, to which it is a signatory, only to file reports to the United Nations Human Rights Commission from time to time. The intention of PUCL in publishing this compilation is to make it as a reference book for all Human Rights activists and as an eye-opener to the general public who are continuously fed with false information. We trust that it will also afford an opportunity for the government to do some soul-searching and strengthen the various Human Rights Commissions and expedite the police and judicial reforms which are overdue.

In order to show the power of the people and the importance of public opinion in a democracy we are holding a People's Audit of atrocities committed by the police in the Karavali belt, on 11<sup>th</sup> and 12<sup>th</sup> December, 2010. The jury is headed by Justice M.F.Saldanha (Retd.). The other members of the jury are Mr Purushotham Poojary, senior advocate Mangalore; well-known Human Rights champions Mr Nagari Babaiah and Mr Mathew Philip from Bangalore; Prof Rita Noronha, a well-known Human Rights activist from Mangalore; Ms Merlyn Martis, advocate and well-known Human Rights champion from Mangalore.

The editorial board wishes to place on record its gratitude for all the assistance and help rendered by Ms Jayalakshmi, Ms Sapna and Ms Reema.

Our special thanks to M/s Prasad Printers for their excellent work.

### **Editorial Board**

I.J.S. Shet

Suresh Bhat B.

Harsha Raj Gatty

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# PUCL

## AIMS AND OBJECTIVES

The People's Union for Civil Liberties will try to bring together all those who are committed to the defence and promotion of civil liberties in India, irrespective of any differences which they may have in regard to political and economic institutions suitable for the country.

The aims and objects of the organisation will be:

- (a) to uphold and promote by peaceful means civil liberties and the democratic way of life throughout India;
- (b) to secure recognition to the principle of dignity of the individual;
- (c) to undertake a constant review of penal laws and the criminal procedure with a view to bringing them in harmony with humane and liberal principles;
- (d) to work for the withdrawal and repeal of all repressive laws including preventive detention;
- (e) to encourage freedom of thought and defend the right of public dissent;
- (f) to ensure the freedom of the press and independence of mass media like radio and television;
- (g) to secure the rule of law and independence of the judiciary;
- (h) to make legal aid available to the poor;
- (i) to make legal assistance available for the defence of civil liberties;
- (j) to work for the reform of the judicial system so as to remove inordinate delays, reduce heavy expenses, and eliminate inequities;
- (k) to bring about prison reform;
- (l) to oppose police excesses and use of third degree method;
- (m) to oppose police discrimination on the ground of religion, race, caste, sex, or place of birth;
- (n) to combat social evils which encroach on civil liberties, such as untouchability, casteism, and communalism;
- (o) to defend in particular the civil liberties of the weaker sections of society and of women and children;
- (p) to do all acts and things that may be necessary, helpful, or incidental to the above aims and objects.

## PRINCIPAL FUNCTIONS OF THE PUCL

1. To increase consciousness about and commitment to human rights and civil liberties among all sections of our people;
2. To provide a platform for all groups including political parties to come together for furthering the cause of human rights, even though the groups may have differences among themselves on other aspects of social and political life.
3. To energise and creatively use the existing institutions like the courts and the press, so that they may become more sensitive to the human rights situation in India; and
4. To intervene directly in cases where gross violations of human rights take place.

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## MAJOR AREAS OF ACTIVITY

- \* mobilising public opinion in favour of a better climate for protection of civil liberties in the country.
- \* conducting investigations into incidents of violations of human rights, brought to notice by the victims, the press, a member, or any concerned individual.
- \* publishing the findings of these investigations in the PUCL Bulletin and releasing them to the press, or making them public by other means such as public meetings, etc. Many reports are published as separate documents also.
- \* filing petitions, on the basis of these investigations, or even otherwise.

These cases are prepared and argued by our lawyer members in the local courts, High Courts, or the Supreme Court. They meet all the expenses of fighting these cases, from their own pocket.

The PUCL does not simply react. It organises seminars, lectures, etc., for focusing attention on the problems concerning its area of work. It has raised its voice against various oppression laws and retrograde amendments to the Constitution. It has tried to find the causes of communal riots and tried to create amity amongst various sections of society. It also organises observer teams at the time of Elections from sensitive constituencies. The PUCL had formulated a Charter of Demands addressed to all national parties prior to the general elections in 1989. The practice has been kept up.

It has been active on environmental issues, especially for the rights of those affected adversely by 'development' projects. It has, from time to time, taken up issues to courts at various levels. The PUCL has, more than once, taken up the cause of pavement dwellers. It is

specially sensitive to the oppression of dalits, minorities, women, and children.

The PUCL also organises a JP Memorial Lecture on March 23rd every year. This is the date on which the Emergency was lifted in the year 1977. In the same function the PUCL presents its Journalism for Human Rights' Award which carries a citation and an award of Rs.20,000/- This Award was instituted in 1980 to enthuse interest in civil liberties and human rights amongst journalists and also to bring to light the dedication and the work of those working in this field.

There is a common belief that those who believe in capturing power through violent means, having no faith in the existing parliamentary democracy or the Constitution, have no rights and liberties. PUCL thinks otherwise. While disagreeing with their methods and deploring their actions, PUCL maintains that conditions existing in the society are no less responsible for motivating people to alter them through violence. In certain cases their violence is retaliatory against that of the government. Rule of law has to be guaranteed to every citizen of the country. This is the basic test of civil liberties. The same is its attitude to criminals, prisoners, anti-social elements, etc.

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# UNITED NATIONS

## Universal Declaration of Human Rights December 10, 1948

### Article 1.

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

### Article 2.

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

### Article 3.

- Everyone has the right to life, liberty and security of person.

### Article 4.

- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

### Article 5.

- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

### Article 6.

- Everyone has the right to recognition everywhere as a person before the law.

**Article 7.**

- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 8.**

- Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 9.**

- No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10.**

- Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 11.**

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 12.**

- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13.**

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.

- (2) Everyone has the right to leave any country, including his own, and to return to his country.

**Article 14.**

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

**Article 15.**

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

**Article 16.**

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**Article 17.**

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

**Article 18.**

- Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19.**

- Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20.**

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

**Article 21.**

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

**Article 22.**

- Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

**Article 23.**

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable

remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

**Article 24.**

- Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

**Article 25.**

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

**Article 26.**

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

**Article 27.**

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

**Article 28.**

- Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

**Article 29.**

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30.**

- Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

## NHRC Cases

### CONSTABLE K. KAMALAKSHA GATTY'S CASE

- 1) This is a case pertaining to K. Kamalaksha Gatty a police constable for 26 years who was ill treated by his department. It is because of his wife was a social worker. While he was under suspension for nearly a year he was physically thrown out of quarters with his wife and children as well as cooking utensils. He was also not paid his salaries during this suspension period for which he was eligible. The compliant sent to NHRC by PUCL on 14-1-1999 he his published here with NHRC did not take any steps in this regard.

# PUCL

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JAYAPRAKASH NARAYAN**

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Tel: 08281/23157, 20615

## PEOPLE'S UNION for CIVIL LIBERTIES

'Pauline', ROYAL-TUFF, Valencia, Mangalore-575 002.  
Tel: 436737/436787.

- 1) National Human Rights Commission  
Sadar Patel Bhawan  
Sansad Marg  
New Delhi - 110001
- 2) Mr. J. H. Patel  
Chief Minister  
Govt. of Karnataka  
Vidhana Soudha  
Bangalore 560 001
- 3) Director General of Police  
Nrupathunga Road  
Bangalore 560 002

Dear Sirs,

**Sub: Victimisation of K. Kamalaksha Gatti, Police Constable for 26 years. Ill treatment because of his wife's Social Work. Inquiry held suppressed since 4 months. Legal salary during suspension not paid since 1 year and cruelly thrown out of the quarters with wife and family.**

This is a story of a honest policeman, amongst a corrupt system. It looks as if a few officers have joined together to victimise an ordinary and honest policeman, as per the version collected by us.

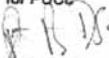
Even though 4 months have elapsed after the inquiry, the same is not brought to light and implemented. We are told the evidence of his superiors is in his favour and that he is a policeman who has won several awards.

Besides, his suspension period salary of 50% to 90% has not been paid yet.

He is on the roads without accommodation. His household things have been damaged and stolen because they were thrown out in the open when he was evicted forcefully in his absence. Police will be responsible for this damage and theft, which will be assessed and claimed.

We request you to save his family from pain, torture and victimisation, and set an example to the police force.

Yours faithfully  
for PUCL

  
**P. B. D'Sa**  
President  
14 January 1999



National Office: 81, Sahayoga Apartments, Mayur Vihar, New Delhi-110 091. Tel: 225001



Case No. NHRC 90/10/2005-2006

- 2) This is a complicated case of one Staney Rasquina residing within the jurisdiction of Kavoor Police Station. He was harassed by one Sudhir and his gang who were known rowdies and criminals. They were also suspected to be murderers of a particular person whose body was found in highly decomposed conditions for which the concerned medical officer had refused to give a proper report stating that the body was in highly decomposed condition. They had also raped a woman. In spite of lodging this complaint against Sudhir and his gang the Kavoor police did not carry out proper investigation but in fact a false case was filed against Staney Rasquina. Finally PUCL followed up this complaint with NHRC but as usual the latter closed the case without making proper investigation. It is a pity that with all the infrastrure available to it, NHRC expects a human rights organization like ours to adduce evidence and prove the case. If this is so, the commission does not fulfil the mandate given to it nor does it help the citizen in anyway.

**NATIONAL HUMAN RIGHTS COMMISSION**  
**(LAW DIVISION)**  
**FARIDKOT HOUSE**  
**COPERNICUS MARG, NEW DELHI - 110 001**

Dated 03/07/2008

Case No. 90/10/2005-2006

To

P.B. D'SA, PRESIDENT  
PEOPLES UNION FOR CIVIL LIBERTIES, FATHER  
MULLER ROAD, VALENCIA, MANGALORE,  
SOUTH KANNADA, KARNATAKA.

14 JUL 2008

Sir/Madam,

With reference to your complaint dated 21/04/2005, I am directed to say that the same was considered by the Commission on 26/06/2008. The Commission has made the following directions.

*PUCI, Mangalore through e-mail has drawn the attention of the Commission towards alleged incident of injustice caused to one Stany Resquinha by the Police. He sought a thorough probe into the activities of Sudhir and his gang, a proper probe into the attempted rape on a married lady by Sudhir etc.*

*The Commission received the report dated 28.3.06 from SP, District Mangalore dealing with all the allegations made in the complaint.*

*The Commission vide proceedings dated 22.12.06 ordered transmitting of the copy of the report to the complainant for comments. No response was received. Commission vide proceedings dated 7.3.08 again transmitted the copy of the report to the complainant for his comments.*

*In response a reply dated 15.5.08 has been received from the complainant. He simply stated that the matter be got enquired into by the Commission through investigation agency or any other independent agency.*

*In support of his allegations made in the complaint the complainant has not submitted any evidence for further probe into the matter. As per the reports received from District Mangalore the allegations have not been substantiated.*

*The report is taken on file. No further intervention on the part of the Commission is called for. The case is closed.*

This is for your information.

Yours faithfully,



# PUCL

## PEOPLE'S UNION for CIVIL LIBERTIES

Father Muller Road, Valencia, Mangalore - 575 002, Work: 4252170, Fax: 4252174, E-mail: pucl\_w@yahoo.com

'All that is necessary for evil forces to triumph in this world is for enough good people, to do nothing' - Edmund Burke

Founder

**Jaya Prakash Narayan**

Date: May 15, 2008

Dakshina Kannada  
District President  
**P.B. D'Sa**  
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*N.H.R.C.  
D.K.*

**Asst. Registrar (LAW)  
NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)  
FARIDKOT HOUSE  
COPERNICUS MARG  
NEW DELHI - 110 001**

Dear Sir,

Sub.: Case No. 90/10/2005-2006

Ref.: Your letter dated 17<sup>th</sup> March 2008

District Vice President  
**Samy Leela**  
Cell: 98451-88023

We thank you for your letter dated 17<sup>th</sup> March 2008. First and foremost the reports submitted by the Superintendent of Police, D.K. is not only false, but it is an attempt to mislead the Commission and cover up his Department.

Dakshina Kannada  
District Joint Secretary  
**Basirani Pinta**  
Phone: 0824-2492721

It is not sufficient if the case is closed based on false statement of the Police. It is very necessary to investigate into the entire events and episodes, various cases and counter cases filed by different people by your own independent Police Department or any other Investigation Agencies. Truth will come out only when such Investigations are undertaken.

National President  
**K.G. Kasimabhai**  
Work: 080-27730632  
040-27753745

The History of Police in the Country proves that they have become Violators of Human Rights and Corrupt. They go to any extent to cover up their faults and even go the extent of killing people in fake encounters to cover up their sins. Their past records prove that they are worst than Terrorists and Naxalites. But, to escape from the hand of law, they are habitually painting genuine Human Rights Activists as Criminals, Naxalites and Terrorists. Kindly probe into this case fully and bring out the truth.

National General Secretary  
**V.P. Gokulshar**  
Work: 011-22750014  
: 011-4215 1459 pp  
E-mail: puclnat@yahoo.com  
national@pucl.org

Thanking you.

Karnataka President  
**Mansur Mansur**  
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Yours faithfully,

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Karnataka State Office: No.46, Wellington Street, Richmond Town, Bangalore 560 025, Work: 080-2211109



NHRC 313/10/28/09-10

- 3) This is a complaint sent by us regarding the death of one B. Muhammed of Gurpur, Mangalore to NHRC on 8-10-2009. It is about his sudden death after the unauthorized trespass of Bajpe Police into his house and the shock he got on seeing them. NHRC has simply closed the file on receiving a report from IGP Western range denying any wrongdoing by them. NHRC has not done an independent investigation. The NHRC has had not provided the report of IGP to us for our comment. Even otherwise the responsibility of investigating our complaint is of NHRC which has simply believed the statement given by the police and closed the file.

NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)  
PARLIAMENT HOUSE  
COOPERATIVE MARG, NEW DELHI 110 001

Dated 19/11/2010

Case No. 313/10/2809-10

23 NOV 2010

TEESTA SETALVAD  
C/O P.B. DSA, DISTRICT PRESIDENT, PUCL, ROYAL TRUFF,  
7R MULLERS ROAD VALECIA,  
MANGALORE, KARNATAKA  
(Ph. (91) 97602)

Sir/Madam,

With reference to your complaint dated 12/10/2009, I am directed to say that the matter was considered by the Commission on 16/11/2010. The Commission has made the following directions.

*The complainant, Teesta Setalvad, an activist of NJO, PUCL, has intimated the Commission that on 06.10.2009, a Hindu youth and Muslim girl were attacked by some miscreants in Swagath Hotel, while taking refreshment together and P.F.I. activists were said to be responsible for this attack. This sensitive incident had generated tension in the area. In the course of investigation, the police P.S., Bajpe found that one Jasik (Sheik Ahmed's son) was an eye witness and had gone missing since the time of the incident. The police, P.S., Bajpe started searching for him and on the mid-night of 08.10.2009, they knocked on the door of Sheik Ahmed's house at the Aloyigudde Palla Colony, but Sheik's wife refused to open the door. The police party went to next door neighbour and woke up B. Muhammed and asked him to accompany them to Sheik's house. The policemen then entered Sheik's house and searched for Jasik, but could not find him. B. Muhammed went back to his house, after a while he had had a heart attack and died in the hospital at Mangalore due to cardiac failure. Earlier, he was not having any heart ailment.*

*The complainant has further alleged that B. Muhammed was frightened of the police and had a heart attack leading to his death. Moreover, the police was carrying out daily mid-night knocks, abusing and threatening family members of Sheik Ahmed, asking for production of Jasik. Consequently, the family of Sheik Ahmed was having sleepless nights for future of missing Jasik and insult and humiliation faced by them. The complainant requested intervention of the Commission and action against errant policemen.*

*The Commission took cognizance on 27.10.2009 and called for a report from IGP, Karnataka. DG and IGP, Karnataka vide communication dated 10.02.2010 has forwarded an inquiry report of IGP, Western Range, Mangalore dated 27.01.2010. The report reveals that during the course of inquiry, it came to light that on 06.10.2009, a Hindu youth and muslim lady taking refreshment together at Swagath Hotel, Mangalore, were attacked by some miscreants and that the P.F.I. activists were said to be responsible for this attack. Among the P.F.I. workers, one Mr. Jasik was found loitering in the area of attack, talking with his mobile set. In order to search for Jasik, the police P.S., Bajpe went to Aloyigudde Gurupura and at 10.30 p.m., they reached the Jasik's house, but Jasik's mother did not open the door. The police staff approached next door neighbour, B. Muhammed, who came to the house of Jasik and then only the*

police could search the house. The PSI and staff expressed gratitude to Mohd. and returned back to police station. They only came to know later that the person B. Mohammad who cooperated with him at Gurupura had died due to cardiac arrest. The medical history sheet of Mohammad obtained from Unity Hospital states that the patient was suffering from chest pain since 10.00 p.m. of 07.10.2009. He died at 0600 hours on 08.10.2009 due to cardiac arrest. Thus, the allegation levelled against the police were not substantiated and found to be baseless and fictitious.

This inquiry report deals only with the incident relating to death of B. Mohammad and not about alleged visits of the police at mid-night for raids being carried out on the house of Sheikh Ahmad and their ill-behaviour and threatening of dire consequences.

The Commission has considered the reports of IGP, Western Range, Mangalore and observes that the reports have denied the allegations levelled by the complainant, Teesta Setalvad and directed to send a copy of the reports to the complainant for her comments, within six weeks, but no response is received.

A long time has elapsed since then, the Commission assumes that the complainant has nothing to urge in the matter. In the circumstances, the case is closed."

This is for your information.

Yours faithfully,

ASSISTANT REGISTRAR(LAW)

## **A CASE OF CONTEMPT OF SUPREME COURT BY GOVT. OFFICERS**

- 4) This is the case where one Mr. K.R. Bhandary and his entire family was deprived of the very right to life with dignity because a Supreme Court order was not implemented by the DC and the Tahsildar concerned in spite of a struggle stretching to three generations. Our complaint dated 3-6-1997 was never replied to by NHRC .

PEOPLES UNION for CIVIL LIBERTIES  
'Pauline', Valencia, Mangalore-575007  
Tel: 466737/436787/437634 Fax: 436727

3/6/97

Chairman  
National Human Rights Commission  
Bardar Patel Bhawan  
New Delhi 110001

Dear Sir,

Sub: White collar crimes and economic atrocities committed by  
bureaucrats on Mr. K.R. Bhandary of Pattur, D.K.

Re: Mr. Bhandary's petition dt. 29-5-87 addressed to the  
undersigned.

We are enclosing herewith a copy of petition received by us from  
Mr. K.R. Bhandary. We have heard Mr. Bhandary at length and gone  
through his papers. It is highly regrettable to notice how  
corruption can ruin a family and waste the lives of two  
generations. In spite of repeated orders from various courts  
including the supreme court landed property rightfully belonging  
to Mr. Bhandary has not been restored back to him, in spite of  
struggle of a life time.

We request you to investigate into this and to take action  
against the officials who have failed in their duties and restore  
his properties back to him.

His loss of income all these years and expenses incurred by his  
may be suitably compensated.

Yours faithfully,



P. D. D'Sa  
President

*Copy enclosed.*

To

The President ,  
People's Union for Civil Liberties , Valencia ,  
Mangalore , Darsaina Kannada District , 575002 .

Dear Sir .

The Head of the Government department in  
Darsaina Kannada District , i.e. , the Deputy Commissioner ,  
and other government officials in Pattur Taluk , are refusing  
to restore to me , as provided by the law . my properties  
which are my sole source of livelihood : -- by these govern-  
ment officials disobeying the law and opposing the Orders of  
the Hon'ble Supreme Court of India and of the Hon'ble High  
Court of Karnataka and of other Hon'ble Courts of law . such as :

1. Order dated 29-7-1992 in Special Leave Petition  
No.4714/91 (Supreme Court) ,
2. Order dated 17-2-1992 in Special Leave Petition  
No.808/92 (Supreme Court) .
3. Order dated 20-10-1992 in Writ Petition --  
No.452/92 (High Court of Karnataka) .
4. Orders dated 13-1-1993 & 25-2-1993 in Proceedings  
No.LEIT 61 and 63/74-75 (Taluk Office , Pattur Taluk ,  
D.K.District) ... based on items 2 & 3 supra .
5. Order dated 25-8-1993 reported in 'ILR 1993 KAR 2593 ' ,  
( High Court of Karnataka , Division Bench ) .
6. Judgment dated 1-2-1994 in O.S.36/91 (Court of the  
Principal Munsiff , Pattur , Darsaina Kannada District),  
based on item 5 supra .

7. Judgment dated 2/7-1990 in Revision Petition  
No.150/89 (Karnataka Appellate Tribunal , Bangalore)
8. Order date: 30-6-1978 in Proceedings  
No.BCE-CE-12/78-79 , (Taluk Office , Pattur, D.K.Dist.)
9. Order dated 1/2-1992 in Proceedings  
No. Mutation DCR 2/91-92 of Bettavige -Madnoor Village  
Pattur Taluk , D.K.District , (Taluk Office , Pattur, D.K.)

ALL ABOVE ORDERS ARE NOT BEING IMPLEMENTED BY THE  
GOVERNMENT OFFICIALS - IN COMPLICITY , WITH ULTERIOR  
MOTIVES .

At present , the principal intention of these  
government officials is to break me so that I should not be  
able to prosecute a case dated 13-1-1995 against a couple  
of them under sections 204 , 166 , 167 , 217 , 218 ,  
425 , 427 , and 34 of the I.P.O. which is pending  
enquiry in Pattur , D.K.District .

A large number of my petitions and pleadings for  
protection under the law and for justice in my above cases  
have been unjustly and heartlessly ignored by these govern-  
ment officials with ulterior motives .

A Judgment dated 12-6-1996 in case COM 330/94 --  
dated 26-4-94 in the Consumers Court in Mangalore , D.K.  
District , has directed these officials to furnish me with  
some certified copies of public documents , and these officials  
refuse to obey this Judgment -Order . This case is now pending  
consideration in the National Consumers Disputes Redressal  
Commission , New Delhi .

Earlier , lawful Orders disobeyed by this group of government officials are :

- (i) Judgment dated 30-3-1988 in appeal No.155/86 -- (Additional Land Reforms Appellate Authority) ,
- (ii) 'Directions' dated 22-9-88 in Proceedings No. KLR -CR -45/88-89 (Taluk Office , Puttur , D.K. ) ,
- (iii) Order dated 31-10-88 in Proceedings No. KLR -CR -148/88-89 , (Assistant Commissioner , Puttur Taluk , D.K. ) ,
- (iv) Order dated 13-11-1981 of the Hon'ble High Court of Karnataka , reported in ' 1982 (1) KLR 493 ' - para 7 on page 495 , --- basis of abovesaid Orders at items (ii) and (iii) supra ,
- (v) Endorsement dated 13-11-1991 , No.KLR (2) CR -23/91-92 of the Assistant Commissioner , Puttur , D.K. , confirming item (iii) supra ,
- (vi) Endorsement dated 10.13-1991 , No.KLR (2) CR -23/91-92 AGAIN confirming item (iii) supra , (Asst.Commr.) .

Government officials have committed gross dereliction of duty and disobedience of the law by refusing to implement above -mentioned Orders .

The above -mentioned unlawful and unjust acts of these government officials acting in concert , have reduced me and my family to destitution , and we are being subjected to relentless and unbearable mental agony , physical attrition and killing humiliation . Grinding poverty and deprivation have reduced us to utter helplessness .

The ultimate stage has been reached where you and your crosshanded institution, the P.U.C.L. can, through initiative and prompt action, prevent the triumph of iniquity over propriety.

You can help to reverse the ascendancy of arrogant bureaucratic officialdom by convincing the Hon'ble Apex Court of India that urgent and stern action, suo-motuo, is necessary in this case. The majesty of the law and the dignity of our Courts have to be maintained. The above-mentioned 'ORDERS' have to be implemented.

If justice does not prevail in this case, a whole innocent family must be wiped out.

Kindly help me in this hour of grave peril.

Yours faithfully,

Date : 29-3-1997 .

*K.R. Bhargava*

From

K.R. Bhargava ,  
Sarvathody House ,  
KANNUR P.O. ,  
Pattar Taluk , D.K. , 574313 .

CASE NO. 594/10/19/08-09-OC

- 5) This is a case of harrasment and torture, meted out to a journalist from Mangalore who was repeatedly ill treated and his right to freedom of expression and right to life with dignity were deprived by the police. NHRC simply closed the file asking Superident of Police Dakshina Kannada to take steps deemed fit by him. If this is the kind of remedy NHRC offers to Indian citizens what is the purpose of existence of NHRC?

6<sup>th</sup> January 2009**Founder**  
**Jays Prakash Marayan**Dakshina Kannada  
District President  
**P.B. D'Sa**  
Cell : 90088-20186  
Work : 0824-4252170  
Fax : 0824-4252174  
E mail: pucl\_sk@yahoo.comDakshina Kannada  
District Vice President  
**Masavelli R. Kumar**  
Cell: 93418-35333District Vice President  
**Jimmy Lewis**  
Cell: 98451 88023Dakshina Kannada  
District Joint Secretary  
**Bartman Pinto**  
Phone: 0824-2492771National President  
**K.G. Kannabiran**  
Work: 040-27730637  
040-7753745National General Secretary  
**Y.P. Chhbbur**  
Work: 011-22750014  
Fax: 011-4215 1459 pp  
E-mail: puclnat@yahoo.com  
nonational@pucl.orgKarnataka President  
**Hasan Mansur**  
Res: 080-27711109  
mansur\_huntingta@yahoo.comKarnataka General Secretary  
**V. Lakshminarayan**  
Work: 0821-513121  
E-mail: devadas53@yahoo.com  
larp@sancharnet.in**Ramdas Rao**  
Work: 080 6639114  
Email: ramdas\_rao@hotmail.comChairman  
National Human rights Commission  
New DelhiSir,  
Sub: Threat to Freedom of Expression and Right to Life with Dignity

Ref: Continuous harassment to "Karavali Ale" eveninging and its management

Anti-social elements and members of certain communal outfits of the sangh parivar have let loose a reign of terror in the Dakshina Kannada district of Karnataka state and the frequency and intensity of the attacks have increased manifold especially after the BJP has come to power in the state.

"Karavali Ale" is a Kannada eveninging being published from Mangalore and has a readership of around four lakhs. It has been taking up the causes of minorities, dalits, women, common people etc and has been carrying on a relentless campaign against maladministration, corruption and communalism.

There have been constant attacks on the offices and the residence of its managing director, B.V.Seetaram. False cases were booked against B.V.Seetaram and other office-bearers of the newspaper on trumped-up charges of hurting religious sentiments, spreading hatred in the society etc, etc. The said article was a commentary on certain Jain monks going naked in public being obscene and against public decency and which was being condoned by top police officer of the district. B.V.Seetaram and his wife Rohini were booked under IPC sections 153A, 153B, 295 and were arrested from their residence in February 2007. Both were kept in custody for 10 days continuously by filing a series of similar cases at different towns. At Sagar, a town in Uttara Kannada district, he was even handcuffed which was a clear violation of Supreme Court's directions in the matter of arrests. Eventually both were discharged of their alleged offences.

But the harassments and attacks continued even in 2008. After the paper took up the cause of the displaced farmers from the MSEZ and after the attacks on churches in September the paper carried on a campaign against Bajrang Dal which had openly claimed responsibility for the attacks. Since about two months newspaper distributors and vendors and petty shopkeepers have been intimidated and threatened with dire

consequences if they did not stop selling "Karavali Ale". Shops of vendors belonging to the minority communities have been ransacked. Newspaper bundles have been set on fire and snatched away from the hands of distributors. Though this is still continuing the police have been claiming all the while that they have arrested the miscreants. Again on Sunday, 4<sup>th</sup> January 2009 the couple was once again arrested on road on a two-year old defamation case clearly as a prelude to another series of arrests since several false cases have already been booked at various places in the district. Meanwhile, around 20 policemen had raided his residence without a search warrant. Once again on 5<sup>th</sup> January he was brought handcuffed to the jurisdictional court at Udipi. You may have read from "The Hindu" (Bangalore edition, pages 1 and 11) that though the court granted bail to him, he has refused to accept it because he fears threat to his life from the communal elements and the vindictive police.

The district police have totally failed in their duty to put a stop to such barbaric acts of communal and anti-social elements. It is the firm opinion of human rights activists, progressive elements and the general public that the law and order situation in the district has collapsed. Despite the Chairman of Press Council of India writing personally to the chief minister to take necessary steps to restore unhindered circulation of "Karavali Ale" and ensure freedom of expression, the situation on the ground has not changed. The district administration which is supposed to be a constitutional authority remains a mute and helpless spectator to the open violation of constitutional provisions. There is a very, very grave threat to the freedom of expression, right to life with dignity of the citizens and minorities of the district. We call upon the NHRC to take necessary action in the matter of violation of human rights.

Yours sincerely  
  
P.B.D.Sa  
Vice - President  
PUCL- Karnataka

- 6) In 1997 Shanthi, daughter of Albert Mascarenhas of Mangalore, went missing and her dead body was found in a lodge at Mulky 20km from Mangalore. The police declared that she had committed suicide. But, according to media reports, Shanthi was allegedly abducted by three local rowdy elements who then took her to Mulky, raped and killed her. The media pointed out loopholes in police investigation. Albert Mascarenhas lodged a complaint with the NHRC as per PUCL directions.

From:

Albert Mascarenhas  
Near Benny's Compound  
Ashoknagar Post  
Ganesh Nagar  
Kodical  
Mangalore

RPA D  
sent on 29/5/97

To:

Chairman  
National Human Rights Commission  
Sardar Patel Bhawan  
New Delhi 110001.

Dear Sir,

Sub: Murder of my 20 year old daughter - investigations twisted by the Police and Govt. Doctors.

My daughter was lured by 3 anti social criminals, who are friendly with the Police, on a Sunday afternoon on 17th March '97, from a place known as Car Street in Mangalore in Dakshin. Kannada, taken by car to a place known as Lalit lodge in Mulky, place 30 K.M. away from Mangalore, raped by the above said persons repeatedly and murdered with intentions to eliminate evidence. The persons involved are Nityananda, Lakshmeesha and Ramesh.

Police, inspite of knowing the facts have twisted the issue and tampered with autopsy and forensic investigations under the influence of money. The sub-inspector involved in the investigations is one Nagabhushan against whom a number of allegations are made by public and who is under suspension because of some other cases.

There are lot of loopholes in the investigations. No reports or investigations are recorded in Mulky Lalit lodge by the Police at Mulky station, in which jurisdiction she died. The car in which she was taken to Mulky when alive and dead body taken to Fr Muller's Hospital, where they refused to admit (because she was already dead) was not seized.

It was clear to me after seeing her dead body in the hospital she was raped and is also clear that Doctors at the govt. Hospital Mangalore have collaborated with Police and the criminals to make out a suicide case out of a murder case.

Kindly give me justice, so that the injustice done to me will not be repeated.

Yours faithfully,

ALBERT MASCARENHAS

*Police letter  
asked Albert to  
write to Sr. P.B. D.S.  
Mangalore  
on 10/6/97*

*cel*  
*17/15/3*

PEOPLE'S UNION for CIVIL LIBERTIES  
'Royal Tuff', Fr. Mullers' Road  
Valencia, Mangalore 575002  
Tel: 436787/437634/436737 Fax: 0824 436727

5/6/9

Prof. Hasan Mansur  
P.U.C.L  
14, Wellington Street  
Richmond Town  
Bangalore 560025

Dear Prof. Mansur,

I am enclosing herewith a copy of complaint dt. 2-5-96 filed by Mr. Albert Mascarenhas before the govt. of Karnataka alongwith a copy of report from Forensic Science Laboratory dt. 29-3-96, copy of post mortem report dt. 18-3-96 and copy of U.D.R No. 9/96 dt 17.3.96 connected to the unnatural death (suspected murder) of a young christian girl, Shanti.

Our enquiries with Shanti's father and several other independent witnesses have given us strong suspicion that it was a murder committed after a raping indulged into 3 rowdies living in the neighbourhood of Shanti.

Police seem to have sided and abetted with the culprits and prepared a false record. They seem to have also bought up the Doctors at Wenlock hospital.

Father of the girl had seen the dead body in the morgue some evening and had noticed semen on her private parts.

It is pertinent to note that the girl was picked up by 3 rowdies from the city and taken to a hotel at Mulky i.e. 30 K.M. away from Mangalore. Death occured at Mulky lodge. But no report is made at Mulky station. Neither the car used for the crime has been siezed.

Kindly see in what way we can help in obtaining justice to this minority family.

With kind regards.

Yours sincerely,

  
P.K. D'sa

- 7) Two women, Mrs Seetha Rathore and Saraswathi Samanth allegedly killed by some policemen in league with certain politicians. When PUCL complained to NHRC, the latter asked the local Superintendent of Police to investigate the case. The SP sends a report exonerating the policemen and NHRC accepts it without any objection.

**NATIONAL HUMAN RIGHTS COMMISSION**  
**(LAW DIVISION)**  
**SARDAR PATEL BHAVAN**  
**SANSAD MARG, NEW DELHI - 110 001**

Case No. 200/10/1999-2000

Dated: 29/11/2000

- 5 - 2000

To

SHRI P.B. D'SUZA, PRESIDENT  
PEOPLES UNION FOR CIVIL LIBERTIES,  
PAULINE ROYAL-TUFF VALINCIA, MANGALORE,  
KARNATAKA  
KARNATAKA, KARNATAKA.

Sir/Madam,

With reference to your complaint dated , I am directed to say that the matter was considered by the Commission on 03/10/2000. The Commission has made the following directions.

*Mr. P.B.D'suza, president of people's Union for civil liberties had invited attention of the Commission to the murder of Mrs. Seetha Rathore and Saraswathi Samanth by a group of persons including police and some politicians who are indulging in the production of blue film and also making manho-jambes and harming the society at large by casting a magic spell on their victims. The complainant prayed for thorough investigation so that guilty are punished and women are protected. The Commission took cognizance and issued notice to DGP, Karnataka for a report.*

*As per report all the allegations made in the complaint are false and baseless and have been fabricated and there is no truth.*

*The commission takes the police report on file and closes the case.*

This is for your information.

Yours faithfully,

  
ASSISTANT REGISTRAR(LAW)

*only*  
*29/11/01*  
*[Signature]*

- 8) On 21.8.2001 Abdul Rauf, a bus driver, gets killed by unknown persons. The Bus Workers' Union holds a public protest during which police led by circle-inspector HRS Shetty burst tear gas shells and assault innocent persons. PUCL conducts a fact-finding and sends a report to NHRC. The NHRC asks the IGP(Western Range) to investigate the case. On receipt of IGP's report exonerating the policemen involved, NHRC closes the case.

# PUCL

PEOPLE'S UNION for CIVIL LIBERTIES  
Palms Mallor's Road, Valencia, Bangalore 560 025  
Phone 2436787, Fax 2431628, E-mail: viewfroy@hotmail.com

"All that is necessary for evil forces to triumph in this world is for enough good people, to do nothing"  
- Edmund Burke

Founder

Lokeshwar Jayaprakash Narayan

National President

S.G. Kannabiradar  
Phone: 846-822632

National Secretary

V.P. Chinnabbar  
Phone: 811-2758014  
Fax: 011-2754931  
E-mail: puclnat@yahoo.com  
national.pucl.org

Adviser

Justice V.M. Garkunde

Karnataka State President

Narasimha Murthy  
Phone: 080-2211109

Secretaries

V. Lakshminarayana  
Phone 8821-513121  
E-mail: orvasse65@yahoo.com

Kannada Rao

Phone 090-6538414  
E-mail: kannada\_rao@vsnl.com

D.K. District President

P.B. D'Sa  
Cell: 94481 26777  
Phone: 0824-2436787  
Fax: 0824-2431628  
E-mail: llovfey@hotmail.com

D.K. District Secretary

Kanwal Kumar  
Cell: 94480 35662  
Phone: 0824-432482

Legal Advisers

Chandrashekhara S.P.  
Phone: 0824-432482

K.V. Vivekananda Murthy  
Phone: 0824-496556

E. Mathai

Phone: 0824-494135

Monday, 6 October 2003

To

The Chairman  
National Human Rights Commission  
Sardar Patel Bhavan  
Sansad Marg  
New Delhi - 110 001

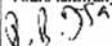
Dear Sir,

SUB: Case No. 369/10/2001-02

We were not able to reply your letter immediately because ours is a Voluntary Organization without any paid employees to handle the office work. Therefore the delay may kindly be condoned.

We are very sad to receive your letter which states "In view of the police report action by the Commission is considered not necessary and the case is closed." The funny part of the investigations is that the very party, which committed the atrocities, has been made the investigating agency. In such a situation, is it possible to get any justice? Our allegations were of serious nature. The entire town is waiting with great interest the out come of your findings. If people come to know that N.H.R.C has closed the file, basing their judgement on the reports submitted by the Karnataka Police, people will lose their patience and as a result more violence is possible. People have already lost their faith in N.H.R.C. in Karnataka, because not a single complaint has been handled justly and fairly by N.H.R.C. We therefore request you to reopen the file and make investigations from an independent body.

Yours faithfully,

  
P.B. D'Sa

National Office: 81 Sahayoga Apts., Mayur Vihar I, New Delhi 110 051, Office: 3353614, Fax: 2255531  
Karnataka State Office: No.46, Wellington Street, Richmond Town, Bangalore 560 025, Phone: 390-221109

Fact-finding Report to take  
from web-site

Received  
28/2/03

NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)  
SARDAR PATEL BHAVAN  
SANSAD MARG, NEW DELHI - 110 001

Dated 06/01/2003

Case No. 369/10/2001-2002

To

MR. P.B. D'Sa PRESIDENT  
PEOPLE'S UNION FOR CIVIL LIBERTIES PAU'NE.  
ROYAL TUFF, VALENCIA,  
MANGALORE, KARNATAKA.

22  
Kati/palli

Sir/Madam,

With reference to your complaint dated 30/10/2001, I am directed to say that the matter was considered by the Commission on 26/12/2002. The Commission has made the following directions.

A petition has been received from People's Union for Civil Liberties, Mangalore stating that on 21.8.2001, one Abdul Rauf, a bus driver was murdered by one Madkar and others, resulting in 'Bandh Call' by Bus Workers' Union. On 23.8.2001, a posse of police officials led by Shri H.R.S. Shetye, C.I. came to Katipalla, busted tear gas shells and assaulted innocent persons. They ransacked number of houses and arrested number of persons, who were taken to the police station Panambur, where they were subjected to severe torture. The police, who had ill will against muslims, turned the incident into a communal issue and a reign of terror was unleashed. The petitioner has prayed for appropriate action against the errant police officials.

A report received from Inspector General of Police, Western Range, Mangalore states that on 22.8.2001 at about 10.15 p.m., accused Keshav and others assaulted Abdul Rauf, the driver of the city bus and caused his death. A case Cr. No.106/01 U.S 143/147/148/302/149 IPC was registered and after investigation, charge sheet was submitted in the court. As a result of murder of Abdul Rauf, the situation in the neighbouring area became tense. Hence, as a precautionary measure, striking force of One KSRP platoon and policemen were deployed in the sensitive areas. On 22.8.2001, some youngsters under the leadership of Abdul Aziz and Abdul Salam blocked the road and forced the shop owners to close down the shops. They started pelting stones and soda bottles at the police. As the situation went out of control, the police fired tear gas shells and resorted to mild lathi charge to disperse the mob. The situation was thereafter brought under control. A case Cr. No.108/01 U.S 143/144/147, 148/332/427, 306/186/333/149 IPC was registered against 27 accused persons and they were produced before the magistrate. Number of policemen also sustained injuries. None of the arrested person complained of ill treatment to the magistrate.

In view of the police report, no further action by the Commission is considered necessary and the case is closed.



### Police Atrocities and Human Right Violations at Katipalla

On Thursday 23<sup>rd</sup> morning about 100 men in uniform stormed the Katipalla town with Lathis, Tear Gas cells and guns to the utter shock of the unsuspecting citizens of this locality. The Police personnel beat up every person they could lay their hands upon irrespective of their age, sex or social standing. The Police forcibly entered at least a hundred houses and indulged in indiscriminate rampage. In some houses they forcibly broke open the doors and damaged household articles. They dragged out every male person found in the houses or in streets and brutally assaulted them before thrusting them into waiting Police vehicles. They used extremely foul language against the member of the families and in many cases misbehaved with the women folk.

Obviously there was no provocation whatsoever from the inhabitants of the area for this high handed and in human attitude of the police personnel. In fact, one local bus driver who belongs to the Muslim Community had been assassinated two days prior to this incident by an armed gang of hooligans at a place close to this locality. But people of this locality were members of the Muslim Community who occupy a predominant position were sane enough not to give any communal colour to the incident and were with full sense of responsibility waiting for the judicial machinery to take its own course on the case. Although a bandh was observed on 22<sup>nd</sup> August the local Muslim community had absolutely no role to play in this bandh because the bandh was in fact called by Bus Workers Association, Mangalore.

Thus, having proven that they are law-abiding citizens and having, refused to be provoked even after the brutal murder of a member of their community they naturally never expected the police forces to be hostile against them. One may recall that just two years ago when the entire Surathkal Town and almost all surrounding areas were up in flames due to communal riots people of this particular area in the 2<sup>nd</sup> block, Katipalla had successfully ensured that their area remained peaceful. Hence a wholesale and indiscriminate attack against them was the last thing they expected from the police.

On 23<sup>rd</sup> morning when the situation in the locality was perfectly normal at around 9 a.m. people were busy shopping. In fact these shops had remained closed the previous day. Many people had come there accompanying their children studying in one of three schools situated in the proximity. As the school hours were yet to commence there were many school children all around. It was in this backdrop that Mr. H.R.S. Shetty, Circle Inspector of Police arrived in a jeep along with another vehicle and accompanied by about a dozen uniformed men. His first target was one Abdul Salam, a young businessman and social activist. Mr. Shetty approached him using extremely foul language and dragged him all the way to the Police van and brutally assaulted him with his cane before dumping him into the van. Shocked at this brutal sight the people around came together and some of them sat down on the road protesting Mr. Shetty's highhandedness and demanded the release of Abdul Salam. This response of the people was totally spontaneous and was provoked by their fact that Mr. Abdul Salam who was known to them as a law abiding citizen and was not guilty of any crime was being treated in this cruel manner. Taken aback by this spontaneous response of the local citizens Mr. Shetty agreed to free Mr. Abdul Salam from his illegal custody. On being released Mr. Abdul Salam came out of the van and requested the crowd to disperse peacefully. At this stage a few stones landed on the sitting crowd and on some police personnel obviously thrown by school going children who were witnessing the bizarre happening this rushed to prevent the boys from this mischief. It was at this moment that the superintendent of Police Mr. Soomant Singh came menacingly to the scene along with a few police vehicles and a couple of dozen uniformed personnel. Without even bothering to spend even a moment to assess the situation, he straightaway ordered lathi charge against the crowd which had already started dispersing. Police personnel started chasing and assaulting people indiscriminately. Even while people were trying to run away from the wrath of the police, the men in uniform fired tear gas cells in all directions and the beatings continued. After a long spree of indiscriminate beating the police first entered the shops and started dragging people out and dumping them into police vans. Even old people were not spared. Later the police started forcibly entering the houses in the locality. At places where people were too scared and shocked to open the doors the police broke open the doors and ransacked the houses.

For instance, after beating up almost all the inhabitants of the second block and after having created an atmosphere of terror in the area the Police went to a near by a house and forced the women in the house to hand over the key of the car which was parked well inside the compound of the house. The Police brought this car to the middle of the second block junction and after parking it there they brought empty soda bottles from the near by shops and piled them up in the vehicle along with the piled up bottles. People of the locality who witness to this drama have reasons to doubt that this might be a conspiracy by the Police to create false evidence against the unsuspecting masses.

In the late night of August 23<sup>rd</sup> 2001, the Police took those 27 accused to the residence of the J.M.F.C. If Court Magistrate all the accused had told them that they had been brutally beaten up by the Police by dragging at their houses and he was convinced then. But unfortunately in his report the Magistrate has written otherwise. He had given the Police clean chit saying the accused had got the injury in the incident itself; this was really shocking.

*S.A.*



  
President  
Panambur Muslim Jamath Jumma Masjid &  
Madrasathunnooriya Managing Committee  
2nd BLOCK, KATIPALLA - 574 149.



## POLICE PERSONNEL RESPONSIBLE FOR ATROCITIES IN KATIPALLA

1. **S.K.S. SHETTY**  
INSPECTOR OF POLICE  
SURATHKAL STATION

Kingpin of the whole affair. On 23.08.2001 at about 9.00 a.m. he rushed to the Shamshuddin circle in his jeep and abruptly called a person from the crowd and beaten him with lathi and pushed him to the police van; seems like he had any personal vengeance on that particular man. It was the sparking point of whole episode. He acted like not a trained Police Officer but as some one who is hunting for his personal enemy.

2. **VASANTHA**  
POLICE CONSTABLE

He led the Police forces to the houses, because he knows most of the area, as a SURATIKAL P.C. He vocationally wears the Uniform.

3. **THUKARAMA, P.C.**  
(Jeep Driver)  
Surathkal Station.

He used filthy languages and beaten the people more vigorously.

4. **SUKUMARA, P.C.**  
Panambur Station

He slapped the face of Jamath President P.A. Bavanhi who is 70 years old using bad words; also used his Lathi against the victims more mercilessly.

5. **CHANDRASHEKHAR**  
Sub-Inspector of Police  
Surathkal

He is right behind all the atrocities. Participated in haul of victimising the innocent.

6. **Mr. THAKUR**  
Asst. Superintendent of Police  
Panambur Zone.

He acted like a Saint, talking in diplomatic way but involved in harassment and ill treatment; the most of the women witnessed him leading the Polices to the houses for the brutality.

7. **Mr. SEEMANTH KUMAR**  
Superintendent of Police  
Dakshina Kannada Dist.

When he arrived at the incident spot he never bothered to assess the situation; suddenly he ordered to do the arrest process by dragging art; the people from their respective houses. This kind of irresponsible act cannot be expected from the Police Officer of Mr. Seemanth Kumar's calibre.

8. **VIJAY ANCHAN**  
Anti Rowdi Squad  
Panambur Police Station

For Brutal act of the Police he is the best example. Beaten the accused with his full nerve. Used filthy languages against accused and blamed them as anti nationals as Pakistanis etc.

## SHRC Cases

HRC2200/CR/2008-4<sup>TH</sup> JULY 2008 ATTACK ON ATUL RAO UNDER TRIAL IN UDUPI JAIL

- 1) Atul Rao, an accused in some case and lodged in the Udupi sub-jail was assaulted within the jail premises. PUCL made a complaint to SHRC on 4.7.2008. As usual SHRC forwards it to the IGP(WR) who files a reply on 19.8.2008 exonerating the personnel involved. SHRC disposes of the case.

KARNATAKA STATE HUMAN RIGHTS COMMISSION AT BANGALORE

H.R.C.No. 2200\_QF 2008

DATED THIS THE 11<sup>th</sup> DAY OF MARCH 2010.  
BEFORE

HON'BLE SRI R.H.RADDI, MEMBER

BETWEEN;  
Sri P.B.D'Sa,  
District President,  
People's Union for Civil Liberties,  
Father Muller Road,  
Valancia,  
Mangalore-575 002

COMPLAINANT

AND:  
The Inspector General of Police,  
Western Range,  
Mangalore.

RESPONDENT

ORDER

1. The complaint of Sri P.V.D'Sa, District President of People's Union for Civil Liberties, has filed a complaint dated 4-7-2008 before this Commission alleging that Sri Atul Rao, an accused lodged in Udupi District Jail, was criminally assaulted and that the authorities have not taken any action in that regard.
2. On perusal of the contents of the complaint, its copy was sent to the Inspector General of Police, Western Range at Mangalore, for a detailed

report in the matter. Accordingly, a report dated 19-8-2008 is submitted to the Commission. When a copy of the said report was sent to the complainant for comments on it, the complainant has not offered any comments on the said report.

3. The report before the Commission reveals that Sri Atul Rao was arrested on 23-6-2008 in Crime No.109/2008 for the offences under Secs.365 and 306 I.P.C. in Manipal Police Station and when he was produced before the Court, he was remanded to judicial custody. The report shows further that the Udupi Superintendent incharge of Sub Jail by name Sri Lakshman Shettigar has submitted a report to the Sub Jail Superintendent stating that two prisoners kept in the cell along with Atul Rao were playing carom while Atul Rao was sitting in one of the corners and at that time the other inmates in another cell by name Anand, Srinivas Prabhu, Madhu, Yuvaraj and others had gone into the cell in which Atul Rao was kept for playing carom. As the Deputy Superintendent of Prison had instructed them that more number of prisoners should not be in one cell, the said prisoners, on seeing Atul Rao, told that he had murdered the M.L.A's wife and in that regard there was some galata. It was reported in the newspapers that Atul Rao was tortured in the prison and there was threat to his life. Based on it, a complaint before this Commission is filed. But, there was no torture to Atul Rao and there was no threat to him and further that Sri Atul Rao is being shifted from Sub Jail, Udupi, to Mangalore District Jail as per the orders of the Court.

4. The collective consideration of the materials before the Commission would show that the contents of the complaint before the Commission are not substantiated and therefore the Commission finds no any violation of human rights and consequent upon the same the complaint deserves to be disposed of.
  
5. Accordingly, the complaint in H.R.C.No.2200 of 2008 stands finally disposed of.

*Sdf-*  
(R.H.RADDI)  
MEMBER

*" Copy "*

*[Signature]*  
Assistant Registrar  
Karnataka State Human Rights Commission  
Bangalore





HR: 2200/08  
10/9

ಸಂಖ್ಯೆ:ಸಾ.ಮಾ.ಸಂ.39/ಪದ/2008.  
(ಕೆ.ಎಸ್.ಹೆಚ್.ಆರ್.ಸಿ.) (ಅ. || ಆರ್.ಸಿ.)

ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಜನರಲ್ ಆಫ್ ಪೊಲೀಸ್‌ರವರ ಕಛೇರಿ,  
ಪಶ್ಚಿಮ ವಲಯ, ಮಂಗಳೂರು,  
ದಿನಾಂಕ:19-08-2008.

ರಿಗೆ:

ಆಸಿಸ್ಟೆಂಟ್ ರೆಜಿಸ್ಟ್ರಾರ್.  
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾನವ ಹಕ್ಕುಗಳ ಆಯೋಗ,  
4ನೇ ಮಹಡಿ, 5ನೇ ಘಾಗ,  
ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ, ಡಾ.ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,  
ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಮೇಕೆಪಾಲ ಪೊಲೀಸ್ ಠಾಣಾ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ  
ನ್ಯಾಯಾಂಗ ಬಂಧನದಲ್ಲಿರುವ ಆರೋಪಿ ಅತುಲ್ ರಾವ್  
ರವರಿಗೆ ಹಿಂಸೆ ನೀಡಲಾಗುತ್ತಿದೆ ಹಾಗೂ ಜೀವಕ್ಕೆ ಭಯವಿದೆ  
ಯೆಂದು ಆರೋಪಿಸಿ ಶ್ರೀ ಪಿ.ಬಿ.ಡೇವಾ ರವರು ಕರ್ನಾಟಕರಾಜ್ಯ  
ಮಾನವ ಹಕ್ಕುಗಳ ಆಯೋಗಕ್ಕೆ ಸಲ್ಲಿಸಿದ ದೂರನ ಕುರಿತು.  
(ಹೆಚ್.ಆರ್.ಸಿ.ಸಂಖ್ಯೆ:2200/08)

ಉಲ್ಲೇಖಿಸಿ)ಸಹಾಯಕ ವಿಲೇವಾರಿಕಾರಿ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾನವ  
ಹಕ್ಕುಗಳ ಆಯೋಗ, ಬೆಂಗಳೂರು ರವರ ಪತ್ರ ಸಂಖ್ಯೆ:ಮಾಹ/ಆ/  
ವ.ಸ/2200/08/2008, ದಿನಾಂಕ:14-07-2008 ಮತ್ತು  
04-08-2008.

2)ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಉಡುಪಿ ಜಿಲ್ಲೆ ರವರ ವರದಿ ಸಂಖ್ಯೆ:  
ಜೆಎನ್‌ಎಲ್-1/40/ಹೆಚ್.ಸಿ/ಉಜಿ/2008, ದಿನಾಂಕ:12-8-2008.

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ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ. ಶ್ರೀ ಪಿ.ಬಿ.ಡೇವಾ, ಅಧ್ಯಕ್ಷರು, ಪಿಯುಸಿಎಲ್,  
ಮಂಗಳೂರು ರವರು ನೀಡಿರುವ ದೂರಿನಲ್ಲಿ ಮೇಕೆಪಾಲ ಪೊಲೀಸ್ ಠಾಣಾ ಅಪರಾಧ ಪ್ರಕರಣಕ್ಕೆ  
ಸಂಬಂಧಿಸಿದ ಉಪ ಬಂದೀಖಾನೆ ಉಡುಪಿಯಲ್ಲಿ ನ್ಯಾಯಾಂಗ ಬಂಧನದಲ್ಲಿರುವ ಆರೋಪಿ ಅತುಲ್  
ರಾವ್ ರವರಿಗೆ ಬಂದಿಖಾನೆಯಲ್ಲಿ ಹೆತ್ತಹಿಂಸೆ ನೀಡಲಾಗಿದೆ ಮತ್ತು ಅವರ ಜೀವಕ್ಕೆ ಭಯವಿದೆ ಎಂದು  
ಆರೋಪಿಸಿ, ಈ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕು ಎಂಬಿತ್ಯಾದಿಯಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾನವ ಹಕ್ಕುಗಳ  
ಆಯೋಗ, ಬೆಂಗಳೂರುರವರಿಗೆ ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯಲ್ಲಿ ಕೋರಿರುತ್ತಾರೆ.

ಈ ಅರ್ಜಿಯ ಕುರಿತಂತೆ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು ಉಡುಪಿ ಜಿಲ್ಲೆರವರು ಡಿವೈಎಸ್‌ಪಿ, ಉಡುಪಿ  
ಉಪ ವಿಭಾಗ ರವರಿಂದ ವಿಚಾರಣೆ ನಡೆಸಿ, ಸಲ್ಲಿಸಿದ ವರದಿಯಲ್ಲಿ ಮೇಕೆಪಾಲ ಪೊಲೀಸ್ ಠಾಣಾ  
ಅಪರಾಧ ಪ್ರಕರಣ ಸಂಖ್ಯೆ:09/2008 ಕಲಂ 365, 306 ಐಪಿಸಿ ಪ್ರಕರಣದಲ್ಲಿ ದಿನಾಂಕ:  
23-06-2008ರಂದು ಆರೋಪಿ ಶ್ರೀ ಅತುಲ್ ರಾವ್ ರವರನ್ನು ಬಂಧಿಸಿ ಮಾನ್ಯ ಸಿ.ಜಿ.ಎಂ.  
ನ್ಯಾಯಾಲಯ, ಉಡುಪಿ ರವರ ಮುಂದೆ ಹಾಜರುಪಡಿಸಿದ್ದು, ಮಾನ್ಯ ನ್ಯಾಯಾಲಯವು ಆರೋಪಿಗೆ  
ನ್ಯಾಯಾಂಗ ಬಂಧನ ವಿಧಿಸಿರುತ್ತದೆ. ಆರೋಪಿಯನ್ನು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ಆದೇಶದಂತೆ ಉಡುಪಿ  
ಉಪ ಕಾರಾಗೃಹಕ್ಕೆ ಹಾಜರು ಪಡಿಸಲಾಗಿರುತ್ತದೆ. ದಿನಾಂಕ:02-07-2008ರಂದು ಉಡುಪಿ ಉಪ  
ಕಾರಾಗೃಹ ಪ್ರಧಾನಾಧಿಕಾರಿ, ಉಪ ಕಾರಾಗೃಹ ಪಹರ ಆದ ಶ್ರೀ ಲಕ್ಷ್ಮಣ ಶೆಟ್ಟಿಗಾರ್. ಎ.ಹೆಚ್.ಸಿ-130ನೇ

ರವರು ಅಧೀಕ್ಷಕರು, ಉಪ ಕಾರ್ಯಾಹಾರ, ಉಡುಪಿ ರವರಿಗೆ ಒಂದು ಮನವಿ ನೀಡಿದ್ದು, ಸದರಿ ಮನವಿಯಲ್ಲಿ 1ನೇ ಸೆಲ್‌ನಲ್ಲಿ ನ್ಯಾಯಾಂಗ ಬಂಧನದಲ್ಲಿದ್ದ ಅತುಲ್ ರಾವ್ ರವರ ಜೊತೆಯಲ್ಲಿದ್ದ ಇತರ ಎರಡು ಮಂದಿ ಆರೋಪಿಗಳು ಕೇರಂ ಅಡುತ್ತಿದ್ದು, ಅತುಲ್ ರಾವ್ ರವರು ಒಂದು ಬದಿಯಲ್ಲಿ ಕುಳಿತಿದ್ದು ಸುಮಾರು 9.30 ಗಂಟೆ ಸಮಯಕ್ಕೆ ಬೇರೆ ಸೆಲ್‌ನಲ್ಲಿದ್ದ ಆರೋಪಿಗಳಾದ ಆನಂದ, ತ್ರಿನಿವಾಸ ಪ್ರಭು, ಮಧು, ಯುವರಾಜ ಹಾಗೂ ಇತರ ಪೈದಿಗಳು ಸೇರಿ ಅತುಲ್ ರಾವ್ ರವರು ಇದ್ದ ಸೆಲ್‌ಗೆ ಬಂದು ನಾವು ಕೇರಂ ಅಡಬೇಕೆಂದು ಅವರ ಸೆಲ್‌ನ ಒಳಗೆ ಹೋಗಲು ಶುರು ಮಾಡಿದರು, ಪ್ರಧಾನಾಧಿಕಾರಿ ಉಪ ಕಾರ್ಯಾಹಾರ ದಹರರವರು ಹಾಸ್ಟೆಲ್ ಜನ ಸೆಲ್‌ನೊಳಗೆ ಸೇರುವುದು ಬೇಡ ಎಂದು ಅವರ ಹತ್ತಿರ ಹೇಳಿದಾಗ ಅತುಲ್ ರಾವ್ ರವರನ್ನು ನೋಡಿ ಇವನು ಶಾಸಕರ ಪತ್ನಿಯನ್ನು ಕೊಂದವ ಎಂದು ಗಲಾಟೆ ಮಾಡುವಾಗ ಪ್ರಧಾನಾಧಿಕಾರಿ, ಉಪ ಕಾರ್ಯಾಹಾರ ಪಹರೆ ಹಾಗೂ ಕಾರ್ಯಾಹಾರ ಪಹರೆ ಸಿಬ್ಬಂದಿಯವರು ಅವರನ್ನು ಹೊರಗಡೆ ಹೋಗಿ ಎಂದು ಕಳುಹಿಸಿ ಸೆಲ್‌ನ ಚಲಕ ಹಾಕಿರುವುದಾಗಿಯೂ, ಅದಕ್ಕೆ ಅವರು ನೀವು ಬಾಗಿಲು ತೆಗೆಯಿರಿ ನಾವು ಅತನನ್ನು ಬಿಡುವುದಿಲ್ಲ, ಅವನು ಶಾಸಕರ ಪತ್ನಿಯನ್ನು ಕೊಂದವ, ಅವನನ್ನು ಹೊರಗಡೆ ಬಿಡಿ ಎಂಬುದಾಗಿ ಗಲಾಟೆ ಮಾಡಿದ್ದು, ಕೂಡಲೇ ಈ ವಿಷಯವನ್ನು ಜೈಲ್ ಅಧೀಕ್ಷಕರಿಗೆ ತಿಳಿಸಿದ್ದು, ಅವರು ಬಂದು ಕೈದಿಗಳನ್ನು ಸಮಾಧಾನ ಪಡಿಸಿರುತ್ತಾರೆ. ಈ ವಿಷಯವನ್ನು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ತಿಳಿಸಿರುವುದಾಗಿ ನೀಡಿರುವ ಮನವಿಯಲ್ಲಿ ನಮೂದಿಸಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಉಡುಪಿ ತಾಲೂಕು ಕಛೇರಿಯ ಕಾರ್ಯಾಹಾರ ಅಧೀಕ್ಷಕರಾದ ಶ್ರೀ ಕೆ.ವೆಂಕಟಯ್ಯ ಬಲ್ಲಾಳರವರನ್ನು ಮೌಖಿಕವಾಗಿ ವಿಚಾರಿಸಿದಲ್ಲಿ ಅತುಲ್ ರಾವ್‌ರವರನ್ನು ಮಾನ್ಯ ಸಿ.ಜಿ.ಎಂ. ನ್ಯಾಯಾಲಯ, ಉಡುಪಿಯವರ ಆದೇಶದಂತೆ ದಿನಾಂಕ:29-06-2008ರಂದು ಉಪ ಕಾರ್ಯಾಹಾರಕ್ಕೆ ಕರೆ ಕಂದಿರುತ್ತಾರೆ. ದಿನಾಂಕ: 02-07-2008ರಂದು ದಿನ ಪತ್ರಿಕೆಯಲ್ಲಿ ಪ್ರಕಟವಾದಂತೆ ಅತುಲ್ ರಾವ್‌ರವರಿಗೆ ಉಡುಪಿ ಉಪ ಕಾರ್ಯಾಹಾರದಲ್ಲಿ ಜೈಲ್ ಸಿಬ್ಬಂದಿಯವರು ಹಾಗೂ ಇತರ ಕೈದಿಯವರು ಹಲ್ಲೆ ನಡೆಸಿರುತ್ತಾರೆ. ಕಾರ್ಯಾಹಾರವು ಜೈಲ್ ಅಧೀಕ್ಷಕರ ನಿಯಂತ್ರಣದಲ್ಲಿರುವುದಿಲ್ಲ ಎಂಬುದಾಗಿ ತಾನು ಯಾವುದೇ ಹೇಳಿಕೆಯನ್ನು ಪತ್ರಿಕೆಗಳಲ್ಲಿ ನೀಡಿರುವುದಿಲ್ಲ. ಅತುಲ್ ರಾವ್ ರವರಿಗೆ ಹಿಂಸೆ ನೀಡಲಾಗುತ್ತಿದೆ ಮತ್ತು ಅವರಿಗೆ ಜೀವಕ್ಕೆ ಭಯವಿದೆಯೆಂದು ಪತ್ರಿಕೆಯಲ್ಲಿ ಪ್ರಕಟಿಸಿರುವುದು ಸತ್ಯಕ್ಕೆ ದೂರವಾದ ವಿಷಯವಾಗಿರುತ್ತದೆ. ಎಚ್‌ಆರ್‌-130 ರವರು ನೀಡಿದ ವರದಿಯನ್ನು ತಾನು ಸ್ವೀಕರಿಸಿರುತ್ತೇನೆ ಎಂಬುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಅತುಲ್ ರಾವ್ ರವರನ್ನು ಉಡುಪಿ ಉಪ ಕಾರ್ಯಾಹಾರದ ಮಂಗಳೂರು ಜಿಲ್ಲಾ ಕಾರ್ಯಾಹಾರಕ್ಕೆ ಹಸ್ತಾಂತರಿಸಲು ಮಾನ್ಯ ಪ್ರಧಾನ ಸಿ.ಜಿ.ಎಂ. ಉಡುಪಿ ನ್ಯಾಯಾಲಯವು ಆದೇಶಿಸಿರುತ್ತದೆ. ಆದರಂತೆ ಅತುಲ್ ರಾವ್ ರವರನ್ನು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದ ಆದೇಶದಂತೆ ಉಡುಪಿ ಉಪ ಕಾರ್ಯಾಹಾರದ ಮಂಗಳೂರು ಜಿಲ್ಲಾ ಕಾರ್ಯಾಹಾರಕ್ಕೆ ಸುರಕ್ಷಿತವಾಗಿ ಹಸ್ತಾಂತರಿಸಲಾಗಿರುತ್ತದೆ. ಪ್ರಸ್ತುತ ಸದರಿ ಪ್ರಕರಣವನ್ನು ಸಿ.ಒ.ಡಿ.ಗೆ ಹಸ್ತಾಂತರಿಸಿದ್ದು, ಪ್ರಕರಣವು ಸಿ.ಒ.ಡಿ ತನಿಖೆಯಲ್ಲಿರುತ್ತದೆ. ಅತುಲ್ ರಾವ್ ರವರಿಗೆ ಉಪ ಕಾರ್ಯಾಹಾರ ಸಿಬ್ಬಂದಿಯವರಾಗಲೀ ಅಥವಾ ಕಾರ್ಯಾಹಾರದಲ್ಲಿರುವ ಇತರ ಕೈದಿಗಳಾಗಲೀ ಹಲ್ಲೆ ನಡೆಸಿರುವುದು, ಹಿಂಸೆ ನೀಡಿರುವುದು ಮತ್ತು ಜೀವ ಬೆದರಿಕೆಯನ್ನು ಹಾಕಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುವುದಿಲ್ಲ. ಈ ಕುರಿತು ಪತ್ರಿಕೆಯಲ್ಲಿ ಪ್ರಕಟವಾದ ವಿಷಯವು ಸತ್ಯಕ್ಕೆ ದೂರವಾಗಿರುವುದಾಗಿದೆ ಎಂಬುದಾಗಿ ಮೇಲೇಣ್ ಅಧೀಕ್ಷಕರು, ಉಡುಪಿ ಜಿಲ್ಲೆ ರವರು ತಮ್ಮ ವರದಿಯಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಸೂಪರಿಂಟೆಂಡೆಂಟ್ ಆಫ್ ಪೊಲೀಸ್, ಉಡುಪಿ ಜಿಲ್ಲೆರವರ ಉಲ್ಲೇಖ-(2)ರ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ನಾನು ಅನುಮೋದಿಸುತ್ತೇನೆ ಹಾಗೂ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಉಡುಪಿ ಜಿಲ್ಲೆರವರ ವರದಿ, ಡಿವೈಎಸ್‌ಪಿ., ಉಡುಪಿ ಉಪ ವಿಭಾಗರವರ ವಿಚಾರಣಾ ವರದಿಯ ಪ್ರತಿ, ಅರ್ಜಿದಾರರಿಗೆ ನೀಡಿರುವ ಹಿಂಬರಹದ ಪ್ರತಿ, ಮೂಲ ಅರ್ಜಿಗಳನ್ನು ಈ ವರದಿಯೊಂದಿಗೆ ಲಗತ್ತಿಸಿ ನಿವೇದಿಸಲಾಗಿದೆ.

ಅಡಕ:

ತಮ್ಮ ಸಂಬಳಿಯ,

ಎ. ಎಂ. ಪ್ರಸಾದ್  
19.8.08  
ಇನ್‌ಚಾರ್ಜ್ ಜನರಲ್ ಆಫ್ ಪೊಲೀಸ್,  
ಪೆತ್ತಿಮೆ ವಲಯ, ಮಂಗಳೂರು,

copy  


Assistant Commissioner  
Police Station, Mangalore  
Kannur District

## POLICE ENCOUNTER WITH SO-CALLED NAXALS

- 2) An alleged “encounter” took place between the police and naxals at Mavinahole near Horanaadu in Chikmaglur district on 18<sup>th</sup> , 19<sup>th</sup> November 2008, in which one policeman and two naxals died. SHRC conducted a *suo motu* fact-finding and since its comments are extremely relevant we are reproducing four pages of the said report for the information of public. Almost all encounters carried out by the police we have strong reasons to suspect the police version after visiting the spot of the encounter.

**KARNATAKA STATE HUMAN RIGHTS COMMISSION**

4th Floor, 5th Phase, Multi Storeyed building,  
Dr. B.R. Ambedkar Veedhi, Bangalore-560001

No. HRC/3101/08

DT: 24-09-2010

**From**

*The Registrar,  
Karnataka State Human Rights Commission,  
Bangalore.*

**To**

Sri P.B.D'sa,  
President- PUCL,  
Rathen Muller Road,  
Vadencia  
Mangalore-575 002.



Handwritten signature and date: 24/9/10

**Sir,**

Sub: HRC No.3101/08 and connected cases -regarding  
attack on Churches etc.

Please find herein enclosed a copy of the common final order dated  
02-09-2010 passed by the Commission in the above cases for your information.

*Yours faithfully,*

*Assistant Registrar,  
Karnataka State Human Rights Commission,  
Bangalore*

BEFORE THE KARNATAKA STATE HUMAN RIGHTS COMMISSION, BANGALORE

Dated this the 2nd day of September, 2010

**PRESENT**

Dr. Justice S.R.Nayak, Chairperson,  
Sri R.H. Raddi, Member,  
Sri B. Parthasarathy, Member.

HRC Nos. 3101/2008, C/W. 3102, 3057, 3058, 3164, 3184,  
3213, 3222, 3247, 3257, 3269, 3271, 3281, 3283, 3284, 3286,  
3287, 3288, 3289, 3290, 3291, 3408, 3413, 3415, 3490, 3510,  
3557, 3574, 3763, 3872, 4444/2008 HRC No. 8051/TC-31/2009,

AND

HRC Nos. 3060/SM-546/08 To 3070/SM-556/08, HRC  
Nos. 3105/SM-567/08 To 3111/SM-573/08, 3113/SM-575/08,  
3189/SM-578/08 To 3202/SM-591/08, 3233/SM-594/08 To  
3235/SM-596/08, HRC Nos. 3297/SM-607/08, 3312/SM-615/08,  
4137/SM-864/08, 4280/SM-903/08

**COMPLAINANT:**

*Suo Motu* taken up cases  
by the Karnataka State Human Rights Commission.

**COMMON FINAL ORDER.**

These are the complaints registered by the Commission *suo motu* on the basis of the reports that appeared in the media, electronic and print as well as the written complaints received from various NGOs and individuals with regard to large number of attacks on churches/places of worship by the members of fundamentalist groups like VHP and Bajaranga Dal etc.

2. The Commission after coming to know of the attacks on places of worships, mainly on churches by fundamentalist groups on 14<sup>th</sup> and 15<sup>th</sup> September, 2008, at several parts of the State, particularly, in Dakshina Kannada

and Udupi districts of coastal belt, visited the affected areas in Dakshina Kannada and Udupi districts on 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> September, 2008 to have first-hand appraisal of the situation. During the said visit, the Commission received number of complaints/representations etc. from the affected persons and church authorities.

3. The Commission directed the Chief Secretary to the Government, Government of Karnataka, and the district administration of the concerned districts to send detailed reports with regard to the attacks on churches/places of worship in their respective districts. All of them have sent reports.

4. There is no need to deal with each and every individual attack on places of worships/churches in various districts of the State during the past 2-3 years. Suffice it to state that these attacks have been taking place consistently and repeatedly despite the claim put-forth by the State authorities that they have taken all possible steps and measures to contain such incidents and to prevent recurrence of such incidents. In the reports of the Government of Karnataka resting with the Commission, it is stated that the Government of Karnataka had directed formation of a Peace Committee in every district headquarters headed by the Deputy Commissioner and consisting of the Superintendent of Police, Members of Legislative Assembly, and leaders from backward and minority communities. It is also claimed that the Government has directed the district administration of all districts to provide adequate security and protection to the places of worship like Churches and Masjids.

5. The Commission having taken cognizance of the attacks on Churches and Masjids and other places of worship in Dakshina Kannada, Udupi, Chikmagalur, Mysore, Kolar, Kodagu, Davanagere and other districts and in the course of the proceedings had directed the Government to furnish details of number of attacks, number of crimes registered, number of persons arrested and prosecuted etc. In the report submitted to the Commission, it is stated that a total number of 83 cases have been registered in various districts. The report has given split up details: in Dakshina Kannada 72, in Kolar 01, in Chickmagalur 05, in Davanagere 01, and in Udupi 04 crimes have been registered. It is reported that total number of 214 accused persons were arrested and sent to judicial custody and that in most of the cases charge sheets have been filed and in the remaining cases the police have sought approval of the Government to file charge sheets. As could be seen from the reports from the State Government and the district administration of the concerned districts, in number of cases it is reported that accused could not be traced and the crimes registered by the police went undetected etc.

6. One thing is certain and the Commission can take judicial notice of the same that this phenomenon of attacking places of worship particularly on churches and mosques by fundamentalist groups is of recent origin. The situation that we notice in the immediate past was not at all a situation that existed before 2006 or 2007. In that view of the matter, it is absolutely necessary for the State Government and all law-enforcing agencies quite

honestly and seriously to search for the causes and factors for the emergence of this phenomenon and take all possible effective measures and steps to nip this menace in the bud. The Commission is not satisfied with the Government's action in registering the crimes and making a few arrests here and there. What is important is that the State and law-enforcing authorities should see that such incidents do not take place in the State. Otherwise, well designed and well thought secular fabric of the polity of the nation would be torn into pieces and disharmony, distress and hatredness would be the order of the day resulting in chaos and disharmony in the society.

7. Article 25 of the Constitution guarantees that every person in India shall have the freedom of conscience and has a right to profess, practice and propagate religion of his/her choice, subject to restrictions imposed by the State on the grounds of (i) public order, morality and health; (ii) other provisions of the Constitution, (iii) regulations of non-religious activity associated with religious practice; (iv) social welfare and reform and (v) throwing open of all Hindu religious institutions of public character to all classes of Hindus. This freedom belongs to every person; but the freedom of one cannot encroach upon a similar freedom belonging to other persons.

B. According to some persons and Hindu organizations as highlighted in the press, fraudulent and forcible induced conversions are taking place in some Churches. No doubt, forcible, fraudulent and induced conversion undeniably would be violative of Article 25 of the Constitution of India and is punishable.

Government would wake up and address the problem of Naxalism and extremism and resulting loss of lives and destruction of national properties. In recent time naxalites seem to be active in Malnad hill area and innocent gullible people have become victims of their operation. The Commission is not tired of telling the Government that Naxalism has to be countered by two-pang attacks: (i) The naxalites who have taken law into their own hands and who do not respect the Indian Constitution and the Rule of law and indulge in violence should be dealt with iron hand, and the law enforcing authorities should be allowed legitimate latitude to exercise powers to meet the exigencies of any situation, and (ii) the solution to the menace of naxalism cannot be considered merely as a law and order situation. Quite often naxalites find very conducive environment for their illegal and violent activities only in those places where the people are cut off from the main land and denied basic amenities like accessible roads, educational institution, hospitals etc. and where the people are illiterate and denied socio-economic benefits and live in abject poverty and threat.

6. All of us know that it is not possible at all to combat and defeat divisible forces, whether they are external or internal, without creating

universal harmony, security and sense of belonging amongst the people of the country. Peace and security are invariably inter-linked with human rights and relationship of harmonious world. Harmony requires peace, security and happy co-existence between different people, community and nation. Denial of human rights has its effect on peace, harmony and tolerance. In order to bring peace and harmony in the society, inequalities prevailing in the society in any form should be removed. Despite our historical wedding to liberalization and globalization in 1990s and discernible growth and development in wealth, there is no change in the disparity that existed before the said wedding amongst the people. So long as the State denies social and economic benefits of any development to the majority of its people, it is impossible to sustain social harmony and peace in the society. When the majority is poor and inequality prevails, conflict arises leading to violence. When people clash, human rights are often times the first casualty. This situation intensifies the conflict and violence escalates. To enforce the people's right to peace, social pressure is required to bring about social justice and equality, to enlarge democratic space to deepen its roots, to resolve through democratic debates and peaceful avenues. Naxalism or extremism shall not be viewed as a mere

law and order problem. It needs to be understood that the socio-economic imbalances and prevailing inequalities in many spheres of human life are also the causes for the disturbing situation we notice today. Desired human rights regime can be established only upon harmony of internal social environment of the country amongst all its people. For achieving stable and harmonious relations amongst all the people of the country and to foster mutual understanding, respect, tolerance and peace human rights education is essential. Education has been called the technique of transmitting civilization. Civilization is nothing but the humanization of man in society, and man is humanized only when he lives a life in harmony with his true aspirations and powers. Learning human rights should become a way of life and that way of life should lead to eradicate poverty, ignorance, prejudice and discrimination based on sex, caste, creed, race, religion and disability.

7. In previous cases relating to encounter deaths in Mensinahadya, the Commission had recommended to the State Government to immediately take up socio-economic measures in the naxal affected areas. Such a course of action is absolutely necessary to combat the menace of

**naxalism effectively. We hope and trust the Government of Karnataka will do the needful in that direction without any further loss of time.**

HRC Nos. 4095/SM-831/08 to 4113/SM-849/08 c/w 4133/SM-860/08 to 4135/SM-862/08, HRC 4183/SM-866/08 to HRC 4185/SM-868/08, HRC 4215/08, HRC. 1415 /08, HRC 4216/08 , HRC 4275 to 4277/08 , HRC 629/09 and HRC 683/09 are disposed of as above.

(Dr. Justice S.R. Nayak)  
Chairperson

(R.H. Raddi)  
Member

( B. Parthasarathy)  
Member.

## A DALIT ATROCITIES CASE

- 3) On the basis of media reports that dalit students were denied entry to Mudagodu Durgaparameshwari temple and about the Ajalu system being practised against the Koraga tribals, PUCL made a complaint to SHRC on 16.12.2008. The SHRC forwards the complaint to the Block Education Officer who replies that the media reports are false and such incidents have not taken place. And SHRC accepts his version and closes the case.



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಹಾನವ ಹಕ್ಕುಗಳ ಆಯೋಗ, ಬೆಂಗಳೂರು

ವೊಕಡ್ಡಮೆ ಸಂಖ್ಯೆ: 1115/08

ದಿನಾಂಕ 23ನೇ ಜುಲೈ 2009

ಉಪಸ್ಥಿತರು:

ಶ್ರೀ ಬಿ. ಪಾರ್ಥಸಾರಥಿ, ಗೌರವಾನ್ವಿತ ಸದಸ್ಯರು

ನಡುವೆ:

ಶ್ರೀ ಪಿ.ಬಿ. ಯೆಸಾ,  
ಅಧ್ಯಕ್ಷರು, ಪಿ.ಯು.ಸಿ.ಎಲ್.,  
“ಪಾಲ್ಯೆನ್”, ಮುಲ್ಲುಲ್, ರಸ್ತೆ, ವ್ಯಾಲೇನ್ಸಿಯಾ,  
ಮಂಗಳೂರು-02.

.....ವರದಿದಾರರು

ಮತ್ತು:

1. ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು,  
ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ,  
ಮಂಗಳೂರು.
2. ಉಪ ನಿರ್ದೇಶಕರು,  
ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆ,  
ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ.

.....ಎದುರುದಾರರು

ಆದೇಶ

ಶ್ರೀ ಬಿ. ಪಾರ್ಥಸಾರಥಿ, ಗೌರವಾನ್ವಿತ ಸದಸ್ಯರು:

ದಿನಾಂಕ 07.04.2008ರ ಕರಾವಳಿ ಅಲೆ ಪತ್ರಿಕೆಯಲ್ಲಿ 'ಕೊರಗರ ಅಪಲು ನಿಷೇಧ ಎಂದು?' ಎನ್ನುವ  
ಶೀರ್ಷಿಕೆಯಲ್ಲಿ ಮತ್ತು ದಿನಾಂಕ 07.04.2008ರ ಡೆಕ್ಕನ್ ಹೆರಾಲ್ಡ್ ಪತ್ರಿಕೆಯಲ್ಲಿ 'Dalit students denier  
entry to temple' ಎನ್ನುವ ಶೀರ್ಷಿಕೆಯಲ್ಲಿ ಬಂದಿರುವ ಪ್ರದಿಗಗಳೆರಡನ್ನು ಲಗತ್ತಿಸಿ, ಶ್ರೀ ಪಿ.ಬಿ. ಯೆಸಾ,  
ಅಧ್ಯಕ್ಷರು, ಪಿ.ಯು.ಸಿ.ಎಲ್., ಮಂಗಳೂರು ಇವರು ಆಯೋಗಕ್ಕೆ ಬರೆದ ದೂರು ಇದಾಗಿದೆ.

2. ಮೇಲಿನ ಎರಡು ಪತ್ರಣ ಪ್ರದಿಗಗಳನ್ನು ಮೊದಲನೆಯದನ್ನು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ  
ಮತ್ತು ಎರಡನೆಯದನ್ನು ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲಾ ಶಿಕ್ಷಣ ಇಲಾಖಾ ಉಪ ನಿರ್ದೇಶಕರಿಗೆ ಪ್ರದಿಗಾಗಿ

ಕಳುಹಿಸಲಾಯಿತು. ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ತಮ್ಮ ವರದಿಯಲ್ಲಿ ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲಾ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರಿಂದ ತನಿಖೆ ಮಾಡಿಸಿ, ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲಾಗಿದೆ ಎಂದು ತಿಳಿಸಿದ್ದಾರೆ. ಆ ವರದಿಯ ಪ್ರಕಾರ ದಿನಾಂಕ 02.04.2008ರಂದು ಸುರತ್ಕಲ್ ಪೊಲೀಸ್ ಠಾಣಾ ವ್ಯಾಪ್ತಿಯ ಮಾರಿಗುಡಿಯಲ್ಲಿ ವಾರ್ಷಿಕ ಜಾತ್ರೆಯ ನಡವಿದ್ದು ಸದರಿ ಜಾತ್ರೆಯ ಸಂದರ್ಭದಲ್ಲಿ ಯಾವುದೇ ಅಹಿತಕರ ಘಟನೆಗಳು ನಡೆಯದಂತೆ ಸಿಬ್ಬಂದಿಗಳನ್ನು ನೇಮಿಸಿ ಸೂಕ್ತ ಬಂದೋಬಸ್ತ್ ವ್ಯವಸ್ಥೆ ಮಾಡಲಾಗಿತೆಂದು, ವಿಶೇಷವಾಗಿ ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆಯಲ್ಲಿ ಕೊರಗ ಜನಾಂಗದ ಅಜಲು ಚಾಕರಿ ಎಂದು ಹೋಲುವ ಬಡಿಯುವ ಪದ್ಧತಿ (ನಿಷೇದಿತ) ನಡೆಯದಂತೆ ನೋಡಿಕೊಳ್ಳಬೇಕೆಂಬುದಾಗಿ ಸೂಚನೆ ಕೂಡಾ ನೀಡಲಾಗಿತ್ತೆಂದು ಹಾಗೂ ಸದರಿ ಜಾತ್ರೆಯ ಸಂದರ್ಭದಲ್ಲಿ ಹೋಲುವ ಅಜಲು ಚಾಕರಿ ನಡೆದ ಬಗ್ಗೆ ಅಂತಹ ಯಾವುದೇ ಪದ್ಧತಿಯು ನಡೆದಿರುವುದಿಲ್ಲವೆಂದು ವರದಿ ಮಾಡಿದ್ದಾರೆ. ಚಿಕ್ಕಮಗಳೂರು ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಉಪ ನಿರ್ದೇಶಕರು (ಆಡಳಿತ) ಇವರು ಕ್ಷೇತ್ರ ಶಿಕ್ಷಣಾಧಿಕಾರಿಗಳು, ಕೊಪ್ಪ ಇವರಿಂದ ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದಾರೆ. ಆ ವರದಿಯ ಪ್ರಕಾರ ಶಾಲೆಯ ಎಸ್.ಡಿ.ಎಂ.ಸಿ. ಆಧ್ಯಕ್ಷರು, ಶಾಲೆಯ ಮುಖ್ಯ ಶಿಕ್ಷಕರು, ಇತರೆ ಶಿಕ್ಷಕರು ಹಾಗೂ ಹೊರ ಸಂಚಾರಕ್ಕೆ ಹೋದ ವಿದ್ಯಾರ್ಥಿಗಳು ಪತ್ರಿಕೆಯಲ್ಲಿ ಪ್ರಕಟಣೆಯಾಗಿರುವ ವರದಿ ಸತ್ಯಕ್ಕೆ ದೂರವಾಗಿರುತ್ತದೆ ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆಂದು ವರದಿ ಮಾಡಿದ್ದಾರೆ. ಈ ಎರಡು ವರದಿಗಳನ್ನು ದೂರುದಾರರಿಗೆ ಕಳುಹಿಸಿದ್ದಾಗ, ಅವರು ಎರಡು ವರದಿಗಳಲ್ಲಿ ಚಿಕ್ಕಮಗಳೂರು ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಉಪ ನಿರ್ದೇಶಕರ ವರದಿಯನ್ನು ಆಲ್ಲಗಳೆದಿದ್ದಾರೆ.

3. ಈ ದಲಿತ ಮಕ್ಕಳನ್ನು ದೇವಸ್ಥಾನದಿಂದ ಹೊರಗೆ ನಿಲ್ಲಿಸಿರುವ ಕುರಿತು ಪತ್ರಿಕಾ ವರದಿಗಳನ್ನು ದಿಟ್ಟಿ ಯಾವುದೇ ಸಾಕ್ಷ್ಯಧಾರಗಳು ಇರುವುದಿಲ್ಲ ಹಾಗೂ ಕೊರಗ ಅಜಲು ಪದ್ಧತಿ ಇಲ್ಲವೆಂದು ವರದಿ ಮಾಡಿದ್ದಾರೆ. ಅವನ್ನೂ ಆಲ್ಲಗಳೆಯುವುದಕ್ಕೆ ಯಾವುದೇ ವರದಿ ಇಲ್ಲ. ಈ ಕಾರಣದಿಂದ ಇಲ್ಲಿ ಮಾನವ ಹಕ್ಕುಗಳ ಅಲ್ಪಂಭನೆ ಆಗಿದೆ ಎಂದು ಪರಿಗಣಿಸಲು ಸಾಧ್ಯವಿಲ್ಲ.

ಪ್ರಕರಣ ಸಂ.1115/08 ನ್ನು ಆದೇ ರೀತಿ ಇತ್ಯರ್ಥಪಡಿಸಲಾಗಿದೆ.



(ಬಿ. ಶುಭೇಂದ್ರಪ್ಪ)  
ಸದಸ್ಯರು

ಶುಭೇಂದ್ರಪ್ಪ

Assistant Registrar  
Karnataka State Human Rights Commission  
Bangalore.

**PUCL****PEOPLE'S UNION for CIVIL LIBERTIES**

Fischer Muller Road, Valencia, Mangalore - 575 002, Work: 4252170, E-Mail: pucl\_uk@yahoo.com

"All that is necessary for evil forces to triumph in this world is for enough good people, to do nothing" - Edmund Burke

Date: 08/04/2009

Founder

**Jaya Prakash Narayan**

Dakshina Kannada

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larajp@sancharnet.in

**Ramdas Rao**

Work: 080-6639414

Email:

ramdas\_rao@hotmail.com

Chair Man State Human Rights Commission

4<sup>th</sup> floor,

Multi storied building,

Mangalore-1

Sir,

Sub: HRC 1115/08

Ref: your letter date 23-07-09

We are disappointed with your reply dated 23-07-09 which is an out come of incomplete investigations. The record shows that you have failed to call for the evidence of the concerned news paper reporters who had reported the incidences after thorough investigations.

By this letter we request you to summon the newspaper reporters and record their evidence.

Secondly you have based your conclusions on the statement of school authorities involved in the incident. We are certainly not ready to believe the statement of people who are connected to the incident. They would definitely avoid to speak the truth to escape from disciplinary action. More over you have also not sent the version submitted by Deputy commissioner of Dakshina Kannada for our perusal. Therefore, the investigation made by you is incomplete and defective. Therefore, we request you to reopen the file, call for the reports from the concerned newspapers and also depute your own officials for thorough investigations.

By endorsing the copy of this letter, we are requesting the concerned newspapers to provide authentic details to you so that they can safe guard their reputation which is tarnished by the Zilla Panchayath officials of Chickamaglore.

We are unable to understand the logic in accepting the versions of the guilty persons and rejecting the versions of the newspapers who religiously prepare their reports after detailed investigations, at the cost of facing defamation suits. Therefore their reports are more reliable than that of the guilty persons or interested persons.

Mean while we are also awaiting the copy of report submitted to you by the Deputy commissioner of Dakshina Kannada which has not been received by us so far.

Your faithfully,

For Peoples Union for Civil Liberties

P.B.D'Sa

re: Deccan Herald and Karavali Ake with a

Delhi National Office: 01, Sahayoga Apartments, Mayur Vihar-1, New Delhi-110 091, Work: 011-22750014, Fax (PP): 011 4215 1459

Karnataka State Office: No.46, Wellington Street, Richmond Town, Bangalore-560 075, Work: 080-2211109

request to offer their comments to S.H.R.C.

## MORTAL ATTACK ON MUSLIMS BY COMMUNAL ROWDIES

- 4) Two cattle traders Nazir and Muhammed Hasan were attacked allegedly by men belonging to Sangh Parivar groups. PUCL lodged a complaint with SHRC on 30.3.2009. SHRC sent it to the Inspector General of Police (WR). The latter's enquiry report accepted *in toto* by SHRC. Totally dissatisfied with this verdict, PUCL writes back to SHRC.

# PUCL

## PEOPLE'S UNION for CIVIL LIBERTIES

Father Muller Road, Valencia, Mangalore - 575 002, Work: 4252170, Fax: 4252174, E-mail: pucl\_sk@yahoo.com

"All that is necessary for evil forces to triumph in this world is for enough good people, to do nothing"-Edmund Burke

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**National Office:** 81, Sahayoga Apartments, Mayur Vihar-I, N  
**Karnataka State Office:** No.46, Wellington Street, Richmond Tower

*R.P.A.D.*

Mangalore  
30.03.2009

The Chairman,  
Karnataka State Human Rights Commission

Sir,

Sub: Very serious human rights violations by the police and a vigilante group

A regular cattle trader Nazir (33) of Kulai, Mangalore and his associate Muhammad Hassan had gone to Kundapur on 27<sup>th</sup> March to purchase cattle. On their way back, in the early hours of 28<sup>th</sup>, a large group of around 100 men allegedly from Sangh Parivar and wielding lethal weapons such as clubs, rods, swords etc, attacked them shouting casteist abuses. When both men fell down the group called the police. The police took the duo to the local government hospital. The group followed them. At the hospital the duo was threatened by the police (in the presence of the police) to sign statements prepared by the police saying that they were cattle thieves and their injuries were due to an accident. Out of mortal fear both men signed the statements.

On examining the duo and providing first-aid, doctors at the hospital opined that the men should be immediately shifted to Mangalore, since they didn't have the facilities for the required treatment. But the Kundapur police refused!!! Finally at the intervention of the local "Souharda Vedike" members the police relented and allowed the duo to be shifted to Mangalore. It was 5pm.

They have now been admitted to the Highlands hospital at Kankanady Mangalore. According to the hospital records Nazir has fractured both his legs, has a deep laceration on his head and abrasions all over his body. Hasan has a fracture in his left cheekbone and the nasal bone. Both need to be operated upon.

You are hereby requested to take note of and order an immediate inquiry into these very serious violations of human rights by the vigilante group and the Kundapur police who are apparently hand-in-gloves with the group.

Yours truly,  
For Peoples' Union for Civil Liberties, Mangalore

*H.B.D'Sa*  
**H.B.D'Sa**  
President





25/4

ಸಂಖ್ಯೆ:ಬೆಂಗಳೂರು/19/ಪ್ರವ/2009.  
(ಕೆ.ಎಸ್.ಹೆಚ್.ಆರ್.ಸಿ.)

ಇನ್‌ವೆಕ್ಟರ್ ಜನರಲ್ ಆಫ್ ಮೋಟಾರ್‌ವರ ಕಛೇರಿ,  
ಪಶ್ಚಿಮ ವಲಯ, ಮಂಗಳೂರು,  
ದಿನಾಂಕ: -06-2009.

ರಿಗೆ:

ರಿಜಿಸ್ಟ್ರಾರ್,  
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾನವ ಹಕ್ಕುಗಳ ಆಯೋಗ,  
4ನೇ ಮಹಡಿ, 5ನೇ ಭಾಗ,  
ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,  
ಡಾ|| ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,  
ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಹೆಚ್‌ಆರ್‌ಸಿ ಸಂಖ್ಯೆ: 1699/2009 - ಶ್ರೀ. ಪಿ.ಬಿ. ಡೇಸಾ, ಪಿ.ಯು.ಸಿ.ಎಲ್, ಮಂಗಳೂರು ಇವರು ಕುಂದಾಚಾರ ಮೋಟಾರ್ಸ್ ಉಣ್ಣೆ ಸರಹದ್ದಿನಲ್ಲಿ ಮಾನವ ಹಕ್ಕು ದುರುಪಯೋಗದ ಕುರಿತು ಕೆ.ಎಸ್.ಹೆಚ್.ಆರ್.ಸಿ.ಗೆ ದೂರು ಅರ್ಜಿ ನೀಡಿದ ಬಗ್ಗೆ - ವರದಿ ಸಲ್ಲಿಸುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1) ರಿಜಿಸ್ಟ್ರಾರ್, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾನವ ಹಕ್ಕುಗಳ ಆಯೋಗದವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಹೆಚ್‌ಆರ್‌ಸಿ 1699/ಸಿಆರ್/2009, ದಿನಾಂಕ: 06-04-2009, ದಿ: 19-05-2009  
2) ಮೋಟಾರ್ಸ್ ಅಧೀಕ್ಷಕರು ಉಡುಪಿ ಜಿಲ್ಲೆದವರ ವರದಿ ಸಂಖ್ಯೆ: 3/ಸಿ.ಬಿ/ಯು.ಡಿ/2009-10(ಅರ್ಜಿ), ದಿನಾಂಕ: 24-06-2009



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ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅರ್ಜಿದಾರರಾದ ಶ್ರೀ. ಪಿ.ಬಿ. ಡೇಸಾ, ಪಿ.ಯು.ಸಿ.ಎಲ್, ಮಂಗಳೂರುರವರು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾನವ ಹಕ್ಕು ಆಯೋಗ, ಬೆಂಗಳೂರುರವರಿಗೆ ಸಲ್ಲಿಸಿದ ದೂರು ಅರ್ಜಿಯಲ್ಲಿ ಕುಂದಾಚಾರ ಮೋಟಾರ್ಸ್ ಉಣ್ಣೆ ಸರಹದ್ದಿನಲ್ಲಿ ಅಧಿಕಾರಿಗಳು ಮಾನವ ಹಕ್ಕು ದುರುಪಯೋಗ ಮಾಡಿರುತ್ತಾರೆ ಎಂದಿತ್ತಾದುದಾಗಿರುತ್ತದೆ. ಈ ದೂರಿನ ಕುರಿತು ಮೋಟಾರ್ಸ್ ಅಧೀಕ್ಷಕರು, ಉಡುಪಿ ಜಿಲ್ಲೆದವರಿಂದ ವರದಿಯನ್ನು ಕೇಳಲಾಗಿದ್ದು, ಸದ್ವಿಷಯವರು ಮೋಟಾರ್ಸ್ ಉಪಾಧೀಕ್ಷಕರು, ಕುಂದಾಚಾರ ಉಪ-ವಿಭಾಗದವರ ಮುಖೇನ ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ವರದಿಯ ಸಾರಾಂಶ ಇಂತಿದೆ.

ದಿನಾಂಕ: 28/03/2009 ರಂದು ರಾತ್ರಿ ಸುಮಾರು 02-00 ಗಂಟೆ ಸಮಯಕ್ಕೆ ಅರೋಪಿಗಳಾದ 1) ವಜೀರ್, 2) ಮಹಮ್ಮದ್ ಮಾಸೂನ್, 3) ಶುನೀನ್, 4) ಅಕ್ರಮ್ ಇವರು ದನಕರುಗಳನ್ನು ಕಳವು ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಕೆ.ಎ-19-ಬಿ-5429ನೇ ಟಾಟಾ ಪಿಕಪ್ ವಾಹನದಲ್ಲೂ ಹಾಗೂ ಕೆ.ಎ-19-ಬಿ-5648ನೇ ಮೋಟಾರ್ ಸೈಕಲಿನಲ್ಲೂ ಬಂದವರು ಪಿರಾಡಿದಾರರ ಸ್ನೇಹಿತ ಅಶೋಕ ಅಗೋಡು ಎಂಬವರ ಮನೆಯ ಪಕ್ಕಿಯೊಳಗಿದ್ದ 2 ದನಗಳನ್ನು ಕಳವು ಮಾಡಿ ಅವುಗಳಲ್ಲಿ 1 ದನವನ್ನು ಅಲ್ಲೇ ಬಿಟ್ಟು ಇತರ ಕಡೆಗಿಂದ ತಂದು ತುಂಬಿಸಿದ್ದ 10 ಹಾಗೂ ಒಟ್ಟು 11 ದನಕರುಗಳನ್ನು ಮಾಂಸಕ್ಕಾಗಿ ವಧೆ ಮಾಡುವರೇ ಹಿಂಸಾತ್ಮಕ

ರೂಪದಲ್ಲಿ ಕೈ ಕಾಲು ಕಟ್ಟಿ ಸಾಗಾಟ ಮಾಡುವ ವೇಳೆ ಆರೋಪಿ 1 ಮತ್ತು 2ನೇಯವರು ತಂದಿದ್ದ ಕೆಎ-19-  
 ಎ-5648 ನೇ ಮೋಟಾರು ಸೈಕಲಿಗೆ ಸದ್ರಿ ಪಿಕ್‌ಅಪ್ ವಾಹನ ಡಿಕ್ಕಿ ಹೊಡೆದ ಪರಿಣಾಮ ಆರೋಪಿ 1 ಮತ್ತು  
 2ನೇಯವರು ಕೆಳಗೆ ಬಿದ್ದು ಕೈ ಕಾಲು ಮುಖಕ್ಕೆ ಗಾಯವಾಗಿರುತ್ತದೆ ಎಂಬುದಾಗಿ ಅತೋಕ, 24 ವರ್ಷ,  
 ತಂದೆ: ಶೀನ ಪೂಜಾರಿ, ವಾಸ: ಕಾಗೇರಿ, ಕೋಟೇಶ್ವರ ಗ್ರಾಮ, ಕುಂದಾಪುರ ಇವರು ನೀಡಿದ ದೂರಿನಂತೆ  
 ತಾಣೆಯಲ್ಲಿ ಅ.ಕ್ರ. 63/09, ಕಲಂ: 457, 380, 279, 337 ಐಪಿಸಿ ಮತ್ತು 11 (1)(ಡಿ) ಪ್ರಿವೆನ್ಷನ್ ಆಫ್  
 ಕ್ರೂವೆಲೆಟಿ ಆಫ್ ಅನಿಮಲ್ಸ್ ಆಕ್ಟ್ 1960 ಮತ್ತು ಕಲಂ: 8, 11 ಪ್ರಿವೆನ್ಷನ್ ಆಫ್ ಕೌನ್ಸಿಲ್ಲರ್ ಆಕ್ಟ್ 1964  
 ರಂತೆ ಪ್ರಕರಣ ದಾಖಲಿಸಿಕೊಂಡಿರುವುದಾಗಿದೆ. ಸದ್ರಿ ಗಾಯಾಳುಗಳನ್ನು ಕುಂದಾಪುರ ಸರಕಾರಿ ಆಸ್ಪತ್ರೆಗೆ  
 ದಾಖಲಿಸಿದ್ದು, ಬಳಿಕ ಹೆಚ್ಚಿನ ಚಿಕಿತ್ಸೆಗಾಗಿ ಮಂಗಳೂರಿಗೆ ಕೊಂಡು ಹೋಗಿರುವುದಾಗಿದೆ. ಕುಂದಾಪುರ  
 ಸರಕಾರಿ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ದಾಖಲಾದ ವೇಳೆಯಲ್ಲಿ ಕುಂದಾಪುರ ಸರಕಾರಿ ಆಸ್ಪತ್ರೆ ವೈದ್ಯಾಧಿಕಾರಿಯವರ  
 ಸಮಕ್ಷಮದಲ್ಲಿ ದಿನಾಂಕ: 28/03/2009 ರಂದು 04-30 ಗಂಟೆಗೆ ಶ್ರೀ. ನಜೀರ್, 30 ವರ್ಷ, ತಂದೆ:  
 ಚಯ್ಯಪ್ಪ, ವಾಸ: ಕುಳಾಯಿ ತೋಟ ಪೌಸ್, ಕುಳಾಯಿ ಗ್ರಾಮ, ಮಂಗಳೂರು ಇವರು ನೀಡಿದ  
 ಹೇಳಿಕೆಯನ್ನು ಪಿ.ಎಸ್.ಐ, ಕುಂದಾಪುರ ಇವರು ಪಡೆದುಕೊಂಡಿದ್ದು ಸಾರಾಂಶವು ಈ ರೀತಿ ಇರುತ್ತದೆ.  
 ದಿನಾಂಕ: 28/03/2009 ರಂದು ರಾತ್ರಿ 02-30 ಗಂಟೆಗೆ ಪಿರ್ಯಾದಿದಾರರು (ನಜೀರ್) ಹಾಗೂ ಅವರ  
 ಜೊತೆಗಾರರರಾದ ಮಹಮ್ಮದ್ ಮಾಸನ್, ಹುಸೇನ್ ಹಾಗೂ ಅಶ್ವತ್ಥ ಎಂಬವರು ವಕ್ರಾಡಿ ಎಂಬಲ್ಲಿ  
 ದನಗಳನ್ನು ಕಳವು ಮಾಡಿ ಪಿಕ್‌ಅಪ್ ವಾಹನದಲ್ಲಿ ಸಾಗಾಟ ಮಾಡುವ ವೇಳೆ ಪಿರ್ಯಾದಿದಾರರು ಹಾಗೂ  
 ಮಹಮ್ಮದ್ ಮಾಸನ್ ಎಂಬವರು ಬರಾಯಿಸುತ್ತಿದ್ದ ಮೋಟಾರ್ ಸೈಕಲಿಗೆ ಟಾಟಾ ಪಿಕ್‌ಅಪ್ ವಾಹನ  
 ಹಿಂದಿನಿಂದ ತಾಗಿ ಕೆಳಗೆ ಬಿದ್ದ ಪಿರ್ಯಾದಿದಾರರಿಗೆ ಹಾಗೂ ಮಹಮ್ಮದ್ ಮಾಸನ್‌ರವರಿಗೆ 3-4 ಜನ  
 ಯುವಕರು ದೋಷಿಯಿಂದ ಹೊಡೆದು ಹಲ್ಲೆ ನಡೆಸಿದ್ದಾಗಿರುತ್ತದೆ ಎಂಬುದಾಗಿ ನೀಡಿದ ಹೇಳಿಕೆಯನ್ನು  
 ಪಡೆದುಕೊಂಡು ತಾಣಾ ಅ.ಕ್ರ. 64/09, ಕಲಂ: 324, ಜೊತೆಗೆ 34 ಐ.ಪಿಸಿಯಂತೆ ಪ್ರಕರಣವನ್ನು ದಾಖಲು  
 ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ.

ಈ ಘಟನೆಯ ಕುರಿತಾಗಿ 1) ಅತೋಕ ಪೂಜಾರಿ, 30 ವರ್ಷ, ತಂದೆ: ಮಂಜು ಪೂಜಾರಿ, ವಾಸ:  
 ತೋಟದ ಬೆಟ್ಟು ಅಸೋಡು ಗ್ರಾಮ, ಕುಂದಾಪುರ, 2) ಮಂಜುನಾಥ ಭಟ್, 34 ವರ್ಷ, ತಂದೆ: ನರಸಿಂಹ  
 ಭಟ್, ವಾಸ: ಎಂ.ವಿ. ರಸ್ತೆ, ಕೋಟೇಶ್ವರ ಗ್ರಾಮ, ಕುಂದಾಪುರ, 3) ಸಂತೋಷ, 21 ವರ್ಷ, ತಂದೆ: ಬಚ್ಚ  
 ಪೂಜಾರಿ, ವಾಸ: ಮಾರ್ಕೊಡು, ಕೋಟೇಶ್ವರ, ಕುಂದಾಪುರ, 4) ಅಶೋಕ್, 24 ವರ್ಷ, ತಂದೆ: ಶೀನಪ್ಪ  
 ಪೂಜಾರಿ, ವಾಸ: ಕಾಗೇರಿ, ಕೋಟೇಶ್ವರ ಗ್ರಾಮ, ಕುಂದಾಪುರ, 5) ಗಣೇಶ್, 25 ವರ್ಷ, ತಂದೆ: ಅಣ್ಣಯ್ಯ  
 ಪೂಜಾರಿ, ವಾಸ: ಮಾರ್ಕೊಡು, ಕೋಟೇಶ್ವರ ಗ್ರಾಮ, ಕುಂದಾಪುರ ರವರುಗಳನ್ನು ವಿಚಾರಣೆ  
 ಮಾಡಲಾಗಿರುತ್ತದೆ. ಸಾಕ್ಷಿದಾರರುಗಳು ಪ್ರತ್ಯಕ್ಷ ಸಾಕ್ಷಿದಾರರರಾಗಿರುತ್ತಾರೆ.

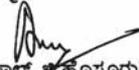
ದಿನಾಂಕ: 28-03-09 ರ ರಾತ್ರಿ ಸುಮಾರು 02-00 ಗಂಟೆ ಸಮಯಕ್ಕೆ ನಾಯಿ  
 ಬೊಗಳುವುದು ಕೇಳಿ ಹೊರ ಬಂದಾಗ ಅತೋಕನ ಮನೆಯ 2 ಜಾನುವಾರುಗಳನ್ನು ಕಳ್ಳರು ಕಳವು  
 ಮಾಡಿಕೊಂಡು ಹೋಗುತ್ತಿದ್ದುದನ್ನು ಕಂಡು ಬೆನ್ನಟ್ಟಿದ್ದಾಗ, ನಜೀರ್ ಮತ್ತು ಮಹಮ್ಮದ್ ಮಾಸನ್

ಎಂಬುವರು ಕೆ.ಎ-19-ಎ-5648ನೇ ಮೋಟಾರು ಸೈಕಲಿನಲ್ಲಿ ಅಶ್ರಫ್ ಹಾಗೂ ಹುಸೇನ್ ಇವರು ಕೆಎ-19-ಬಿ-5429ನೇ ಟಾಟಾ ಮೊಬೈಲ್ ವಾಹನದಲ್ಲಿ ಪರಾರಿಯಾಗಿದ್ದು, ಈ ವೇಳೆಯಲ್ಲಿ ಟಾಟಾ ಒಪ್‌ಲವ್ ವಾಹನ ನಜೀರ್ ಇವರು ಚಲಾಯಿಸುತ್ತಿದ್ದ ಮೋಟಾರು ಸೈಕಲಿಗೆ ಡಿಕ್ಕಿ ಹೊಡೆದು ನಜೀರ್ ಮತ್ತು ಮಹಮ್ಮದ್ ಮಾಸನ್ ಇವರು ಕೆಳಗೆ ಬಿದ್ದು ಗಾಯಗೊಂಡಿದ್ದು, ಗಾಯಗೊಂಡವರನ್ನು ಉಪಚರಿಸಿ, ಪೊಲೀಸರಿಗೆ ಮಾಹಿತಿ ನೀಡಿದ್ದು, ಪೊಲೀಸರು ಬಂದು ಗಾಯಾಳುವನ್ನು ಆಸ್ಪತ್ರೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಲು ಸಹಕರಿಸಿರುವುದಾಗಿ ನುಡಿದಿರುತ್ತಾರೆ. ಸಾಕ್ಷಿದಾರರು ಈ ಪ್ರಕರಣದ ಆರೋಪಿಗಳಿಗೆ ಹೊಡೆದಿರುವುದಾಗಲೀ, ಪೊಲೀಸರ ಸಮಕ್ಷಮ ಬೈದಿರುವುದಾಗಲೀ, ಗಾಯಾಳುಗಳನ್ನು ಆಸ್ಪತ್ರೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗದಂತೆ ಮಾಡಿರುವುದಾಗಲೀ ಇರುವುದಿಲ್ಲವಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಅಲ್ಲದೇ ಪಿ.ಎಸ್.ಐ. ಕುಂದಾಪುರ ಇವರು ಗಾಯಾಳುಗಳ ಮನೆಯವರಿಗೆ, ಸ್ನೇಹಿತರಿಗೆ ವಿಷಯ ತಿಳಿಸಲು ದೂರವಾಣಿ ಸಂಪರ್ಕ ಕಲ್ಪಿಸಿಕೊಟ್ಟಿರುತ್ತಾರೆ. ಅಲ್ಲದೇ ಗಾಯಾಳುಗಳನ್ನು ಹೆಚ್ಚಿನ ಚಿಕಿತ್ಸೆ ಬಗ್ಗೆ ವೈದ್ಯರು ಬೇರೆ ಆಸ್ಪತ್ರೆಗೆ ದಾಖಲಿಸಲು ತಿಳಿಸಿದ ಸಂದರ್ಭದಲ್ಲಿ ಬೇರೆ ಆಸ್ಪತ್ರೆಗೆ ಸಾಗಿಸದಂತೆ ಯಾವುದೇ ಅಕ್ಷೇಪವನ್ನು ವ್ಯಕ್ತಪಡಿಸಿರುವುದಿಲ್ಲವಾಗಿ ತಿಳಿದುಬಂದಿರುತ್ತದೆ. ಕುಂದಾಪುರ ತಾಣಾ ಎ.ಎಸ್.ಐ ಹಾಗೂ ಸಿಬ್ಬಂದಿಯವರು ಗಾಯಾಳುಗಳೊಂದಿಗೆ ಅನುಚಿತವಾಗಿ ವರ್ತಿಸಿರುವುದಿಲ್ಲವೆಂದು ತಿಳಿದು ಬಂದಿರುತ್ತದೆ. ಅವರಿಗೆ ಒದಗಿಸಬೇಕಾದಂತಹ ಮೂಲಭೂತ ಹಕ್ಕನ್ನು ಮೊಟಕುಗೊಳಿಸದೇ ಎಲ್ಲಾ ಸೌಲಭ್ಯಗಳನ್ನು ಒದಗಿಸಲಾಗಿರುತ್ತದೆ. ಮಾನವ ಹಕ್ಕುಗಳನ್ನು ಉಲ್ಲಂಘನೆ ಮಾಡಿರುವುದಿಲ್ಲವಾಗಿ ವಿಚಾರಣೆಯಿಂದ ತಿಳಿದುಬಂದಿರುತ್ತದೆ. ಈ ಎರಡು ಪ್ರಕರಣಗಳಲ್ಲಿ ಅ.ಕ್ರ. 63/09, ಕಲಂ: 457, 380, 279, 337 ಐಪಿಸಿ ಮತ್ತು 11 (1) (ಡಿ) ಟ್ರಿವೆನ್‌ಷನ್ ಆಫ್ ಕೂವೆರಿಟಿ ಆಫ್ ಅನಿಮಲ್ಸ್ ಆಕ್ಟ್ 1960 ಮತ್ತು 8, 11 ಟ್ರಿವೆನ್‌ಷನ್ ಆಫ್ ಕೌನ್ಸಿಲ್ಲರ್ ಆಕ್ಟ್ 1964ನ್ನು ಶ್ರೀ. ಸತೀಶ್. ಪಿ.ಎಸ್.ಐ. ಕುಂದಾಪುರ ಪೊಲೀಸ್ ಠಾಣೆ ಇವರು ಹಾಗೂ ತಾಣಾ ಅ.ಕ್ರ. 64/09 ಕಲಂ: 324, ಜೊತೆಗೆ 34 ಐ.ಪಿ.ಸಿ. ಯನ್ನು ಕುಂದಾಪುರ ಪೊಲೀಸ್ ಠಾಣೆಯ ಎ.ಎಸ್.ಐ. ಶ್ರೀ. ಸುಬ್ಬ ಇವರು ತನಿಖೆಯನ್ನು ನಡೆಸುತ್ತಿದ್ದು, ಸದ್ದಿ ಎರಡು ಪ್ರಕರಣಗಳು ತನಿಖಾ ಹಂತದಲ್ಲಿದ್ದು ತನಿಖಾಧಿಕಾರಿಗಳಿಗೆ ಸೂಕ್ತ ಸೂಚನೆಯನ್ನು ನೀಡಲಾಗಿದೆ ಎಂಬುದಾಗಿ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಉಡುಪಿ ಜಿಲ್ಲೆರವರು ತಮ್ಮ ವರದಿಯಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಉಡುಪಿ ಜಿಲ್ಲೆರವರ ಉಲ್ಲೇಖ-(2)ರ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ನಾನು ಅನುಮೋದಿಸುತ್ತೇನೆ. ಸದ್ದಿಯವರ ವರದಿ, ಮೂಲ ಅರ್ಜಿ, ಹೇಳಿಕೆಗಳ ಪ್ರತಿಗಳನ್ನು ಈ ವರದಿಯೊಂದಿಗೆ ಲಗತ್ತಿಸಿ ನಿವೇದಿಸಲಾಗಿದೆ.

ಅಡಕ:

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(ಗೋಪಾಲ್ ಪಿ.ಹೊಸೂರು),  
ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಜನರಲ್ ಆಫ್ ಪೊಲೀಸ್,  
ಪತ್ತಿಮ ವಲಯ, ಮಂಗಳೂರು.



**PEOPLE'S UNION for CIVIL LIBERTIES**

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It is not if necessary for evil forces to triumph in this world is for enough good people. to do nothing - Edmund Burke

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ಮಂಗಳೂರು  
26.9.2009

ಮಾನ್ಯ ಸಹಾಯಕ ವಿಲೇವಾರಿಗಳಾದ  
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾನವ ಹಕ್ಕುಗಳ ಆಯೋಗ

ವಿಷಯ: ತಮ್ಮ ಪತ್ರ ಸಂಖ್ಯೆ: ಮಾ.ಪ.ಆ / ಹೇ.ಕೋ 1699/2009

ಮಾನ್ಯರೇ,

ತಮ್ಮ ಮೇಲ್ಕಂಡ ಪತ್ರ ಕಲಿಸಿದೆ.

ಕರಾವಳಿ ಜಿಲ್ಲೆಗಳ ಬಹುತೇಕ ಪೊಲೀಸ್ ಠಾಣೆಗಳು ಕೇಸರಿಕೆರಣಕ್ಕೆ ತುತ್ತಾಗಿದ್ದು ಕುಂದಾಪುರದ  
ಠಾಣೆಯೂ ಇವುಗಳ ಪೈಕಿ ಒಂದು. ಇದಕ್ಕೆ ಇದೇ ವಿಕ್ಟಿಲ್ 1ರಂದು ಕರಾವಳಿ ಮಹಿಳಾ ಎಂಬ  
ಜಾನುವಾರು ಸಾಗಾಟದಲ್ಲಿ ತೊಡಗಿಕೊಂಡಿದ್ದ ಮತ್ತೊಬ್ಬ ಯುವಕನ ಅಸಹಜ ಸಾವಿನ ಪ್ರಕರಣ  
ಮತ್ತೊಂದು ಉದಾಹರಣೆಯಾಗಿದೆ. ಆದುದರಿಂದ ಬಜರಂಗದಳ, ಶ್ರೀರಾಮ ಗಣೇಸಿಯಂತಹ  
ಸಂಘಪಂಚಾರದ ಅಂಗಸಂಸ್ಥೆಗಳಿಂದ "ಗೋ ರಕ್ಷಣೆ" ಹೆಸರಿನಲ್ಲಿ ಅಲ್ಪಸಂಖ್ಯಾತ ಮುಸ್ಲಿಮರ ಮೇಲೆ  
ಮಾರಣಾಂತಿಕ ದಾಳಿಗಳಾದ ಸಂದರ್ಭಗಳಲ್ಲಿ ಇಲ್ಲಿನ ಪೊಲೀಸರಿಂದ ನಿಷ್ಪಕ್ಷಪಾತ ತನಿಖೆಯನ್ನು  
ನಿರೀಕ್ಷಿಸಲು ಸಾಧ್ಯವಿಲ್ಲ.

ನಿರೀಕ್ಷೆ, ಕುಳುಗಾ ಇವರ ಮೇಲೆ ಸಂಭವಿಸಿದಾಗಿನ ಗೂಢಾಡಗಳ ನಡವಿಳಿ ಮಾರಣಾಂತಿಕ ದಾಳಿಯ  
ಪರಿಣಾಮವಾಗಿ ಅವರ ಎರಡೂ ಕಾಲುಗಳ ಎಲುಬುಗಳು ಮುರಿದಿದ್ದು ಇಂದಿಗೂ ಮಲಗಿದ್ದಲ್ಲಿ ಇದ್ದಾರೆ.  
ಅವರ ಬದುಕುವ ಹಕ್ಕಿನ ಗಂಭೀರ ಉಲ್ಲಂಘನೆ ಆಗಿದೆ. ನಮ್ಮ ದೊರೆತ ಕುರಿತಂತೆ ಕುಂದಾಪುರ  
ಪೊಲೀಸರ ಮಾಹಿತಿ ಆಧಾರಿತ ನುಡುಬಿಡುಗಡೆಗಳು, ಪ್ರತಿಯೂ ವಲಯ ಇವರ ವರದಿಗಳ ತುಳುಕು ವರದಿ  
ನಿಷ್ಪಕ್ಷಪಾತವಾಗಿ ನಡೆದಿರುವುದಿಲ್ಲವೆಂದು ನಾವು ಈ ಮೂಲಕ ಹೇಳಲಿಚ್ಛಿಸುತ್ತೇವೆ. ಆದುದರಿಂದ ಸದರಿ  
ವರದಿಯನ್ನು ನಾವು ಸಂಪೂರ್ಣವಾಗಿ ತಿರಸ್ಕರಿಸುತ್ತೇವೆ ಮತ್ತು ಸ್ವತಂತ್ರ ಸಂಸ್ಥೆಗಳ ಮೂಲಕ ತನಿಖೆ  
ನಡೆಸಬೇಕಾಗಿ ಕೋರಿಕೊಳ್ಳುತ್ತೇವೆ.

ಇತಿ ಶ್ರೀಮತಿ ವಿಜಯ  
ಪಿ.ಬಿ.ದೇವ  
(ಅಧ್ಯಕ್ಷರು)

ಕಾನೂನು  
KANGADY (575002)  
BLAD 110917  
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HRC NO.2105/2009 DEMOLITION OF ZOPPADPATTIES BELONGING TO DALITS

- 5) In 2009 some 60-odd houses belonging to poor persons at Shaktinagar in Mangalore are demolished by the authorities. PUCL's complaint to SHRC gets forwarded to the Deputy Commissioner of the district. PUCL is not satisfied with DC's reply and protests to SHRC. SHRC's final report 2105/2009 dated 15.1.2010 asks for a proper survey of the damages and directs the city corporation to arrange to provide roofs to the homeless and report back on action taken.

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾನವ ಹಕ್ಕುಗಳ ಆಯೋಗ  
ಬೆಂಗಳೂರು

ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ: 2105/2009

ದಿನಾಂಕ 15.01.2010

ಉಪಸ್ಥಿತರು:

ಶ್ರೀ ಬಿ. ಪಾರ್ಥಸಾರಥಿ, ಗೌರವಾನ್ವಿತ ಸದಸ್ಯರು

ನಡುವೆ:

ಅಧ್ಯಕ್ಷರು,

ಪೀಪಲ್ಸ್ ಯೂನಿಯನ್ ಫಾರ್ ಸಿವಿಲ್ ಲಿಬರ್ಟಿಸ್,

ಫಾದರ್ ಮುಲ್ಲರ್ ರಸ್ತೆ,

ವಾಡೆನೈಯ,

ಮಂಗಳೂರು - 575 002

ದೂರುದಾರರು

ಮತ್ತು:

ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು,

ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ,

ಮಂಗಳೂರು.

ಎದುರುದಾರರು

ಆದೇಶ

ಶ್ರೀ ಬಿ. ಪಾರ್ಥಸಾರಥಿ, ಗೌರವಾನ್ವಿತ ಸದಸ್ಯರು

ದೂರುದಾರರಾದ ಪೀಪಲ್ಸ್ ಯೂನಿಯನ್ ಆಫ್ ಸಿವಿಲ್ ಲಿಬರ್ಟಿಸ್ ಇದರ ಅಧ್ಯಕ್ಷರ ಸಲ್ಲಿಸಿದ ಮನವಿಯಲ್ಲಿ ಮಂಗಳೂರು ಮಹಾನಗರದ ಶಕ್ತಿ ನಗರದಲ್ಲಿ 60 ಸಣ್ಣ ಮನೆಗಳು ಇದ್ದು ಮಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯವರು ಒಡೆದು ಹಾಕಿದ ಬಗ್ಗೆ ವತ್ತಿಕಾ ವರದಿಗಳಲ್ಲಿ ಬಂದಿರುವ ವರದಿಯನ್ನು ಲಗತ್ತಿಸಿ ದೂರು ಸ್ವೀಕರಿಸಿದ್ದಾರೆ.

ದೂರನ್ನು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಮಂಗಳೂರು ಇವರಿಗೆ ವರದಿಗಾಗಿ ಕಳುಹಿಸಿದಾ ಅವರು ತಹಶೀಲ್ದಾರರು ಮತ್ತು ಅಯುಕ್ತರು, ಮಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮಂಗಳೂರು ಇವರು ಸ್ಥಳ

...2

ಪರಿಶೀಲನೆ ಮಾಡಿದಾಗ 52 ನಿರೀಕ್ಷೆಗಳನ್ನು ಅತಿಕ್ರಮಿಸಿ ಮನೋಗಾಂಪಿ ಅನಧಿಕೃತವಾಗಿ ಇತರರು ನಿರ್ಮಿಸುತ್ತಿರುವುದು ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಅನಧಿಕೃತ ನಿರ್ಮಾಣವನ್ನು ಕಾನೂನು ರೀತಿಯಲ್ಲಿ ತೆರವುಗೊಳಿಸುವುದಾಗಿ ವರದಿ ಮಾಡಿದ್ದಾರೆ.

ವರದಿಯ ಪ್ರತಿಯನ್ನು ದೂರುದಾರರಿಗೆ ಕಳುಹಿಸಿದಾಗ ಅವರು ಅಭಿಪ್ರಾಯ ವ್ಯಕ್ತಪಡಿಸಿ, 13 ವರ್ಷದಿಂದ ಅವರುಗಳು ವಾಸಿಸಲು ಸೌಲಭ್ಯಗಳನ್ನು ಕಲ್ಪಿಸಿದ್ದು, ಈ ರೀತಿ ತೆರವು ಮಾಡಿರುವ ಕ್ರಮದ ಬಗ್ಗೆ ಮಾನವ ಹಕ್ಕುಗಳ ಅರ್ಯೋಗ್ಯ ರಕ್ಷಣೆ ನೀಡಬೇಕೆಂದು ಕೋರಿದ್ದಾರೆ.

ದೂರು, ಪತ್ರಿಕಾ ವರದಿಗಳು, ಚಿಲ್ಟಾಧಿಕಾರಿಗಳ ವರದಿ ಹಾಗೂ ವರದಿಯ ಮೇಲೆ ದೂರು ಅಭಿಪ್ರಾಯ ಇವೆಲ್ಲವನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಇದು ಸರ್ಕಾರದ ಮತ್ತು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಹಾಗೂ ಅನಧಿಕೃತವಾಗಿ ಮನೋಗಾಂಪಿ ಕಟ್ಟಲಾಗಿದೆ. ಇದನ್ನು ಮಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯವರು ತೆರವುಗೊಳಿಸುವುದಾಗಿ ವರದಿ ಮಾಡಿದ್ದಾರೆ.

ದೂರುದಾರರ 13 ವರ್ಷದಿಂದ ವಾಸ ಮಾಡುತ್ತಿದ್ದು ಇಲ್ಲಿ ಯಾರೂ ನಿರೀಕ್ಷೆ ರಹಿತವು ಎನ್ನುವುದನ್ನು ಪರಿಶೀಲಿಸಿ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಬೇಕಾದ್ದು ಮಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಕರ್ತವ್ಯವಾಗಿದೆ. ಇದರ ಬಗ್ಗೆ ಸೂಕ್ತ ಸರ್ವೆ ಮಾಡಿ, ಇಲ್ಲಿ ಯಾರಾದರೂ ನಿರೀಕ್ಷೆ ರಹಿತವು ಇದ್ದರೆ ಮಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯು ಸರ್ಕಾರದಲ್ಲಿದ್ದ ಯೋಜನೆಗಳಲ್ಲಿ ಸೂಚನೆ ಕೊಡಿಸುವುದರ ಬಗ್ಗೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಸೂಚನೆ ನೀಡಲಾಗಿದೆ ಹಾಗೂ ತೆಗೆದುಕೊಂಡ ಕ್ರಮದ ಬಗ್ಗೆ ವರದಿಯನ್ನು ಅರ್ಯೋಗ್ಯ ಸಲ್ಲಿಸಬೇಕೆಂದು ನಿರ್ದೇಶನ ನೀಡಲಾಗಿದೆ.

ಪ್ರಕರಣ ಸಂಖ್ಯೆ ಹೆಚ್.ಆರ್.ಸಿ. 2105/2009 ನ್ನು ಅದೇ ರೀತಿ ಇತ್ಯರ್ಥಪಡಿಸಲಾಗಿದೆ.



"ಪ್ರತಿ"  
 State Engineer  
 Karnataka State Human Rights Commission  
 Bangalore

(ಬಿ. ಪಾರ್ಥಸಾರಥಿ)  
 ಸದಸ್ಯರು.

**PUCL****PEOPLE'S UNION FOR CIVIL LIBERTIES**

Father Piller Road, Valencia, Mangalore 575 002, Work: 4252170, F mail: pucl sk@yahoo.com

All that is necessary for evil forces to triumph in this world is for enough good people, to do nothing' Edmund Burke

Date: 24-10-2009

Founder  
**Jaya Prakash Narayan**

Dakshina Kannada  
 District President  
**P.B. D'Sa**  
 Call : 800820188  
 Work : 0824-4252170  
 E-mail: pucl\_sk@yahoo.com

District Vice President  
**Jimmy Lewis**  
 Call: 98451-88023

Dakshina Kannada  
 District Joint Secretary  
**Bertram Pinto**  
 Phone: 0824-2492721

National President  
**K.G. Kamalabhanu**  
 Work: 040-27730632  
 040-27753745

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**Registrar,**

**Karnataka State Human Rights Commission,**  
**4<sup>th</sup> floor, Multi Storage Building,**  
**Bangalore**

RPAO

Sir,

Sub: HRC 2105/09

Ref: Your letter dated 14/09/09 received on 01/10/09

With reference to the letter cited above we wish to state that the reply sent to you by the DC, Mangalore is not to our satisfaction.

1. DC who represents the state is not only responsible to maintain law and order, but he is also responsible to safeguard the Human Rights of the citizens as spelt out in the U.N declaration of Human Rights dated 10-12-1948.
2. The D.C and his administration and the local bodies concerned have actively encouraged the alleged encroachers to occupy Govt land, build huts and houses and live there for more than 13 years peacefully and provided them electricity, water, drainage etc. Roads around the place are improved and maintained by the concerned bodies and public transport provided as also street lighting is also provided. Even ration cards and voters identity cards are provided to many of them.
3. When the Govt and Govt administration provides basic facilities on one hand they cannot withdraw or destroy or derecognize them on the other hand.
4. We have provided you necessary newspaper reports to prove that squatters rights when they occupy Govt lands are recognized all over the world.

de-recognize

Delhi National Office: 81, Sahayoga Apartments, Mayapuri Vihar-I, New Delhi-110 091, Work: 011-22750014, Fax (PP): 011-4215 1459  
 Karnataka State Office: No 46, Wellington Street, Richmond Town, Bangalore-560 025, Work: 080-2211109

Send along  
 with the  
 records letter

5. Various Govts have provided basic facilities to squatters in several zopadpaties [ slums] all over India specially in urban areas and cities and Metropolitan areas.
6. Besides, rich people with influence at proper places are allowed to encroach Govt lands, places coming under CRZ (coastal regulations zone) while poor people are tortured and thrown to the streets .
7. This cannot be allowed to happen. SHRC has to protect these poor people by safe guarding their rights to life with dignity, rights to shelter, rights for survival, rights to food etc.
8. All concerned authorities have allowed footpaths and Govt lands to be unauthorizdly occupied by street vendors who are doing commercial activity, while those who have build shelter are thrown out to the street with their utensils, cooked food etc as well as children's books, slates etc.
9. KSHRC and NGOs like us cannot be silent spectators to this crude, rude and unjust, nofair and inhuman treatment.

Please protect the poor man.

Your faithfully,

For People's Union for Civil Liberties



P.B.D'Sa

6) Fact-finding report on the atrocities committed by the police on Tejaswiraj, former president of NSUI, Mangalore. We sent this report not only to SHRC but also to NHRC and wrote to the Govt to dismantle all the unauthorized torture chambers that are secretly functioning all over the state in which innocent victims are tortured by using third degree methods which are totally banned by Supreme Court as well as United Nations. We need to educate the victims to file private criminal cases in the courts and take the Police to task and expose their uncivilized behavior. There is no other remedy for these hardened criminals in khaki.

## **Report on the custodial torture on Tejaswiraj, President of National Students Union of India, D.K.**

PUCL representative met Tejaswiraj in room no: 210 at the AJ Hospital near Kottara junction, Mangalore. It is observed that his right leg and thigh are completely covered in bandage. He has difficulty in walking. The following is an account of the circumstances surrounding Tejaswiraj's arrest as narrated by him:

*The main accused Riyaz is a friend of a certain Radhakrishna's acquaintance. This person Radhakrishna is a childhood friend of Tejaswiraj. About one year ago, Riyaz was taken to a mobile shop in Falnir by one Sajid. Riyaz had made some purchases in that mobile shop through credit card. This was a fraudulent transaction.*

*Why did the police, who now claim that they have a CD of the CCTV recording of that transaction in the shop, had not taken any action for nearly one year? The Falnir mobile shop falls under the Pandeshwar PS and not under the Mangalore Rural station. Sajid, arrested recently by the Mangalore Rural police, gave them the name of his friend Majid. Majid was called to the Mangalore Rural PS on Monday(29<sup>th</sup> June?). This person Majid gave Radhakrishna's and Tejaswiraj's telephone numbers to the police.*

*Immediately Tejaswiraj was called to the Mangalore Rural police station. The moment he set eyes on Tejaswiraj the Sub Inspector Prakash, said, "Oh, we have been waiting for long to get hold of you. Wait for 5 minutes."*

*All of a sudden Tejaswiraj's eyes were blindfolded and he was driven to some unknown location. Upon reaching there his blindfold was removed and he managed to see that he was at a house on top of a hill and the vehicle that*

brought him was a private silver-coloured Travera. The location could be somewhere around Neerumarga.

Within five minutes SI Prakash made his appearance in this place. He asked Tejaswiraj to show the credit card. Tejaswiraj replied that he did not possess any credit card. But he was repeatedly beaten and subjected to roller treatment. Finally he could not bear it any more and said yes and showed his ATM card and said this all that I have. SI Prakash abused him and said, "Now that I have caught you I'll show you what police is. You have a bias against the police hunh? .....I'll see to it that you won't get into politics any more. I have CCTV records of you inside the shop." He then called up the Kavoore SI Anantha Padmanabha and forced Tejaswiraj to apologise to him.

On the following afternoon Tejaswiraj was transferred to the Pandeshvar PS. There he was kept for 3 days since he had been charged under non-bailable offences. Finally on the evening of Friday the 3<sup>rd</sup> he managed to obtain conditional bail. Immediately he got himself admitted in AJ Hospital. Though the hospital has now sent a medico-legal report to the Kadri PS, till now no one has visited the hospital.

**Tejaswiraj has also made an important observation that there are four Muslim youth undergoing torture in the same house that he was detained in.**

### **Observations and comments**

Tejaswiraj is the president of the district unit of the National Students Union of India (NSUI) which is affiliated to the Congress Party. He has been very active in exposing and protesting the misdeeds of Sangh Parivar. He had led student protests against the government-sponsored "Movement Against Terrorism" organised by Akhil Bharatiya Vidyarthi Parishat (ABVP). This so-called movement was clearly meant to further divide the student community on communal lines. Thus Tejaswiraj has been a thorn on the side of the ABVP and its mentors, Rashtriya Swayamsevak Sangh (RSS) and Bharatiya Janata Party (BJP). The Sangh Parivar has been wanting to target him since a long time and now that there is a majority BJP government in power, the witch hunt has started.

The targets are secular groups and persons like Tejaswiraj and the minorities.

It is a fact that the Dakshina Kannada police force has become saffronised to a great extent. This has happened over a long period of time and has been done systematically by the Sangh Parivar as part of their larger agenda. If Dakshina Kannada today has become one of the most communal hot spots in the entire country, then part of the credit is due to this saffronised police force. SI Prakash and many other policemen with diseased brains are the sad end-results of very, very clever RSS propaganda. Such policemen are unfit to be in the Indian police because they have no respect for the secular values of the Indian Constitution. They have been brain-washed by RSS to such an extent that it has turned them into blind minority-haters. They arrest members of minority communities, especially Muslims, and subject them to torture on the smallest pretext/suspicion. During the recent attacks on Christian churches, the Sangh Parivar bias of the police was very much in evidence. This has been witnessed and recorded on video. A report on the incident that appeared in the Kannada daily newspaper "Karavali Ale" dated 6/7/09 is enclosed.

Reportedly SI Anantha Padmanabha and SI Pramod are relations of the present district-in-charge minister.

This report is prepared by M/s. P.B. D'Sa, James Lewis and Suresh Bhat of People's Union for Civil Liberties. Dakshina Kannada

For People's Union for Civil Liberties

**P.B.D'Sa**

**James Lewis**

**Suresh Bhat**

Date :7/7/09

Copies of Report forwarded to:-

1. State Human Rights Commission to probe into the incident particularly into the torture chambers created by the Police in D.K. and take appropriate steps to stop custodial torture.

2. Superintendent of Police. D.K. with a request to file an FIR on the basis of this report against S.I. Prakash and others for torturing Tejaswiraj,
3. Inspector General of Police, Western Range for necessary action
4. DGP & IG Karnataka State, Bangalore, for necessary action and with a strong request to transfer all policemen who have been in the district for more than a period of three years.

This report was forwarded to the SHRC on 7.7.2009. A copy of the above report was also sent to the NHRC. Both NHRC and SHRC rejected it saying it was unsigned. Fact is, out of the three people who prepared the report, one signature was inadvertently missed. PUCL once again sent a report duly signed by all three on 8.9.2009. But there is no response till now.

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## Important information that a citizen should know

### ANNEXURE I

# Supreme Court Directions in Prakash Singh Case

#### **Directive-I: State Security Commission**

1. Commission already functioning or not?
2. Names and particulars of the Chairman/ Members?
3. How many meetings held so far with dates of such meetings?
4. Whether any reports placed before the State Assembly?

#### **Directive-II: Selection & Tenure of Director General of Police**

1. How many times DGP changed in previous 3 years?
2. Method adopted for empanelment of officers for DGP's post, each time?
3. How many officers included in the panel?
4. Seniority-wise Serial No. of the officer selected as DGP, in the selection panel?

#### **Directive-III: Minimum Tenure of Other Officers**

1. Details of officers (Officers in charge of Police Stations, District SPs, Range DIGs & Zonal IGs) transferred out from their posts in less than 2 years of posting
2. Grounds for such transfer, in each case?

#### **Directive-IV: Separation of Investigation from Law & Order**

1. Whether or not earmarked staff since provided for crime investigation work at police station level, in at least urban areas with population of 10 lakh & more?
2. Is such dedicated staff actually available for investigation work now?

**Directive–V: Police Establishment Board**

1. Police Establishment Board created or not?
2. If yes, with what composition?
3. What are its assigned functions?
4. Cases, if any, in which the decisions of the Board were set aside or modified by the State Govt/ Secretariat?

**Directive–VI: Police Complaints Authorities**

1. Complaints Authorities at the State & District levels created or not?
2. Composition of such Authorities, with names & particulars of Chairman/ Members?
3. Whether adequate staff & infrastructural facilities provided or not?
4. How effective are the Authorities in their functioning?

3

## ANNEXURE II

# REQUIREMENTS FOR ARREST, DETENTION, INTERROGATION

8th March 2005  
D. K. BASU JUDGMENT

“ Custodial violence, including torture and death in the lock-ups, strikes a blow at the rule of law, which demands that the powers of the executive should not only be derived from law but also that the same should be limited by law.....”

Transparency of action and accountability perhaps are two possible safeguards which this Court must insist upon.”

D.K.Basu vs. State of West Bengal (1997) 1 SCC 216

In view of the increasing incidence of violence and torture in custody, the Supreme Court of India has laid down 11 specific requirements and procedures that the police and other agencies have to follow for the arrest, detention and interrogation of any person. These are:

Police arresting and interrogating suspects should wear “accurate, visible and clear” identification and name tags, and details of interrogating police officers should be recorded in a register.

- ✍ A memo of arrest must be prepared at the time of arrest. This should:
- ✍ have the time and date of arrest.
- ✍ be attested by at least one witness who may either be a family member of the person arrested or a respectable person of the locality where the arrest was made.
- ✍ be counter-signed by the person arrested.
- ✍ The person arrested, detained or being interrogated has a right to have a relative, friend or well-wisher informed as soon as practicable, of the arrest and the place of detention or custody. If the person to be informed has signed the arrest memo as a witness this is not required.

- ✍ Where the friend or relative of the person arrested lives outside the district, the time and place of arrest and venue of custody must be notified by police within 8 to 12 hours after arrest. This should be done by a telegram through the District Legal Aid Authority and the concerned police station.
- ✍ The person arrested should be told of the right to have someone informed of the arrest, as soon as the arrest or detention is made.
- ✍ An entry must be made in the diary at the place of detention about the arrest, the name of the person informed and the name and particulars of the police officers in whose custody the person arrested is.
- ✍ The person being arrested can request a physical examination at the time of arrest. Minor and major injuries if any should be recorded. The "Inspection Memo" should be signed by the person arrested as well as the arresting police officer. A copy of this memo must be given to the person arrested.
- ✍ The person arrested must have a medical examination by a qualified doctor every 48 hours during detention. This should be done by a doctor who is on the panel, which must be constituted by the Director of Health Services of every State.
- ✍ Copies of all documents including the arrest memo have to be sent to the Area Magistrate (Iaqa Magistrate) for his record.
- ✍ The person arrested has a right to meet a lawyer during the interrogation, although not for the whole time.
- ✍ There should be a police control room in every District and State headquarters where information regarding the arrest and the place of custody of the person arrested must be sent by the arresting officer. This must be done within 12 hours of the arrest. The control room should prominently display the information on a notice board.

These requirements were issued to the Director General of Police and the Home Secretary of every State. They were obliged to circulate the requirements to every police station under their charge. Every police station in the country had to display these guidelines prominently. The judgment also encouraged that the requirements be broadcast through

radio and television and pamphlets in local languages be distributed to spread awareness.

Failure to comply with these requirements would make the concerned official liable for departmental action. Not following these directions constitutes a contempt of the Supreme Court, which is a serious offence, punishable by Imprisonment and fine. This contempt of court petition can be filed in any High Court.

These requirements are in addition to other rights and rules, such as:

- ✍ The right to be informed at the time of arrest of the offence for which the person is being arrested.
- ✍ The right to be presented before a magistrate within 24 hours of the arrest.
- ✍ The right not to be ill-treated or tortured during arrest or in custody.
- ✍ Confessions made in police custody cannot be used as evidence against the accused.
- ✍ A boy under 15 years of age and women cannot be called to the police station only for questioning.

### **The Constitution**

The Constitution of India, which is the basic law of the country, provides protection to all persons from ill treatment and torture by the police and other state agencies.

#### Article 21

Guarantees the right to life and personal liberty to all persons.

#### Article 22

Lays down the rights available at the time of arrest and detention. These rights can be enforced by directly approaching the High Courts and the Supreme Court of India.

## Dakshina Kannada Police Diary

| SL | OFFICERS                         | STD  | OFFICE  | OFFICIAL MOBILE |
|----|----------------------------------|------|---------|-----------------|
| 1  | IGP W/R                          | 0824 | 2220501 | 9480800032      |
| 2  | MANGALORE POLICE<br>COMMISSIONER |      |         | 9480805952      |
| 3  | S.P. D.K                         | 0824 | 2220503 | 9480805301      |
| 4  | ADDL S.P. D.K                    | 0824 | 2220505 | 9480805302      |
| 5  | DSP DCRB                         | 0824 | 2220513 | 9480805309      |
| 6  | DSP W/R                          | 0824 | 2220509 | 9480805318      |
| 7  | DSP HQ W/R                       | 0824 | 2220509 | 9480805319      |
| 8  | DSP RCIB                         | 0824 |         | 9480800177      |
| 9  | DSP F.P.B W/R                    | 0824 | 2220508 | 9480800486      |
| 10 | CPI. D.S.B                       | 0824 | 2220511 | 9480805307      |
| 11 | R.P.I.D.A.R.                     | 0824 | 2220512 | 9480805306      |
| 12 | C.P.I.(WIRELESS)                 | 0824 | 2220500 |                 |
| 13 | C.P.I.F.P.B                      |      |         | 9480805310      |
| 14 | C.P.I.IMMIGRATION<br>(Airport)   | 0824 | 2220534 |                 |
| 15 | PSI IMMIGRATION PNB              | 0824 | 2220541 |                 |
| 16 | DISTRICT CONTROL                 | 0824 | 2220500 | 9480805300      |
| 17 | CITY CONTROL                     | 0824 | 2220555 |                 |
| 18 | PSI FMS MANGALORE                | 0824 | 2448920 |                 |
| 19 | NDPS                             | 0824 | 2429735 |                 |
| 20 | C.P.I.C.S.P. MANGALORE           | 0824 | 2451303 |                 |
| 21 | DSP EXCISE & LOTTERY             | 0824 | 2421163 |                 |

## MANGALORE CITY SUB-DIVISION

| SL | OFFICERS             | STD  | OFFICE  | OFFICIAL MOBILE |
|----|----------------------|------|---------|-----------------|
| 1  | ASP MANGALORE CITY   | 0824 | 2220514 | 9480805320      |
| 2  | C.P.I NORTH P.S.     | 0824 | 2220516 | 9480805338      |
| 3  | PSI L & O NORTH P.S. | 0824 | 2220516 | 9480805345      |
| 4  | PSI CR. NORTH P.S    | 0824 | 2220516 |                 |
| 5  | C.P.I SOUTH P.S.     | 0824 | 2220518 | 9480805339      |
| 6  | PSI L & O SOUTH P.S. | 0824 | 2220518 | 9480805346      |
| 7  | PSI SOUTH CRIME      | 0824 | 2220518 |                 |
| 8  | C.P.I EAST P.S.      | 0824 | 2220520 | 9480805347      |
| 9  | PSI EAST L & O       | 0824 | 2220520 |                 |
| 10 | PSI EAST CRIME       | 0824 | 2220520 |                 |
| 11 | PSI URVA L & O       | 0824 | 2220521 | 9480805349      |
| 12 | PSI URVA CRIME       | 0824 | 2220521 |                 |
| 13 | PSI BARKE L & O      | 0824 | 2220522 | 9480805350      |
| 14 | PSI BARKE CRIME      | 0824 | 2220522 |                 |
| 15 | CPI TRAFFIC          | 0824 | 2220523 | 9480805337      |
| 16 | PSI TRAFFIC EAST-I   | 0824 | 2220523 | 9480805371      |
| 17 | PSI TRAFFIC EAST-II  | 0824 | 2220523 |                 |
| 18 | PSI TRAFFIC WEST-I   | 0824 | 2220524 | 9480805351      |
| 19 | PSI TRAFFIC WEST-II  | 0824 | 2220524 |                 |
| 20 | W.P.I WOMEN P.S      | 0824 | 2220525 | 9480805348      |
| 21 | W.P.S.I WOMEN P.S    | 0824 | 2220525 |                 |
| 22 | C.P.I DCIB           | 0824 | 2220558 | 9480805308      |
| 23 | C.P.I RAILWAY        | 0824 | 2220559 |                 |

## PANAMBUR SUB DIVISION

| SL | OFFICERS            | STD   | OFFICE  | OFFICIAL MOBILE |
|----|---------------------|-------|---------|-----------------|
| 1  | DYSP PANAMBUR       | 0824  | 2220526 | 9480805322      |
| 2  | CPI PANAMBUR        | 0824  | 2220528 | 9480805331      |
| 3  | PSI PANAMBUR        | 0824  | 2220530 | 9480805355      |
| 4  | PSI BAJPE           | 0824  | 2220531 | 9480805356      |
| 5  | PSI KAVOOR L&O      | 0824  | 2220533 | 9480805358      |
| 6  | PSI KAVOOR CRIME    | 0824  | 2220533 |                 |
| 7  | CPI MANGALORE (R)   | 0824  | 2465803 | 9480805330      |
| 8  | PSI L & O MLORE (R) | 0824  | 2220535 | 9480805352      |
| 9  | PSI (CR) MLORE (R)  | 0824  | 2220535 |                 |
| 10 | PSI L & O ULLAL     | 0824  | 2466269 | 9480805353      |
| 11 | PSI (CR) ULLAL      | 0824  | 2466269 |                 |
| 12 | PSI KONAJE          | 0824  | 2220536 | 9480805354      |
| 13 | CPI MULKI           | 0824  | 2290560 | 9480805332      |
| 14 | PSI MULKI           | 0824  | 2290533 | 9480805359      |
| 15 | PSI MOODABIDRI      | 08258 | 236333  | 9480805357      |
| 16 | CPI SURATHKAL       | 0824  | 2220540 |                 |
| 17 | PSI L & O SURATHKAL | 0824  | 2220540 | 9480805360      |
| 18 | PSI CR. SURATHKAL   | 0824  | 2220540 |                 |
| 19 | KATEEL O.P          | 0824  | 2200313 |                 |

## PUTTUR SUB: DIVISION

| SL | OFFICERS            | STD   | OFFICE | OFFICIAL MOBILE |
|----|---------------------|-------|--------|-----------------|
| 1  | ASP PUTTUR          | 08251 | 230500 | 9480805321      |
| 2  | CPI PUTTUR TOWN P.S | 08251 | 230555 | 9480805333      |
| 3  | PSI L/O PUTTUR TOWN | 08251 | 230555 |                 |
|    | PUTTUR TOWN W PSI   | 08251 | 230555 |                 |
| 4  | PSI CR PUTTUR (T)   | 08251 | 230555 |                 |
| 5  | CPI PUTTUR RURAL    | 08251 | 252555 |                 |
| 6  | PSI UPPINANGADI     | 08251 | 251055 | 9480805362      |
| 7  | NELLYADI O.P        | 08251 | 254101 |                 |
| 8  | PSI PUTTUR RURAL    | 08251 | 232102 | 9480805363      |
| 9  | PSI KADABA P.S      | 08251 | 260044 | 9480805364      |
| 10 | CPI SULLIA          | 08257 | 233115 | 9480805334      |
| 11 | PSI L/O SULLIA      | 08257 | 230337 | 9480805365      |
| 12 | PSI CR SULLIA       | 08257 | 230337 |                 |
| 13 | BELLARE O.P         | 08257 | 271995 |                 |
| 14 | PSI SUBRAMANYA I/C  | 08257 | 281250 | 9480805366      |
| 15 | CPI BANTWALA        | 08255 | 235000 | 9480805335      |
| 16 | PSI L/O BANTWAL (T) | 08255 | 232111 | 9480805367      |
| 17 | PSI CR BANTWAL (T)  | 08255 | 232111 |                 |
| 18 | PSI BANTWAL (R)     | 08255 | 235000 | 9480805368      |
| 19 | FARANGIPETE O.P     |       |        |                 |
| 20 | PSI VITTLA P.S      | 08255 | 239233 | 9480805369      |
| 21 | CPI BELTHANGADI     | 08256 | 232093 | 9480805336      |
| 22 | PSI BELTHANGADI     | 08256 | 232093 | 9480805370      |
| 23 | DHARMASTALA O.P     | 08256 | 277253 |                 |
| 24 | PUNJALAKATTE O.P    | 08256 | 259375 |                 |
| 25 | P.S.I. VENOOR       | 08256 | 286232 | 9480805372      |
| 26 | PSI FMS PUTTUR      | 08251 | 738778 |                 |