

ANVGJ:
03.02.2017.

W.P.No.32054/2014 (GM-RES)

ORDER

Read the order passed in this case on 09.11.2016. Sri A.G. Shivanna, learned AAG filed status report with regard to the action taken in the matter of compliance of the directions issued earlier.

2. Perused the status report and heard Sri A.G. Shivanna. The status report does not show effective steps having been taken to finalise the aspects pointed out on the earlier hearing dates and the orders passed prior to and on 09.11.2016. No useful purpose would be served with the kind of arrangement proposed vide Annexure-F. Sri A.G. Shivanna by realizing that the intended purpose cannot be achieved by giving effect to the mechanism proposed vide Annexure-F, submitted that he would instruct the concerned authority to convene a meeting and find an effective alternative mechanism for gaining easy access by the general public to the office of SPCA. Learned AAG stated that by next date of hearing, an alternative and effective mechanism would be devised and also

put in place, so that the general public can gain easy access to the Office of SPCA for the purpose of ventilating their grievances/lodging of complaints etc. Submission stands recorded.

3. The DPCAs do not appear to be functioning effectively. There appears to be infrastructural deficiencies including the manpower. None of the DPCAs appear to have been provided with the staff in terms of the staff pattern devised and also the infrastructure. As the correct information with regard to the deficiencies faced by each of the DPCAs is not forthcoming, the Chairmen of all the DPCAs shall file the status report with regard to housing of DPCA, infrastructure provided and the actual requirements so as to make the DPCAs truly functional for the benefit of the general public in terms of the objective with which the same was directed to be established by the Apex Court by issuing the directions in the case of PRAKASH SINGH Vs. UNION OF INDIA, reported in (2006) 8 SCC 1.

4. Sri A.G. Shivanna submitted that reports would be obtained from the Chairmen of DPCAs in about 10 days' period

and the same would be placed on record of this case by next hearing date. The Chairmen of all the DPCAs shall make available the status report with regard to the above within a period of one week to the learned AAG.

5. Smt. Uma M.G., Member Secretary, KSLSA filed two memos and produced the reports of November and December, 2016 with regard to awareness programmes undertaken by the DLSAs and TLSCs. It is apparent from the memos filed, that DLSAs including TLSCs are playing an active role in the matter of creating awareness with regard to establishment of DPCAs and SPCA and the benefits which the general public could obtain from the said bodies.

6. Report regarding payment of compensation to the victims of police excesses regarding Yamanur incidents shall be placed on record by next hearing date.

7. Sri P. Suryanarayana Gowd, Registrar, KSHRC submitted that 4 more complaints with regard to Yamanur incidents were received and has been clubbed with the pending

complaints. He submitted that comments have been called for and the matters would be finalised soon.

8. As the Protection of Human Rights Act, 1993 provides for time bound completion of enquiry by the Commission and disposal of the case and as more than 5 months has already elapsed, having regard to the nature of incidents which have taken place and also the findings recorded by the Spl. Officer Sri Kamal Panth, it is expected that the Commission shall expedite the enquiry and decide the complaints / cases at an early date. The status report shall be filed on the next hearing date.

List for issue of further directions, on 17.02.2017 at 2.30 p.m.

Copy of this order be furnished to learned advocates on both sides.

(A.N. VENUGOPALA GOWDA)
JUDGE

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