

## ORDER

One of the measures to judge democratic commitment of any government is the respect it accords to the orders of the court. At the same time, the real majesty of the Courts lies in its vibrant existence and effective functioning. Such vibrancy and effectiveness, in turn, would be achieved by ensuring due implementation and swift obedience of the judgments and orders of the Court.

2. The speedy implementation of the judgments and orders of the Court is inextricably interwoven in the enforcement of rule of law. It is part of observance of rule of law.

3. In **Subrata Roy Sahara vs Union of India and others**, [(2014) 8 SCC 470], the Hon'ble Supreme Court, though in somewhat different context, highlighted that in our system of democratic governance, there is no escape from compliance of the orders of the Court. The Apex Court observed,

“There is no escape from, acceptance, or obedience, or compliance with an order passed by the Supreme Court, which is the final and the highest Court in the country. Where would we find ourselves, if Parliament or a State Legislature insists, that a statutory provision struck down as unconstitutional, is

valid? Or, if a decision rendered by the Supreme Court in exercise of its original jurisdiction is not accepted for compliance, by either the Government of India, and/or one or the other State Government(s) concerned? What if, the Government or instrumentality concerned, chooses not to give effect to a Court order, declaring the fundamental right of a citizen? Or, a determination rendered by a Court to give effect to a legal right, is not acceptable for compliance? Where would we be, if decisions on private disputes rendered between private individuals, are not complied with? The answer though preposterous, is not far-fetched. In view of the functional position of the Supreme Court depicted above, non-compliance with its orders would dislodge the cornerstone maintaining the equilibrium and equanimity in the country's governance. There would be a breakdown of constitutional functioning. It would be a mayhem of sorts."

(para 17)

3.1 May either it is total disregard of the order of the court or there is unreasonable delay in compliance of the directions of the court, both situations could be said to be on same pedestal. In fact, no order of the court should lose its efficacy because of its non-compliance or compliance at such a belated stage which would render the compliance meaningless. The orders and directions of the court which are brought under contempt jurisdiction bear a testimony of such non-compliance or delayed compliance.

3.2 In **Maninderjit Singh Bitta vs Union of India**, [(2012) 1 SCC 273], it was with reference to the contempt jurisdiction of the Court itself that the Supreme Court stated thus,

“It is also of some relevance to note that disobedience of court orders by positive or active contribution or non-obedience by a passive and dormant conduct leads to the same result. Disobedience of orders of the court strikes at the very root of rule of law on which the judicial system rests. The rule of law is the foundation of a democratic society. Judiciary is the guardian of the rule of law. If the Judiciary is to perform its duties and functions effectively and remain true to the spirit with which they are sacredly entrusted, the dignity and authority of the courts have to be respected and protected at all costs (refer T.N. Godavarman Thirumulpad vs. Ashok Khot,[(2006) 5 SCC 1] SCC p.6, para 5)”

3.3 In **Supreme Court Bar Association vs Union of India**, [(1998) 4 SCC 409], the Supreme Court underlined in paragraph of 42 of the judgment that the purpose of contempt jurisdiction is to uphold the majesty and dignity of Courts of law. It stated that the jurisdiction is not be exercised to protect the dignity of an individual judge, but to protect the administration of justice from being kept at a back seat.

3.4 Although the contempt jurisdiction is special jurisdiction to be exercised sparingly, it is equally trite that whenever the act of non-

compliance negates enjoyment of rights of the litigants and citizens flowing from court orders, or adversely affects the administration of justice or which stands to impede its course or tends to shake the public confidence in the judicial institution, the Courts have to be strict in compliance.

4. In other words, compliance of the Court's orders and directions is imperative, else, it would have the tendency of shaking the confidence of public in the administration of justice. Long inaction and supine apathy towards compliance of the Court's orders and directions in a given case, tantamount to, obstruct the course of justice inasmuch as the compliance of the Court's order has to be viewed as an integral part of dispensation of justice and administration of justice.

4.1 The State and its authorities are stakeholders in this facet of administration of justice. The inclination in approach on part of the authorities of the government as well as the authorities of the semi-government organisations which are also limbs of the State, to sit tight over the implementation and obedience of the judgments and directions of the court, has become order of the day. The judgments and orders passed by the courts of law are shelved for one or other

reason, either out of lethargy or because of red-tapism. Such state of things is fatal to the interests of administration of justice, much more, it erodes the faith and confidence of a common man in the judicial machinery and judicial system.

5. Indeed, the right of relief for a litigant consists in immediate and undelayed fructification of the judgments and orders of the courts delivered in his favour.

5.1 It could be viewed that right to reap the fruits of the relief granted by the court is, in a way, a fundamental right of a litigant-citizen, when right to approach the court itself is a fundamental right.

5.2 Prefaced as above, this Court is at pains to notice that during last two weeks and more, while dealing with the petitions filed under the Contempt of the Courts Act 1971, the directions and orders of the Court are not seen attended to by the authorities, and even the formal kind of directions, which although would affect the rights of the litigants, remained without any compliance.

6. Instances in the above regard could be highlighted in following details:

(i) On 25<sup>th</sup> March 2024, the Court while dealing with contempt of court case, came across C.C.C. No.71 of 2024, in which order passed on 1<sup>st</sup> September 2023 by the learned Single Judge was found to be not complied with. The direction was only to consider and decide the application of the petitioner in respect of allotment of industrial site. The direction was issued by the Court upon assurance given by the learned counsel for the Karnataka Industrial Area Development Board.

(ii) While dealing with the case on 25<sup>th</sup> March 2024, the Court came across C.C.C. No.332 of 2024, in which the order sought to be complied with was dated 26<sup>th</sup> July 2023. Eight to nine months had passed by. The respondent was required to conclude the enquiry within time bound period.

(iii) In C.C.C. No.306 of 2024, posted on 25<sup>th</sup> March 2024, judgment and order dated 5<sup>th</sup> January 2023 passed almost 15 months back was not obeyed with. What was to be complied with was to complete the joint survey by the Forest Department with the participation of the petitioner. The directions remain uncomplied with for unreasonably long time.

(iv) On 26<sup>th</sup> March 2024, the Court had an occasion to deal with C.C.C. No.107 of 2024, wherein the directions brought under contempt were with regard to deciding the representations of the petitioner for effecting the mutation entry pursuant to Grant Certificate issued on 7<sup>th</sup> November 2018, to be decided within three months. It was the order of learned Single Judge passed as back as on 6<sup>th</sup> March, 2023, which remained to be complied with, even after passage of one year.

(v) Another C.C.C. No.235 of 2024 posted on 26<sup>th</sup> March 2024. Therein, it was order of the learned Single Judge passed on 11<sup>th</sup> September 2023, that was not complied with. Therein, again only representation was to be decided by the competent authority, that too on the basis of the decision of the Division Bench of this Court in W.A. No.42/2013.

(vi) In C.C.C. No.236 of 2024, which the Court dealt with again on 26<sup>th</sup> March 2024, the order of learned Single Judge dated 10<sup>th</sup> October 2023 was not complied with. Here also, Writ Petition was disposed of and the respondents were directed to consider the representation of the

petitioner in accordance with the judgment of the Division Bench of this Court confirmed by the Apex Court.

(vii) Similarly, in C.C.C. No.237 of 2024, dealt with on 26<sup>th</sup> March 2024, it was the directions contained in the order dated 11<sup>th</sup> September 2023, not attended to and not complied with.

(viii) In C.C.C. No.123 of 2024 dealt with on 1<sup>st</sup> April 2024, the directions are to be complied with which is the order passed by the learned Single Judge as back as in November 2022. The directions relate to payment of balance amount of compensation as per the entitlement adjudged by the learned Single Judge.

(ix) Similarly, in C.C.C. No.75 of 2024 dealt with on 1<sup>st</sup> April 2024, it was order dated 27<sup>th</sup> January 2023 which was sought to be complied with which was with regard to deciding the application of the complainant for regularization of the unauthorized occupation by placing it before the Committee. Thirteen months have passed by.

(x) C.C.C. No.1188 of 2023 – yet another contempt petition dealt with on 1<sup>st</sup> April 2024, was in respect of non-compliance of the directions passed on 26<sup>th</sup> June 2023, whereby, only thing to do by the respondent

authority was to decide the representation of the petitioner within the stipulated time.

(xi) It was order dated 14<sup>th</sup> September 2022, whereby also, learned Single Judge directed to decide representation within two months which was brought under contempt jurisdiction as having not been complied with in C.C.C. No.485 of 2023.

6.1 From all the above cases brought under the contempt jurisdiction of the Court and in view of several other orders and directions of the Courts which may have remained non-complied with since long, it is evident that without any good reason, knowingly or unknowingly or under some excuse or other pretext, the authorities concerned have virtually disregarded the compliance of the court's directions.

6.2 The orders of the courts so disregarded and neglected for their compliance bring about a situation where the public at large would view that the system has failed. It would be considered that the courts have been losing their authority and their orders do not have any effect on the authorities of the Government.

6.3 The casual, lethargic and insensitive approach on the part of the authorities towards the compliance of the orders and directions of the courts cannot be tolerated. It has to be dealt with sternly. As the justice delayed is justice denied, too belated compliance is not to be countenanced, but has to be viewed as contempt of court itself committed in disguise or in indirect manner.

6.4 As right to approach the court is a fundamental right, right to reap the fruits of litigation by getting the judgments, orders and directions of the court implemented without booking any delay unimpeded by the lethargic conduct on the part of the authorities, is also a right akin to fundamental.

6.5 There are orders of the kind and nature and directions of the courts which in given cases, avail for the litigant-beneficiary even the enjoyment of fundamental rights or the concomitant to fundamental right while exercising contempt jurisdiction, the court does come across instances of such orders and directions the compliance of which tantamount to enforcing fundamental rights, yet the authorities remain inactive towards their compliance. Long and persistent denial of the

rights flowing from the court orders could themselves be said to be violative of the facets of Article 14 read with Article 21 of the Constitution of India.

7. In light of the state of affairs emerging from the representative instances referred to above where the directions in the judgments and orders of the courts are not complied with and the authorities have been found sitting tight over them for unreasonably long period, this Court invokes its *suo-moto* proceedings exercising powers under Article 226 of the Constitution disapproving inaction in all such cases, whether brought before the court or not.

7.1 Notice to the following authorities shall be issued,

- (i) The State of Karnataka  
Notice to be served through the Chief Secretary,  
Government of Karnataka, Vidhana Soudha,  
Bengaluru - 560 001.
- (ii) The State of Karnataka  
Notice to be served through the Secretary, Department of  
Animal Husbandry and Fisheries, Vikasa Soudha,  
Bengaluru - 560 001.
- (iii) The State of Karnataka  
Notice to be served through the Secretary, Department of  
Agriculture, M.S. Building, Bengaluru - 560 001.

- (iv) The State of Karnataka  
Notice to be served through the Secretary, Department of Backward Classes, Vikasa Soudha, Bengaluru - 560 001.
- (v) The State of Karnataka  
Notice to be served through the Principal Secretary, Department of Commerce and Industries, Vikasa Soudha, Bengaluru - 560 001.

7.1.1 The Registrar General is directed to obtain the list of all the departments of the Government of Karnataka and shall arraign them as respondents in the above manner.

7.2 The semi-government authorities, statutory bodies or corporations which are also the limb of the State, bear equal responsibility of the kind and nature towards the judgments and orders of the court and the directions issued on judicial side.

7.2.1 Therefore, the notice shall go to the following authorities as well,

- (i) Bengaluru Development Authority  
Notice to be served through the Commissioner, 5<sup>th</sup> Main Road, Kumarapark West, Guttahalli, Bengaluru - 560 020
- (ii) Bruhat Bengaluru Mahanagara Palike  
Notice to be served through the Commissioner, N.R Square, Corporation, Bengaluru - 560 002.

- (iii) Karnataka Industrial Area Development Board  
Notice to be served through the Executive Director, #49, 4<sup>th</sup>  
& 5<sup>th</sup> Floors, 'East Wing', Khanija Bhavan, Race Course  
Road, Bengaluru - 560001

7.2.2 The other corporations, semi-governmental bodies and statutory bodies shall be liable to be arraigned as parties at subsequent stage.

7.3 All the above authorities shall be the party-respondents in the present *suo-moto* proceedings.

7.4 All the respondents are hereby called upon to respond to the Court in respect of the following aspects,

- (i) **What method of processing is adopted after and once orders or judgments of the High Court, or any other Court, are received by the Department or in the office of competent authority?**
- (ii) **Whether any special branch or designated authority is made functional, to treat, deal with and act upon, the orders and directions by the courts to take them to their logical end of compliance?**

- (iii) Whether any machinery or mechanism is created internally in the Department or governmental bodies for ensuring compliance of the directions of the courts as may be required as per the orders and judgments of the courts?**
  
- (iv) What steps are generally taken by the authorities concerned to attend to, to supervise, to monitor and to effectuate the orders and directions of the courts?**
  
- (v) Whether any disciplinary measures are evolved or taken against the erring Officers who are found to be sitting tight over the orders and directions of the courts or those who are guilty of non-compliance within the time stipulated in the order or within reasonable time?**

8. The present proceedings are initiated not as a fault finding process. The entire purpose is to streamline the procedure for compliance of the orders and directions of the courts. It is necessary that at the hierarchies of Government, a proper and effective machinery is created to oversee the regard, respect and implementation of the court's orders.

8.1 The beneficiaries are the class of litigants, who will be benefited if the authorities activate themselves to discharge their constitutional duty to obey and implement the orders of the courts without booking any delay on their part, without which, it will not be possible for the litigants to enjoy the results of the litigation which may have ended in their favour. All the more, the orders of the court are the source of rights and obligations of the litigants.

8.2 The proceedings shall be listed next on 5<sup>th</sup> June 2024, by which date, the respondent authorities shall make their stand clear by filing their affidavits-in-reply.

9. The Registry shall submit list of pending contempt petitions filed under Contempt of Courts Act, 1971. It shall also furnish the figures of initiation of contempt of court cases every three months during the last two years.

10. The Registry is directed to make a list of pending contempt applications wherein the orders and directions of the courts have remained uncomplied with beyond six months.

11. The Registrar General of this court is directed to treat these presents as public interest litigation.

Copy of this order shall be forwarded by the Registry to the learned Advocate General for information.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**