



Karnataka State Human Rights Commission

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HRC No. 1694-1716-1717-1737/10/31/2019 (SB-1)

Date: 07-08-2021

To,

1. The Additional Chief Secretary,
Home Department
Govt. Of Karnataka
Bengaluru

4. R. Manohar,
manorights@gmail.com

2. Mohammed Musaveer,
S/o Mohammed Afzal,
3A Main Road, Ratan Singh Layout,
Kavalbyra Sandra, R.T. Nagar,
Bengaluru-560032

5. Dhana Kumar,
C-3/441, 3rd Floor,
Janakpuri,
New Delhi-110058

3. Adarsh G.K.,
No.101, Shradha Sapphire,
Apartment, BEML Layout,
Behind Tubrahalli Bus stop,
Whitefield Main Road,
Bengaluru

Sir,

OPINION, REPORT AND RECOMMENDATIONS

Sub: HRC No. 1694-1716-1717-1737/10/31/2019 (SB-1)

The above case came up before Full Bench of the Commission on 04.08.2021 the opinion, report and recommendations are made, vide separate order dated: 04.08.2021, the copy of which is enclosed herewith for your kind information and to submit comments/report the action taken or proposed to be taken on or before 14.09.2021 to the Commission.

Yours faithfully,

Hc Shakir
Assistant Registrar,
KSHRC

Encls : Copy of the opinion, report and recommendations dated: 04.08.2021

- ii. As the victims were detained illegally, their liberty was curtailed and the illegal detention, with or without any ill-treatment, was gross violation of human rights;
- iii. Moreover, as per P.C-16756 Ayyappa's report, no step/action was taken against the victims under section 353 of I.P.C. and later on, a petty case was registered against them which shows how the police have improperly exercised the process of law and denied equal protection of law to the victims.

25. Hence, the Commission is constrained to make its recommendations as under:

- a) **In the first instance, the Additional Chief Secretary to Government of Karnataka, Department of Home should pay by way of interim compensation the sum of Rs. 25,000/- to Shri Mohammed Tanveer and Rs. 10,000/- to Shri Danish respectively and recover the same from the police officers concerned in such proportion and in such manner as may be determined by the State Government, in accordance with the relevant legal provisions.**
- b) **A copy of this order should be served upon all the Police Inspectors and officers in-charge of every Police Station, with suitable instructions to strictly follow the relevant provisions of the Code of Criminal Procedure, particularly in the**

matter of non-cognizable offences and confinement of accused persons in such cases.

- c) It should be impressed upon each and every police officer that in the name of or under the cover of enforcement of law, they are not permitted to themselves commit any offence, such as wrongful confinement, hurt, assault, snatching, extortion, insult, annoyance or criminal intimidation; and such incidents amounting to violation of human rights shall be treated as serious misconduct liable for major punishment.**

26. It may be appropriate to point out at the end that under the provisions of Section 18(e) of The Protection of Human Rights Act, 1993, the State Government or the authority concerned is duty bound to forward within a month, its comments on this report and also report the action taken or proposed to be taken. It is hereby brought to kind notice of the authorities concerned that, under the provisions of Regulation 22 of the Karnataka State Human Rights Commission (Procedure) Regulations 2020, if any application seeking modification or review of order or proceeding passed by this Commission is received, it may be considered by the Commission for appropriate order.

27. A copy of this Opinion, Report and Recommendations shall be sent to the complainants and respondent forthwith.

H.R.C Nos: 1694/10/31/2019 C/w
1716/10/31/2019, 1717/10/31/2019
& 1737/10/31/2019

Sd/-
(Justice D.H. Waghela)
Chairperson

G.S.