

KARNATAKA STATE HUMAN RIGHTS COMMISSION

1-4 Floors, 5th Stage, M.S. Building, Bengaluru – 560001

H.R.C No: 1283/10/20/2018

Date: 24.02.2021

PRESENT

Justice D.H. Waghela
Chairperson

Complainant: Shri Siddalinge Gowda
Vishwa Manava Hakkugala
Seva Kendra, Mavinkere,
Turuvekere Taluk,
Tumakuru - 572221

V.

- Respondents:**
1. Deputy Commissioner,
Tumakuru District
 2. Principal Secretary to
Government
Revenue Department, Govt. of
Karnataka, Bengaluru
 3. Addl. Chief Secretary to
Government
Home Department,
Govt. of Karnataka, Bengaluru
 4. The Chief Officer, Town
Panchayat, Turuvekere,
Tumakuru District,

OPINION, REPORT AND RECOMMENDATIONS

1. It was alleged in the complaint that due to fire accident in

Meenakshinagara in Turuvekere Taluk, Tumakuru District on 24-03-2018, several huts were burnt and number of families lost their shelter and in spite of request made to District Administration to provide basic amenities to the victims of fire accident, district administration had not provided any basic facilities to them and violated their human rights.

- 2.** In spite of the previous clear order dated 22.12.2020, the Deputy Commissioner, Tumakuru has not remained personally present. That order is also already served upon the Secretaries, Department of Revenue, Health and Family Welfare, but no response is received. By report dated 3.2.2021 sent through e-mail by D.C. Tumkur, it is stated that an extent of 2 acres of land in T. Hosahalli Village has already been handed over to the Chief Officer, Town Panchayath by the Tahsildar for the purpose of providing shelters to the affected persons. It is requested to grant time of 2 months to complete all the procedures and to exempt the Deputy Commissioner from personal appearance on 10.2.2021.
- 3.** Today, the Chief Officer of Turuvekere Town Panchayath

Miss Manjula Devi and Shri Ananth Raman, Municipal Tahsildar of District Urban Development Office are personally present and they have again reiterated their problems in actual allocation of shelter or sites to the victims of the fire accident which happened on 23.03.2018, while the matter is pending before this Commission since 05.04.2018. The previous order dated 22.12.2020 is read again by the officers present and they have orally admitted that the failure of the administration in protecting human rights of the victims of fire accident cannot be disputed, but some more time is required by them to sort out the issue of actual allocation and handing over of sites to the affected victims as required. A specific quarry has already been raised in the previous orders, as to why an amount of compensation should not be recommended to be paid and why it should also not be recommended to recover the amounts of compensation from the officer concerned. There is no reply to that by the officers concerned. Only the request for further time is reiterated as usual. The Deputy Commissioner, Tumakuru is already given an opportunity as regards these issues and there is no satisfactory

explanation or justification for the continued violation of human rights of the victims in spite of and even after the allocation of land on paper.

4. Therefore, after number of opportunities having been given since May 2018 and after service of notice to the Secretaries of the Departments concerned, the Commission is left with no other alternative but to assess the amount of compensation and recommend its payment by the State Government in the first instance.
5. As regards, the amount of reasonable compensation for deprivation of human right to live on minimal requisite space on any land, the officers present have nothing to say and they have refused to state what could have been the cost of living, when the victims of the fire accident were rendered homeless.
6. It is, however, submitted on the basis of the proceeding dated 03.02.2021 that the 13 heads of the families of the victims are already taken on the final list for allocation of sites under the “**Ashraya**” scheme of the State

Government. It is orally submitted that, under this scheme, some 53 allocations of sites were made in the year 2017-18 and 2018-19. However, inspite of the allocation and handing over of land to the Chief Officer, Town Panchayat by the Tahsildhar, sites to be allocated to the victims may not be developed for residential purposes due to paucity of funds with the Town Panchayath, as submitted by them. Photocopy of the proceedings dated 03.02.2021 of the Town Panchayath office, Turuvekere is placed and taken on record. As for the current address and residence of the families of the victim, it is submitted by the Chief Officer, Ms. Manjula Devi that those families are still living in Turuvekere by putting up their illegal structure on the land shown in the revenue record as graveyard. Thus admittedly for all practical purposes, the victims are assigned a space in the graveyard for living, where no civic amenities could be legally provided. That would necessarily result into continuous violation of many other human rights.

- 7.** The necessary conclusions which flow from the above facts coming on record are that, even as a specific welfare

scheme named Ashraya scheme is in operation and specific land is already allocated and handed over to the Town Panchayath, the Chief officer and other officers concerned have not cared to even offer any site or piece of land for providing legal living space to the victims of the fire which occurred on 23.03.2018. The present proceeding has also not resulted in any real official relief to the victims and it is still uncertain whether and when the victims may be actually provided a legal living space. In the meantime, they are admittedly required or allowed to put up illegal structures on public space at their own cost and risk. Therefore, there is a *prima facie* case of gross negligence and neglect of the human rights of the victims who are found to be eligible for getting some sites on the land which is already made available and actually handed over to the local authorities. Therefore, finding it to be a gross and clear case of neglect and failure of the public officers in protection and enforcement of human rights of the 13 families who were victims of an incident of fire, **it is recommended that:-**

(a) *the State Government should pay to each of the*

13 heads of the victim families an amount of Rs.36,000/- by way of interim compensation and continue to pay Rs.1,000/- for each month after 01-04-2021 to each of the 13 families by “account payee cheques” in the name of head of each family, till the actual allocation of housing sites to them under the Ashray Scheme or otherwise.

*(b) In view of the apparent negligence and unjustified delay of 3 years in implementation of the welfare scheme by the officers concerned, **it is also recommended** that the Government should fix their personal responsibility and recover from them the amount required to be paid under this order, as also take necessary disciplinary measures for causing loss to the Government and harassment to the citizens.*

- 8.** 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.

9. A copy of this Opinion, Report and Recommendations shall be sent to the complainant and respondents forthwith.

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

V.M.N.