



Karnataka State Human Rights Commission

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HRC No. 5527/2011 (FB)

Date: 16-10-2020

To

Additional Chief Secretary,
Home Department,
Room No.222, II Floor,
Vidhana Soudha,
Bengaluru

RECOMMENDATION

Sub: HRC No. 5527/2011 (FB)

The above complaint came up before Full Bench of the Commission, on 22-09-2020 and after its perusal, passed the following:

ORDER

The Commissioner of Police, Mangalore City, Mangalore has, in his letter dated 16.08.2016 addressed to the Commission, forwarded the letter dated 27.07.2016 of Sri Ravish Naik, Police Inspector, presently Urva Police Station and earlier Mangalore Rural Police Circle, drawing attention to the order dated 01.04.2016 of the Commission wherein a penalty of Rs. 15,000/- was imposed on Sri Ravish Naik under Section 18 of The Protection of Human Rights Act 1993, and that amount should be recovered from the salary of Sri Ravish Naik and paid as compensation to the victim Sri Prem Michael Crastha.

The order dated 01.04.2016 of the Commission was passed with regard to the complaint dated 23.09.2011 filed by the Sri Prem Michael Crastha of Neeru Marga Village and Post, Mangalore Taluk alleging that Mangalore Rural Police had illegally taken him into custody, tortured him physically and threatened his life by showing a gun in connection with the objection raised by him against formation of a road, allegedly on his farm land. The complaint was registered as

HRC No. 5527/2011 and order dated 01.04.2016 was passed imposing penalty of Rs. 15,000/- on Sri Ravish Naik, the then Circle Inspector of Police, Mangalore Rural Circle and recovery of the amount from his salary.

The Commissioner of Police, Mangalore has, forwarding the letter dated 27.07.2016 of Sri Ravish Naik has stated that under Section 18 of The Protection of Human Rights Act, 1993 the Commission can only recommend to the Government to make payment of compensation to the victim and has no power to impose penalty directly on the respondent accused. Therefore the order of the Commission imposing penalty of Rs. 15,000/- to the respondent/ accused is not in accordance with law. It is also mentioned that in the Private Complaint filed by Sri Prem Michael Crastha before the Principal Session Judge, Dakshina Kannada and in the Joint Departmental enquiry that was instituted by the office of the Director General and Inspector General of Police as per the order of the Hon'ble Lokayukta, the allegations made against Sri Ravish Naik and other police officials have not been proved. Hence, the Commissioner of Police forwarded the request of Sri Ravish Naik to give concession to Sri Ravish Naik from recovery of the penalty amount.

The aforesaid letter dated 27.07.2016 of Sri Ravish Naik and the letter of the Commissioner of Police, Mangalore dated 16.08.2016 was considered by the Full Bench of the Commission as Review Application under Regulation 22 of the Karnataka State Human Rights Commission (Procedure) Regulations, 2007 and after due consideration, the Commission hereby recommends to the Government (Home Department) that in view of the order dated 01.04.2016 wherein the allegations made by Sri Prem Michael Crastha stands proved, the compensation of Rs. 15,000/- should be paid to Sri Prem Michael Crastha, and that amount should be recovered from the Police Inspector Shri Ravish Naik, after following requisite procedure and giving him an opportunity of being heard.

List on 25.11.2020

Sd/-
Justice D.H.Waghela,
Chairperson
Sd/-
Sri K.B. Changappa,
Member
Sd/-
Sri R.K. Dutta,
Member

Therefore, I have been directed by the Commission to request you to submit action taken report on or before 24.11.2020 to the Commission.

By order of the Commission,

Sd/-
Assistant Registrar,
KSHRC

Encls: Copy of the order dated 01.04.2016