

KARNATAKA STATE HUMAN RIGHTS COMMISSION

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

H.R.C. No: 2359/10/31/2018

Date: 10-03-2022

PRESENT

Justice D.H. Waghela
Chairperson

Shri K.B. Changappa
Member

Shri R. K. Dutta
Member

Informant:

Nirmal J. Das
International Justice Mission,
Bengaluru

V.

Respondent:

Regional Commissioner
Bengaluru Urban Region,
Bengaluru

OPINION, REPORT AND RECOMMENDATIONS

1. This proceeding was initiated upon a complaint that 10 individuals who were exploited as bonded labour and after their rescue and release, the tahsildar concerned had refused to file criminal complaint and initiate criminal proceedings in respect of offences committed under The Bonded Labour System (Abolition) Act, 1976.
2. During the course of hearing, it has come on record that the rehabilitation amounts due to the rescued bonded labours have been paid. However, the tahsildar concerned had not filed any criminal case. The latest order dated 24.02.2022 made herein reads as under:

“Pursuant to the previous order dated 23.12.2021 Smt. Prathima, Tahsildar Shri Nagesh L and then Tahsildar Shri K Ramesh have remained personally present. Smt. Pratima has confirmed the allegations and statements made in the original complaint (during) hearing and Smt. Pratima has also stated that the bonded labours who were rescued and released in November 2017 from two facilities mentioned in the complaint have been paid the amounts of initial rehabilitation at the rate of Rs.20,000/- per person and hence, it cannot be disputed that the bonded labour system was adopted and practiced and the Tahsildar concerned and Police Inspector concerned were physically present at the time of rescue. However, inspite of the knowledge since 23.11.2017 and our request on 24.11.2017 the Tahsildar Shri K Ramesh who is present today had refused to file a criminal complaint of cognizable offences committed by the owners, employers or their agents.

Therefore, specific questions have been put before both Tahsildars who are present today. Shri Nagesh has submitted that he was transferred to Channapatna as Tahsildar only in 2022, by which time 3 years would have elapsed. He has sought to file complaint vide F.I.R registered as 24/2022 before Channapatna Rural Police Station on 04.02.2022. He has also submitted his written letter with photographs and they are taken record.

Shri K Ramesh has offered no justification or explanation for not filing any complaint in November-2017 itself, inspite of specific queries of the Commission in that regard. He has also not offered any oral or written explanation as to why the amounts which were required to be paid by the Government to the bonded labours from the public exchequer should not be recovered from him and why he should not be charged for dereliction of duty in a proper departmental enquiry required to be held against him. The office of the Regional Commissioner and the Deputy Commissioner, Ramanagar have been made aware about pendency of this case before the Commission since August-2018 and yet no departmental action appears or reported to have been taken which amounts to lack of any serious vigilance and departmental alertness about inertia of the officers at the ground level. The Tahsildar Shri K. Ramesh, present today, has also not placed on record any material to contradict these facts, even as this order is made in his presence.

Hence the matter is kept for final order of opinion and recommendations.”

3. As the above order is self-explanatory and having regard to the abhorrent practice of bonded labour continuing in some districts and the tahsildar concerned namely Sri K. Ramesh has not offered any explanation or justification for not even filing an FIR for proper prosecution and the public exchequer has suffered by

payment of compensation. His inaction and irresponsibility are required to be strictly dealt with by the departmental head.

4. Hence, this Commission recommend that,

a) The officer concerned Sri K. Ramesh should be charged with serious misconduct of dereliction of his duties, and not taking care to prevent loss to the exchequer in future.

b) Appropriate order of punishment should be made after departmental enquiry in accordance with law.

5. 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 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 authority concerned that, under the provision 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.

6. A copy of this Opinion, Report and Recommendations shall be sent to the informant and respondent forthwith, for necessary action in time.

Sd/-

(Justice D. H. Waghela)
Chairperson

Sd/-

(Shri K.B. Changappa)
Member

Sd/-

(Shri R. K. Dutta)
Member

KGM