

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 21<sup>ST</sup> DAY OF JANUARY 2014

: PRESENT :

HON'BLE MR. D.H.WAGHELA, CHIEF JUSTICE

AND

HON'BLE MRS. JUSTICE B.V.NAGARATHNA

WRIT PETITION No. 27390 / 2012 (GM-RES-PIL)

BETWEEN

1. SRI VEERESH NAIK B N  
PRESIDENT  
KARNATAKA STATE RANGE FOREST  
OFFICERS' ASSOCIATION  
BANGALORE.
2. SRI LAKSHMI NARAYANA  
KARNATAKA STATE ASSISTANT CONSERVATORS OF  
FORESTS ASSOCIATION, BANGALORE.

... PETITIONERS

( BY SRI K.N.PHANINDRA, AMICUS CURIAE. )

A N D

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS CHIEF SECRETARY  
VIDHANA SOUDHA, BANGALORE.
2. THE PRINCIPAL SECRETARY  
HOME DEPARTMENT,  
VIDHANA SOUDHA, BANGALORE.
3. DIRECTOR GENERAL OF POLICE  
KARNATAKA STATE, BANGALORE.
4. WILD LIFE FIRST  
JAYANAGAR 4TH BLOCK, BANGALORE,

REP. BY MANAGING TRUSTEE  
SRI PRAVEEN BHARGAV, BANGALORE.

5. UNION OF INDIA  
REP. BY THE MINISTRY OF LAW AND JUSTICE,  
SHANTI SHARVA BUILDING, NEW DELHI.
6. DIRECTOR OF KARNATAKA STATE  
COMMISSION FOR SCHEDULED CASTES  
& SCHEDULED TRIBES  
NO. 14/3, 2<sup>ND</sup> FLOOR, CFC BUILDING,  
NRUPATHUNGA ROAD, BANGALORE-560 001.

... RESPONDENTS

( BY SRI NARENDAR.G., AGA, FOR R-1 TO R-3.  
SRI T.I.ABDULLA, ADVOCATE FOR  
HEGDE ASSOCIATES FOR R-4.  
SMT. SINCHANA, ADVOCATE FOR  
SRI S.KALYAN BASAVARAJ, ASG, FOR R-5. )

WRIT PETITION [PIL] SUO-MOTU FILED PRAYING TO  
STAY THE INVESTIGATION OF FALSE CRIMINAL CASES  
UNDER SC/ST [PREVENTION OF ATROCITIES] ACT, 1989 AND  
ALSO TO QUASH THE FIR ON FALSE COMPLAINT; DIRECT  
THE STATE OF KARNATAKA AND ITS HOME SECRETARY TO  
HONOUR THE PROVISIONS OF SECTION 114A OF KARNATAKA  
FOREST ACT 1963; DIRECT THE STATE OF KARNATAKA TO  
INITIATE NECESSARY LEGAL ACTION AGAINST THE POLICE  
OFFICERS WHO HAVE REGISTERED FALSE CASES, ETC.

THIS PETITION COMING ON FOR PRELIMINARY  
HEARING THIS DAY, CHIEF JUSTICE MADE THE FOLLOWING:

O R D E R

D.H.WAGHELA, CJ (ORAL) :

1. The present proceedings in the nature of Public Interest Litigation were initiated on the basis of a letter dated 26.7.2012 addressed to the Hon'ble Chief Justice of this court and, in view of the grievances voiced therein, the State Government was contemplating to issue a notification and produce a draft notification before this court. That, however, could not be done so far and learned *amicus curiae* Sri Phanindra was then requested to prepare a draft providing for, as far as practicable, some protection to the officers of the Forest Department, who were accused of the offences under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 during the discharge of their official duties of protecting the forests and carrying out anti-poaching and anti-encroachment activities. Accordingly, a draft has been prepared by learned *amicus curiae* and copies thereof have been submitted to the authorities concerned through learned A.G.A. for their consideration.

**2.** In view of the legal complications involved and the concern related to investigation and prosecution of legitimate complaints under the aforesaid Act, as discussed during the course of arguments, it was suggested at the Bar that it must be left to the State Government to issue appropriate guidelines for the purpose of protection of the forest officials in the discharge of their duties. But, it may not be advisable to suggest any statutory amendment by the State Government in view of the relevant provisions of the Criminal Procedure Code as well as the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

**3.** Accordingly, the petition is disposed only with the observation that the State Government may consider the draft submitted by learned *amicus curiae* and frame appropriate guidelines for the officers of the Forest Department as well as the officers in charge of investigation and prosecution of the alleged offences under the above

Act, and with acknowledgement of the contribution made by learned counsel Sri K.N.Phanindra as an *amicus curiae*.

Sd/-  
CHIEF JUSTICE

Sd/-  
JUDGE

ckc/-