



CNR: KAHC010043362017

NC: 2026:KHC:52013
WP No. 14659 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 14659 OF 2017 (GM-RES)

BETWEEN:

1. NATIONAL INSTITUTE OF MENTAL
HEALTH AND NEURO SCIENCES
(DEEMED UNIVERSITY)
HOUSE ROAD, LAKKASANDRA
WILSON GARDEN, BANGALORE-560 029
REPRESENTED BY ITS DIRECTOR

...PETITIONER

(BY SRI. A. MADHUSUDHANA RAO, ADVOCATE)

AND:

1. KARNATAKA STATE HUMAN
RIGHTS COMMISSION
4TH FLOOR, 5TH PHASE,
MULTI SOTREYED BUILDING
DR.B.R.AMBEDKAR VEDHI
BANGALORE-560 001.
2. DR.C.V.MOHAN
FORMER PROFESOR AND
HEAD DEPARTMENT OF ORAL MEDICINE,
DIAGNOSIS AND RADIOLOGY
BANGALORE INSTITUTE OF DENTAL SCIENCE
BANGALORE-560 004.
3. SMT.LAKSHMAMMA
W/O LATE PREM SINGH
SURVEY NO. 37, RAYARADODDI CROSS

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SOMANAHALLI, BANGALORE RURAL
BANGALORE DISTRICT-560 056.

...RESPONDENTS

(BY SRI. NITIN PRASAD, ADVOCATE FOR R1;
SMT. BHUSHANI KUMAR, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER VIDE ANNEX-H PASSED BY THE IN CHARGE [HANGAMI] CHAIRMAN OF R-1 DATED.23.12.2016, ALLOW THIS WRIT PETITION WITH COST.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Captioned writ petition is filed by the National Institute of Mental Health and Neuro Sciences (for short, "NIMHANS"), calling in question the recommendations made by respondent No.1 - Karnataka State Human Rights Commission, whereby the petitioner-Institution has been directed to pay a sum of Rs.50,000/- to respondent No.3, widow of late Prem Singh. The recommendations arise out of an incident concerning the treatment extended

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to late Prem Singh, who was brought to the petitioner-Institution and shifted to the Casualty Ward of NIMHANS at about 8.10 p.m. on 24.05.2010.

2. The proceedings before respondent No.1 – Commission were initiated on the basis of a complaint lodged by one Dr. C.V. Mohan, Dentist, Professor and Head of the Department of Oral Medicine, Diagnosis and Radiology, Bangalore Institute of Dental Sciences, alleging lapses on the part of the Doctors and medical personnel of the petitioner-Institution. The gist of the complaint was that the injured person, who was accompanied by his illiterate wife and two minor daughters, was made to wait in the common waiting lobby despite having been brought to the Hospital in an unconscious condition with severe head injuries.

3. It was further alleged that though the injured person was brought to the Hospital in an unconscious condition and was suffering from bleeding injuries to his

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head, no appropriate first aid or immediate treatment was extended to him. It was alleged that the patient remained unattended and was discharged on the following morning without being provided with an ambulance facility for being shifted to another hospital. The complainant further alleged that the patient was subjected to inhuman treatment and that, despite having been admitted to the emergency ward, no adequate treatment was extended to him before he was directed to be shifted to another hospital.

4. Upon receipt of the complaint, respondent No.1 – Commission registered the proceedings and issued notice to the petitioner-Institution. The petitioner-Institution, however, did not effectively contest the proceedings before the Commission. Upon consideration of the material placed before it, the Commission proceeded to make recommendations, which are impugned in the present writ petition and are produced as Annexure-H.

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5. The principal challenge to the recommendations is that the same are illegal, arbitrary and contrary to the principles of natural justice. The petitioner-Institution contends that although notice was issued to it, the same was issued after an inordinate lapse of nearly six years from the date of the incident. It is further contended that respondent No.1 issued a subsequent notice dated 15.09.2016 calling upon the petitioner-Institution to appear before the Commission and tender its further statement. According to the petitioner, on account of a communication gap, the Institution could not appear before the Commission.

6. Insofar as the allegation of medical negligence is concerned, the specific defence of the petitioner-Institution is that the patient, when brought to NIMHANS, had suffered only external injuries and there was no requirement for any surgical intervention at NIMHANS. It is contended that, since the external injuries could be managed more appropriately at a General Hospital, the

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patient was advised to be shifted to a General Hospital for further treatment. It is therefore the specific case of the petitioner-Institution that its Doctors were of the opinion that the patient required further treatment at a General Hospital and, accordingly, advised shifting of the patient. It is further contended that the subsequent treatment administered to the patient at Victoria Hospital was not within the knowledge of the petitioner-Institution.

7. Learned Standing Counsel appearing for respondent No.1 – Commission, on the other hand, placing reliance upon Section 18 of the Protection of Human Rights Act, 1993 (for short, "the Act"), would contend that the Commission, after conducting an enquiry in accordance with law, has made recommendations to the petitioner-Institution to take appropriate further action. It is his contention that Annexure-H is only in the nature of a recommendation and, therefore, is not amenable to the writ jurisdiction of this Court. Reliance is also placed upon the judgment rendered by the Division Bench of this Court

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in ***M.S.Ashok and Others v. Karnataka State Human Rights Commission and Another, in W.P. No.28934/2009***, wherein, according to the learned Standing Counsel, a similar issue fell for consideration.

8. Learned counsel appearing for respondent No.2 would support the proceedings initiated before the Commission and the recommendations made therein. It is submitted that respondent No.2, being a former Professor and Head of the Department of Oral Medicine, Diagnosis and Radiology, Bangalore Institute of Dental Sciences, had personally witnessed the circumstances in which the patient was brought to NIMHANS and the manner in which the patient was allegedly treated. It is contended that the circumstances compelled respondent No.2 to lodge a complaint before the Commission.

9. Learned counsel for respondent No.2 has also invited the attention of this Court to the observations contained in the letter addressed by Hon'ble Justice V.P.

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Mohan Kumar to the Chairperson of the Karnataka State Human Rights Commission. It is submitted that the learned former Judge had personally witnessed the circumstances surrounding the shifting of the injured person to NIMHANS and had thereafter addressed the said communication to the Commission requesting it to look into the matter. The said communication is produced as Annexure-B.

10. Having heard the learned counsel appearing for the parties and having perused the material on record, this Court would first advert to the relevant portion of the communication addressed by Justice V.P. Mohan Kumar to the Chairperson, Karnataka State Human Rights Commission, which assumes significance in the light of the nature of allegations made before the Commission which reads as under;

"28 May 2010

Dear Mr. Justice S.R. Naik,

Please see the enclosed complaint and the covering letter addressed to me. In fact, I was witness when Dr. Mohan

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was attempting to locate a willing ambulance service provider to transport the victim to a Hospital. I did notice that he had to make several phone calls to locate one and it was with considerable difficulty he located one. The experience was quite disgusting. I feel no willing good Samaritan be driven to such difficulties while serving a humanitarian cause.

The shortcomings he has pin pointed are serious cases of violation of Human Rights which deserves to be considered by the Rights Commission. The helpless condition in which people especially people classified as BPL – are placed, are matters that should engage the serious attention of the Rights Commission.

I am sure with you in the helm of affairs, something would be done on the complaint. Please examine the same and if there is any thing you could do, please do everything.

With warm regard

Your sincerely

Justice Mohan Kumar.”

(Emphasis supplied)

11. It would also be apposite to extract the relevant portion of the complaint addressed to Justice V.P.Mohan Kumar, which was, in turn, forwarded to the Chairperson,



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Karnataka State Human Rights Commission,
(Annexure-A), which reads as under;

"One Mr.Prem Singh aged about 55 years was found bleeding from the head, laying unconscious by some people between Sommanahalli to Mukudlu Road near Rayaradoddi Cross, B'lore Rural at about 7 p.m. on 24.05.2010. As the injured person was a localite and as he is working as a casual labourer in my Farm at Sommanahalli, the people identified him and one of the locals telephoned me seeking my help. Since there is no hospital nearby and since I was told that the person is having bleeding head injury, I asked the local gentleman to shift/transport the patient to Nimhans Hospital Casualty at Bangalore. And that I would be waiting at the casualty of Nimhans Hospital along with Mr.N.Krishna. The locals contacted 108 Emergency Ambulance Service, who were kind enough to pick him up. He was brought to Nimhans Casualty at about 8:10 p.m.

The Duty Doctors did the C.T.Scan and told that they would keep him on observation till morning and decide about treatment later. They did not even stitch the lacerated wound on the head. On the contrary, they simply covered the wound with a plastic sheet and told them that further treatment has to be done at a different hospital as Nimhans hospital is mainly intended for injuries inside the head.

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The injured person was accompanied by his illiterate wife and two small daughters aged 10 and 12. These people had to wait agonizingly throughout the night in the common waiting lobby with no toilet facility. There is no separate waiting room/lounge for women. You can very well imagine the plight of such innocent and illiterate people who might involuntarily sleep off on the floor of the common waiting lobby.

In the morning at about 8 a.m., the doctor on duty at Nimhans discharged the patient asking us to shift him to some general hospital. As the patient was mostly unconscious and some times semi conscious, we required an Ambulance to transport him to general hospital. When we telephoned 108, they refused to transport him, since their rules do not permit providing ambulance facility to a patient who has been already treated at an Emergency ward. We made a request to other Ambulance facility providers who also refused on the same ground namely shifting of a patient from a bigger hospital to smaller hospital is not permissible."

12. The aforesaid communication, therefore, assumes significance in the context of the proceedings before the Commission. The complaint before the Commission was not merely an allegation made by a person who was unconnected with the incident. The



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complaint was lodged by a Doctor, who, according to the record, had personal knowledge of the circumstances in which the injured person was brought to the Hospital. The Commission also had before it the aforesaid communication addressed by a former Judge who had also witnessed the circumstances surrounding the shifting and admission of the injured person.

13. Section 18 of the Protection of Human Rights Act, 1993, confers power upon the Commission to take such steps as are contemplated under the said provision upon completion of an enquiry. The provision also contemplates the course of action which may be adopted by the Commission after the enquiry, including making recommendations to the concerned Government or authority with regard to the action that is required to be taken.

14. In the present case, the records disclose that notice was issued to the petitioner-Institution. The

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petitioner-Institution, however, failed to appear before the Commission on the notified date. It is not the case of the petitioner that the Commission had declined an opportunity to the Institution to participate in the proceedings. On the contrary, the petitioner seeks to explain its non-appearance on the ground of a communication gap.

15. The Commission, after considering the material available before it, proceeded to make recommendations directing the petitioner-Institution to pay a sum of Rs.50,000/- to the widow of late Prem Singh and also to hold an enquiry into the matter. The recommendations are addressed to the Director of NIMHANS.

16. The short question that therefore arises for consideration is as to whether such recommendations made by the Karnataka State Human Rights Commission under Section 18 of the Act are amenable to challenge in a writ petition.

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17. The answer to the said question has to be considered having regard to the statutory character of the proceedings before the Commission. Once an enquiry is conducted under Section 18 of the Act and the Commission, upon consideration of the material before it, proceeds to make recommendations, the concerned authority is required to consider such recommendations and take appropriate action in accordance with law. The statutory scheme contemplates recommendations by the Commission, including recommendations relating to payment of compensation and initiation of appropriate proceedings or such other action as may be warranted in the facts and circumstances of the case.

18. In the present case, the recommendations cannot be viewed in isolation. The proceedings before the Commission arose out of a specific complaint lodged by a Doctor who was stated to have knowledge of the incident. The material before the Commission also included the communication addressed by a former Judge who had



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personally witnessed the circumstances in which the injured person was brought to NIMHANS and the manner in which he was thereafter shifted to another hospital.

19. The petitioner-Institution was afforded an opportunity to participate in the proceedings. The fact that the petitioner did not effectively avail such opportunity cannot, by itself, furnish a ground to contend that the recommendations made by the Commission are rendered without jurisdiction. The explanation now offered by the petitioner regarding the alleged communication gap does not establish that the Commission acted without jurisdiction or in breach of any mandatory statutory requirement.

20. This Court is also conscious of the fact that Annexure-H is in the nature of a recommendation made by the Commission in exercise of the power conferred under Section 18 of the Act. The recommendations are addressed to the Director of NIMHANS for consideration

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and appropriate action. The statutory obligation, therefore, is cast upon the concerned authority to consider the recommendations and take such action as may be permissible in accordance with law.

21. The peculiar facts of the present case also do not warrant interference with the recommendations at this stage. The material before the Commission included a specific complaint by a Doctor and an independent communication from a former Judge who had witnessed the relevant circumstances. The Commission, after conducting an enquiry, has arrived at its recommendations. The petitioner-Institution has not placed any material before this Court which would demonstrate that the findings or recommendations of the Commission are so perverse or without jurisdiction as would warrant interference in exercise of the extraordinary jurisdiction of this Court.

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22. It is also significant that the petitioner-Institution approached this Court in the year 2017. However, despite pendency of the present proceedings for all these years, the petitioner has not even taken steps to serve notice upon respondent No.3, who is the widow of late Prem Singh. The person in whose favour the recommendation for payment of compensation has been made has, therefore, not been brought before this Court by service of notice. This circumstance also weighs against the petitioner seeking discretionary relief under Article 226 of the Constitution of India.

23. For the foregoing reasons, this Court passes the following;

ORDER

(i) The writ petition is ***dismissed.***

(ii) The Director, National Institute of Mental Health and Neuro Sciences (NIMHANS), Bengaluru, is directed to take necessary steps to implement the recommendations made by



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respondent No.1 – Karnataka State Human Rights Commission, as contained in Annexure-H, in accordance with law.

(iii) The aforesaid exercise shall be completed by the Director, NIMHANS, within a period of three months from the date of receipt of a certified copy of this order.

(iv) The Director, NIMHANS, shall thereafter submit a compliance report before the Registry of this Court within a period of two weeks from the date of completion of the aforesaid exercise, placing on record the steps taken for implementation of the recommendations of the Karnataka State Human Rights Commission.

(v) The Registry shall place the compliance report before the Court for its perusal.

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(SACHIN SHANKAR MAGADUM)
JUDGE