

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WP(C).No. 8790 of 2011 (R)

PETITIONER :

**ADV.K.P.RAMACHANDRAN
S/O.K.PURUSHOTHAMAN NAMBOODIRI, AGED 42 YEARS
ADVOCATE, HIGH COURT OF KERALA, RESIDING AT 33/670
SREEHARI, GANGA NAGAR, MANIMALA ROAD
EDAPPALLY POST, COCHIN-682 024.**

**BY ADVS.SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND**

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY (HOME),
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN-695001.**
- 2. SECRETARY (LAW) TO THE GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
PIN-695001.**
- 3. CHIEF SECRETARY,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN-695001.**
- 4. UNION OF INDIA,
REPRESENTED BY THE HOME SECRETARY,
MINISTRY OF HOME AFFAIRS
NEW DELHI, PIN-110 001.**
- 5. THE REGISTRAR GENERAL,
HIGH COURT OF KERALA, COCHIN-682 031.**

6. KERALA STATE HUMAN RIGHTS COMMISSION,
REPRESENTED BY ITS SECRETARY, M.P. APPAN ROAD,
VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN-695 014.

R1 TO R3 BY SR. GOVT. PLEADER SRI. C.R. SYAMKUMAR
R4 BY ADV. SRI.N.NAGARESH, ASGI
R5 ADV. SRI.B.UNNIKRISHNA KAIMAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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...3/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF REGISTRATION SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE CHIEF MINISTER & OTHERS.
- EXT.P2 COPY OF THE POSTAL RECEIPTS INDICATING DISPATCH OF EXHIBIT P-1 TO ALL THE RECIPIENTS.
- EXT.P3 COPY OF THE ACKNOWLEDGMENT CARD EVIDENCING RECEIPT OF EXHIBIT P-1 REPRESENTATION.
- EXT.P4 COPY OF THE REPLY RECEIVED BY THE PETITIONER DATED 30.7.2010 FROM THE OFFICE OF THE HON'BLE CHIEF MINISTER OF KERALA.
- EXT.P5 COPY OF THE NEWS DOWN LOADED FROM THE WEB SITE REGARDING THE JUDGMENT DELIVERED BY THE ALLAHABAD HIGH COURT.

RESPONDENT'S ANNEXURES :

- ANNEXURE R1(a) : COPY OF G.O.(MS) NO. 227/2013/HOME DATED 11.9.2013 PUBLISHED AS SRO NO. 791/2013.
- ANNEXURE R1(b) COPY OF THE LETTER NO. 72080/C3/2008/HOME DTD. 2.6.2012.

//TRUE COPY//

P.A. TO JUDGE

Mn

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.P(C). No. 8790 of 2011

Dated this the 25th day of November, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard counsel for the petitioner, Sri. Asaf Ali, Director General of Prosecution and the learned Government Pleader. This writ petition has been filed as public interest litigation praying for the following reliefs :

- “i) Issue a writ of mandamus or such other appropriate writ, order or Direction, directing the respondents No.1 to 3 and 6 to take steps to set up Human Rights Courts in the district level in the Kerala State under section 30 of the Protection of Human Rights Act, 1993 and also to set up an investigating officer's Office, a Satellite Office of the Chief Investigating Officer of National Human Rights Commission in Kerala expeditiously in the interest of justice.
- ii) Grant such other relief as this Honourable Court may deem fit and proper in the circumstances of the case.
- iii) Reliefs and Costs.”

2. Learned counsel for the petitioner submits that in view of section 30 of the Protection of Human Rights Act, 1993, it is the obligation of the State to create Human Rights Courts and more than a decade has elapsed and no court has been created.

3. During the pendency of the writ petition, a statement has been filed on behalf of the State bringing on record the notification dated 1.10.2013, in exercise of power under section 30 of the Protection of Human Rights Act, 1993 specifying that all existing Principal District and Sessions Courts in the fourteen Districts in the State to be Human Rights Courts. It is useful to extract the notification dated 11.9.2013 published in the Gazette on 1.10.2013.

“ Government of Kerala
Home (C) Department

NOTIFICATION

G.O.(Ms).No.227/2013/Home. Dated, Thiruvananthapuram, 11th September, 2013.

S.R.O.No.791/2013.- In exercise of the powers conferred by section 30 of the Protection of Human Rights Act,1993 (Central Act 10 of 1994), the Government of Kerala with the concurrence of the High Court of Kerala hereby specify that all the existing Principal District and Sessions Courts in the fourteen districts in the State to be Human Rights Court for the trial of offences under the said Act.

By order of the Governor,

L.RADHAKRISHNAN,
Principal Secretary to Government.”

4. Learned counsel for the petitioner submits that no one is aware of the constitution of the Courts. When a notification has been issued and published in the Gazette, we see no substance in the above submission. The Principal District and Sessions

Courts having been constituted as Human Rights Courts, it is for the aggrieved persons to bring their grievances before the Human Rights Courts as constituted by the State of Kerala. The principal relief sought in the writ petition having already been granted, we see no reason to issue any further direction.

Accordingly this writ petition is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFIQUE,
JUDGE

sou.26/11/15

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