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## PANDURANGA JRCS WITHOUT AUTHORITY OF LAW FREEZED THE BANK ACCOUNTS OF BBMP SC ST CO-OPERATIVE SOCIETY

**INSTITUTING FALSE, VEXATIOUS LEGAL PROCEEDINGS AGAINST SC ST AMOUNTS TO AN OFFENCE UNDER THE POA ACT**



By: M.S.Yatnatti: Editor and Video Journalist Bangalore: Panduranga Garge KCS without authority of law and provision of law has freeze the Bank accounts of BBMP SC ST Workers Society Ltd without any report indicting all directors of BBMP SC ST Workers Society Ltd and cancelled 3 crore loan sanctioned by Bangalore rural & ramanagara district co operative bank ltd.The BBMP Employees who are drawing salaries and the loan repayment is guaranteed by BBMP under the Law then why Panduranga Garge KCS has freeze the account and cancelled the loan sanctioned to BBMP SC ST Workers Society Ltd when BBMP Employees who depend on loans from BBMP SC ST Workers Society Ltd are deprived and this is nothing but economic boycott and social boycott and offence under POA Act.Panduranga Garge KCS need to read KCS Act and let him read section 65 of KCS Act 1959. Let him read content and KCS Act available at department website at <http://sahakara.kar.gov.in/faqCo-opSocieties.html> .It reportedly and allegedly stated that just pay him bribe he issues and damage the running societies by ordering section 64 and 65 enquires .The case in sight is golden jubilee SC ST Workers Co-operative Society Ltd .It is functioning well but without the application of creditor Panduranga Garge KCS has issued section 65 enquiry and troubling good directors of SC ST Workers Co-operative Society Ltd.This society has no dues to be paid to any bank .No bank has demanded enquiry against SC ST Workers Co-operative Society Ltd.Even then a false 65 enquires is ordered and its accounts are illegally closed in all banks without any authority of law .He says that he can do anything and nobody can take action on him. He has threatened SC ST Workers Co-operative Society Ltd that SC ST cast societies will be eliminated from his department as he can keep pen on any society and That society get finished .It is said that Aiyappa has ordered enquiry against Panduranga Garge KCS but it is said that someone from CM office is God Father of Panduranga Garge KCS and Aiyappa RCS cannot do anything .When section 65 [karnataka co-operative societies act 1959](#) is ordered ?The Registrar may of his own motion or on the application of a creditor of a co-operative society,inspect or direct any person authorised by him by order in writing in this behalf, to inspect the books of the society.2)Who orders inspection under section 65 ?The Registrar or Registrar of the concerned jurisdiction can order section.65.3)Under which circumstances section.65 inspection held? . Section 65 can be ordered when the applicant:-satisfies the Registrar that the debt is a sum then due and that he has demanded payment thereof and has not received satisfaction within a reasonable time and deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.4) whom the inspection report should be communicated? The Registrar shall communicate the results of any such inspection to the Director of co-operatie Audit and (a) Where the inspection is made of his own motion to the society and (b) where the inspection is made on the application of a creditor to the creditor and the society.

No FIR is booked at VV Puram Police Station Bangalore despite complaint by chiranjeevi against Sri Panduranga Garg JRCS Chamarajpet Bangalore Under POA Act Do you know that instituting false, malicious or vexatious suit or criminal or other legal proceedings against members of scheduled castes and a scheduled tribes amounts to an offence under the Act? [SECTION 3 (1) (viii)] A recent research has revealed that only 60 percent of SCs IAS, PCS, doctors and other Officers were aware about this provision. 2 It may also be interesting to know that no case seems to have been filed under this section so far by the SCs or STs.Do you know that giving any false or frivolous information to any public servant and thereby causing such public servant to use his lawful power to the injury or annoyance of a member of scheduled castes and a scheduled tribes amount to an offence under the Act? [SECTION 3 (1) (ix)] A recent research has revealed that only 53 percent of SCs IAS, PCS, doctors and other Officers were aware about this section. 2.Do you know that intentionally insulting or intimidating with intent to humiliate a member of a scheduled caste or a scheduled tribe in any place of public view is punishable under the Act? [SECTION 3 (1) (x)].Do you know that whoever, being a public servant but not being a member of a scheduled caste or a scheduled tribe, willfully neglects his/her duties required to be performed by him/her under this Act is also liable to be severely punished? [SECTION 4].You may have by now judged your own awareness about the above provisions in the Act. Unfortunately, these provisions have remained on paper because of ignorance on the part of SCs and STs persons. It is shocking to know that no case has ever been filed under SECTION 3 (1) (viii) and (ix) in the country. However, enlightened and educated SCs and STs employees can show the way to their poor brothers and sisters by taking advantage of the protections available under the Act. Let us now discuss the above FOUR of the Act one by one to know how an SC or ST employee can benefit from them in the event of 'atrocities' committed upon him/her:It is pertinent to note that despite Complaint is filed by chiranjeevi against Sri Panduranga Garg JRCS Chamarajpet Bangalore Phone :9740966644 a Public Servant for Instituting false, malicious or vexatious legal proceedings no FIR is booked at VV Puram Police Station Bangalore as JRCS allegedly taking huge bribe money has instituted false, malicious or vexatious legal proceedings without following court procedures converting a letter of complaint into a court case without any court procedures on Ravi Kumar and Lingaraju SC ST persons in span of just 30 just days by Instituting false, malicious or vexatious legal proceedings Section 3(1)(p) of the Act is an atrocity on SC ST Persons and other sections of atrocity Act and IPC sections . Whereas same Sri Panduranga Garg JRCS Chamarajpet Bangalore has not taken any decision by taking huge bribe in an official case filed by Kullayappa in JRB/DISPUTE/29© /07/2013 -14 and despite offence is proved he has not filed FIR against all alleged culprits in respect of misappropriation and causing loss to public money from the year 1992 and 1994 by then president Sri Narayana (bais) and Sri Manikayam as Vice President and Sri Narsimha as Treasurer and others directors of SC ST Workers Co-operative Society Ltd Bangalore to a tune of Rs 7 64 342/- and more in the case filed in JRCS court by Kullayappa in JRB/DISPUTE/29© /07/2013 -14 and whereas in case Ravi Kumar and Lingaraju SC ST persons he converts a false letter of allegations without any affidavit into a case and without authority of law based on that orders section 65 Enquiry despite no bank has complained JRCS about non payments of any loans and based on false letter he cannot order any enquiry on them where as he himself has given clean chit to SC ST Workers Co-operative Society Ltd Bangalore under president ship of Mr Ravi on 22-07-2016 .

Protection From Atrocities By False Litigation: CLAUSE 3 OF THE ACT READS AS UNDER: Punishment for offences of atrocities- (1) Whoever, not being a member of a scheduled castes or a scheduled tribes-(viii) Institute false, malicious or vexatious suit or criminal or other legal proceedings against a members of a scheduled castes or a scheduled tribes;(ix) Gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a members of a scheduled castes or a scheduled tribes;(x) Intentionally insults or intimidates with intent to humiliate a members of a scheduled castes or a scheduled tribes in any place of public view;Shall be punishable with imprisonment for a term, which shall not be less than 6 (six) months but which may extend to 5 (five) years and with fine. CLAUSE 4 OF THE ACT READS AS UNDER: 'Whoever, being a public servant but not being a member of a scheduled caste or a scheduled tribe, willfully neglects his duties required to be performed by him under this Act'-Shall be punishable with imprisonment for a term which shall not be less than 6 (six) months but which may extend to 1 (one) year. It is pertinent to note that "the offences of atrocities against members of SCs and STs, under Chapter II of the PoA Act many after amendment .Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine. -viii. Institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe ix. gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe x. intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view vii. being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence. Imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe.

Filing of the First Information Report (FIR) is of paramount importance as the process of justice begins with registration of an offence with the police station. The procedure for filing FIR has been given under Section 154 of Code of Criminal Procedure, 1973. The Constitution Bench of Supreme Court of India in its judgment dated 12.11.2013, in the W.P. (Criminal) No. 68 of 2008(Lalita Kumari Vs Govt. of Uttar Pradesh and Ors.) has, inter-alia, held that, "Registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation". The offences under the PoA Act are cognizable. As such the affected person must file an First Information Report (FIR) in the Police Station of the area as per relevant provisions under Chapter II of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities){PoA} Act, 1989, as amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (Amendment) Act, 2015(No. 1 of 2016). Presumption to the offences has been added to the act, i.e., If the accused was acquainted with the victim or his family, the court will presume that the accused was aware of the caste or tribal identity of the victim.Vexatious litigation is legal action which is brought, regardless of its merits, solely to harass or subdue an adversary. It may take the form of a primary frivolous lawsuit or may be the repetitive, burdensome, and unwarranted filing of meritless motions in a matter which is otherwise a meritorious cause of action. Filing vexatious litigation is considered an abuse of the judicial process and may result in sanctions against the offender. A single action, even a frivolous one, is usually not enough to raise a litigant to the level of being declared vexatious. Rather, a pattern of frivolous legal actions is typically required to rise to the level of vexatious.The following new offences have been added to the list of atrocities:Tonsuring of head, moustache, or similar acts which are derogatory to the dignity of members of SCs & STs.Garlanding with Chappals.Denying access to irrigation facilities or forest rights.Dispose or carry human or animal carcasses, or to dig graves, using or permitting manual scavenging.Dedicating a SC/ST woman as Devadasi.Abusing in caste name, perpetrating witchcraft atrocities.Imposing social or economic boycott.Preventing SC/ST candidates from filing of nomination to contest elections.Hurting a SC/ST woman by removing her garments.Forcing a member of SC/ST to leave house , village or residence.Defiling objects sacred to members SCs/STs.Touching or using words, acts or gestures of a sexual nature against members of SCs/STs.Check List :Remember, you have to prove the following beyond doubt:- -That the complainant is SC or ST. -That the accused is non-SC or ST. -That the accused had prior knowledge of the caste of the victim and the accused harassed the victim primarily because of caste prejudice and not because of other factors such as administrative /political rivalry, quarrel, revenge, enmity, or insubordination. -That the complain / allegation relates to the period after the enactment of the Act (i.e. after 30.01.1990). -That the disciplinary proceeding such as charge sheet, enquiry, dismissal / removal / termination of service, criminal case, corruption case, civil suit etc. is a legal proceeding. Attach photocopy of service rules Act. That the prosecution / litigation / legal proceeding was false, malicious and vexatious. You have to produce documentary evidence for the same. -That the cause of action arises when and where Be sure about the place / location / jurisdiction where a complain is to be filled. -The accused intentionally humiliated or intimidated the victim and the humiliation was in public view. -That the non-SC public servants willfully neglected their duties which was required to be performed by them under the Act. -File complaint / FIR only under provisions of SC and ST Act, 1989 and do not add other provisions from IPC or the Protection of Civil Rights Act, 1955 (popularly known as untouchability Act) or any other Act. -If you have made a complaint against the accused in the past alleging caste prejudice, the same be annexed with the complaint / FIR. Have at least two genuine witnesses in your support and make good documentation of instance of atrocity. -Delay in lodging FIR / complaint is generally fatal to the prosecution. Delay needs to be suitable justified /explained. -Simultaneously file your claim with District Magistrate for Legal / financial assistance during investigation. And finally, do not file a complaint / FIR if the above criteria are not fully met.

RTI Act provides transparency under Section 3 and 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 and accountability under 4(1) (d) RTI Act 2005 as the PA will create information; or to interpret information; or to solve the problems raised by the applicants under the system and procedure as per listed Acts and rules regulations listed under 4(1) (a) (b) (c) every day and that can be cross checked by applicant by asking reasons under 4(1) (d) by the affected person and copy of the same can be given to any applicant under 2( f) of RTI Act .RTI is a total problem solving mechanism and not just record providing tool.RTI will provide transparency under 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 every day and Accountability can be ensured under 4(1) (a) (b) (c) (d) and 2(f) of RTI Act 2005 and this will reduce the corruption in every public authority .RTI Act is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. The information under RTI Act is defined in, Section 2(f) of the RTI Act, which defines "information" under this Act, unless the context otherwise requires,- (f) "information" means any material in any form, including records, documents, memos, e- mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models,



data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;". This act can be called as the "law of transparency and accountability" which acts as the citizen's weapon to question and get information related to the government's functioning so that they can analyze its performance, and act accordingly. Information is essential for the efficient working of journalists and thus, the Right to Information (RTI) Act is one of the most useful legislations for a journalist.

The RTI Act has two basic divisions the first requiring public officials to *suo moto* publish information pertaining to their departments and the second enabling the public to access information from a public office. The official documentary proof can be obtained by simply filing an application with a fee of Rs. 10. Under Section 2 (j) (ii) of the Act, the applicant can ask for certified copies of the documents or records. This certified copy of the document giving information can be admitted in the Court as Secondary Evidence. Note that under the RTI Act, the right to information includes the right to inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority. A citizen has a right to obtain information from a public authority in any relevant form including in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be e-mailed or transferred to diskettes etc. RTI, one of the few weapons the common man has in his fight against the high and mighty, citizens have unlimited powers under RTI Act 2005. Every PA must understand that "information" is not created in "Paraloka" or "Swargaloka" or in "CIC" or "SIC" which will be given by PA under Section 2(f) of the RTI Act. It is PA which creates the information every day 4(1) (a) (b) (c) and the "information" in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form need to be created as per 4(1) (a) (b) (c) reasons under 4(1) (a) (b) (c) (d) need to be given by PA to the affected person and copy of the same can be given to any applicant under 2(f) of RTI Act. The PA should be forced to function and create information strictly as per under 4(1) (a) (b) (c) on the applications and request of public and provide it under 2(f) of RTI Act and information should not be incomplete misleading and false and public is free to check accountability under 4(1) (d) RTI Act 2005. The Right to Information (RTI) Act is one of the most important tools that can empower the common man, it had become imperative to fight against corruption for the effective functioning of the three pillars of democracy — legislature, executive and judiciary. The three pillars of democracy had been included in the ambit of the RTI Act and people should make use of the provisions of the Act to bring down corruption. There was a need to create awareness among people on the wide range of powers enshrined in the RTI Act. The educated sections of society must take active part in the fight against injustice and use the provisions of the RTI Act to protect the rights of the people.

THE RIGHT TO INFORMATION ACT, 2005 is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. RTI Act provides transparency under Section 3 and 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 and accountability under 4(1) (d) RTI Act 2005 as the PA will create information; or to interpret information; or to solve the problems raised by the applicants under the system and procedure as per listed Acts and rules regulations listed under 4(1) (a) (b) (c) every day and that can be cross checked by applicant by asking reasons under 4(1) (d) by the affected person and copy of the same can be given to any applicant under 2(f) of RTI Act. RTI is a total problem solving mechanism and not just record providing tool. RTI will provide transparency under 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 every day and Accountability can be ensured under 4(1) (a) (b) (c) (d) and 2(f) of RTI Act 2005 and this will reduce the corruption in every public authority. RTI Act is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. The information under RTI Act is defined in, Section 2(f) of the RTI Act, which defines "information" under this Act, unless the context otherwise requires, - (f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;". This act can be called as the "law of transparency and accountability" which acts as the citizen's weapon to question and get information related to the government's functioning so that they can analyze its performance, and act accordingly. Every PA must understand that "information" is not created in "Paraloka" or "Swargaloka" or in "CIC" or "SIC" which will be given by PA under Section 2(f) of the RTI Act. It is PA which creates the information every day 4(1) (a) (b) (c) and the "information" in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form need to be created as per 4(1) (a) (b) (c) reasons under 4(1) (a) (b) (c) (d) need to be given by PA to the affected person and copy of the same can be given to any applicant under 2(f) of RTI Act. The PA should be forced to function and create information strictly as per under 4(1) (a) (b) (c) on the applications and request of public and provide it under 2(f) of RTI Act and information should not be incomplete misleading and false and public is free to check accountability under 4(1) (d) RTI Act 2005. The Accountability is checked by public under 4(1) (d): The citizens who are affected by decisions made under RTI ACT 4(1) (a) (b) (c) can seek reasons for their administrative and quasi judicial decisions. PA can provide reasons to affected person and copy of such reasons can be provided to anybody under 2(f) of RTI Act. Public is fully authorized to ask how and why and under what rules and regulations such decision is arrived at under 4(1) (a) (b) (c) of RTI ACT 2005 using 4(1) (d). An RTI application can force the PA to create information on his application to PA under 4(1) (a) (b) (c) of RTI ACT 2005 and at the same time he can check the information whether it is provided as per 4(1) (a) (b) (c) of RTI ACT 2005 by invoking 4(1) (d) of RTI Act 2005. And whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Government and their instrumentalities accountable to the governed.

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