

# VAIKUNTA BALIGA COLLEGE OF LAW

(A UNIT OF Dr. T.M.A.PAI FOUNDATION, MANIPAL)

(PERMANENTLY AFFILIATED TO KARNATAKA STATE LAW UNIVERSITY, HUBBALLI)

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## INSTITUTIONAL DISTINCTIVENESS

### HUMAN RIGHTS PROTECTION FOUNDATION

#### AND

### ALTERNATIVE DISPUTE RESOLUTION CELL

Since many citizens are not actually aware about their rights, they are so accustomed with the life style where their rights are getting violated. A person may be a consumer, senior citizen, a farmer, women and other vulnerable sections of the society. They all have their rights but ignorance of their rights makes them of budge to the highhandedness of officials.

Therefore our institution has established an Alternative Dispute Redressal Cell which functions in association with Human Rights Protection Foundation, having following objectives.

1. To educate people about their rights and interests, by imparting them legal awareness.
2. To support a person who is the victim of any problem in his/her fight for justice.
3. To provide a viable alternative to over- burdened judiciary.
4. To provide an easy and inexpensive remedy to the poorer sections of the society.

Human Rights Protection Foundation of Udupi and Consumer's Forum, Basrur are the two organizations, which have been actively guiding people to get redressal of their

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VAIKUNTA BALIGA COLLEGE OF LAW  
KUNJIBETTU, UDUPI 2



grievances. The College Management has facilitated the functioning of these two NGOs to work smoothly with help and assistance from students and staff of our institution. So an Alternative Dispute Redressal Centre in the institution has been established in the premises of our college

A provision is made to the Law students to actively participate in Negotiation, Mediation and Conciliation. Students from various colleges have visited our centre batch by batch and training was given in our college for two days. This has provided an opportunity for all the students and staff of our college to interact with their counterparts.

More than three thousand case papers of resolved disputes have been fed into the computers and they are made available for students and interested citizens for reference. Case studies from the above said centre are helpful for our students to understand the subject. Workshops were conducted to train volunteers to establish Public Interest groups such as Consumer Organizations, Human Rights Organizations and Eco Clubs etc. After the ADR cell has been established in the college, students got the opportunity to witness so many heterogeneous cases.

### **Some recent cases of 2020-21 are:**

#### **1. Unorganized employees get their due:**

In this case, Prabhavi Enterprises which was handled by one Mr. Vinod Kumar was later sold to Mr. Suresh Chandra. All the existing employees were anxious about their future. They wanted to know whether their 'would be employer' will retain the existing employees or not. Moreover, those who completed more than 20 years of service wanted to know whether they would get their gratuity or not.

They approached Human Rights Protection Foundation (HRPF) for guidance. it was observed that the employees were getting salary much less than the minimum wages stipulated in the Minimum Wages Act. HRPF issued a letter to the employer and instead of replying to the same, the employer directly visited the foundation. The Legal Advisers of HRPF explained the proprietor of Prabhavi Enterprises that he is required to pay the entire arrears of his employees before handing over the business to the buyer of the firm. The buyer also was told that he would be purchasing the business along with all the lia-



bilities.

Ultimately, after several meetings with all the three parties viz, the owner of the business, the buyer and the employees, it was agreed that the present owner should pay the unpaid portion of salary. Further gratuity has to be paid as per the years of their services. The proprietor agreed to pay all the arrears before handing over the business to Mr. Sureshchandra. As per the agreement a total sum of Rs. 29, 59,155 were paid to 20 employees.

## **2. Senior Citizen struggling since 29 months to get justice**

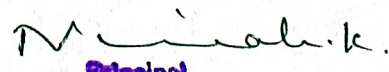
### **Shrinivas Thunga wails for a bite of food**

#### **Why don't you go to Mandya to enquire**

Shrinivas Thunga who is the head of the household had lakhs of income even after which now he is Dependant on Bhootha Kola and Car festivals of temples for his two time meal. Due to some difference of opinion with family members his children expelled him from home. He went to Bangalore and took up a job at a Hotel for many years. In 2018, he returned to native due to old age and also met with road accident due to which it was difficult for him to move around. He approached Senior Citizen Helpline at Udupi and the helpline submitted a petition in this regard to the President of Senior Citizen Tribunal at Kundapura in September 2019. Since then, the Tribunal has been conducting enquiry. Children have been escaping from attending the enquiry. He later approached the NGO for help and NGO wrote the letter to the Tribunal requesting to resolve the case. Later on, after negotiation the three children agreed to pay Rs. 3000/- per head to Shrinivas Thunga every month.

## **3. ROSHNI TRICKS HER GRAND MOTHER AND DISAPPEARS**

Ex-serviceman Mr. Lawrence D'Souja has brought a complaint before the Human Rights Protection Foundation, Udupi that one woman viz., Mrs Roshni Umakanth Poojary, aged about 28 years has tricked 84 years old grandmother Mrs. Celestial Andrade, resident of Santur village, Mangaluru Taluk and also her father Mr. Ronald D'Souja and enriched herself with the agricultural property of Two Acres and Five Cents worth several Lakh. The complaint by Ex-serviceman Mr. Lawrence D'Souja has been properly



Principal

VAIKUNTA BALIGA COLLEGE OF LAW

KUNIBETTU, UDUPI 2



studied and after ascertaining that Senior citizen Mrs Celestial Andrade aged about 84 years has been duped by Mrs. Roshni Umakanth Poojary exploring the ways to get her justice lawfully. They are also exploring the possibilities of filing a case under "THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007" to get the justice for Mrs Celestial Andrade.

#### **4. John Montero Case**

John Monthero, an engineer from Mulki of D.K.District passed away during imprisonment in Saudi Arabia. Nine months after his death, Human Rights Protection Foundation of Udupi assisted his family to bring the dead body to India.

#### **5. Bhoja Shetty Case**


Bhoja Shetty of Mudradi village in Karkala Taluk, in the year 1995, as per the advice of his wife, he divided and transferred his agricultural property and his residential house amongst his children. He entered into an agreement with his children that he would be given a monthly allowance for his maintenance by each son. But, his children neglected to take care of him.

Mr. Shetty approached Human Rights Protection Foundation in October 2018. A complaint was lodged with the Senior Citizens Tribunal in Kundapur seeking assistance to get relief. In the month of December 2019, the Tribunal gave the verdict directing each of the five sons to provide monthly maintenance of Rs. 2000/-

Bhoja Shetty's sons filed a Writ Petition at Karnataka High Court against the judgment delivered by the Tribunal. Human Rights Protection Foundation, Udupi invited all the children and other elders of the family for a discussion in this matter. After much persuasion, the children agreed to withdraw the case from High Court and also to make the payment as per the order of Tribunal. At present Bhoja Shetty is family spending his last days without worrying for food and shelter.

#### **6. K S Bhat Case**

When Dr. Bhat approached Basrur Consumer Forum, since he was a patient of KMC

  
Principal

VAIKUNTA BALIGA COLLEGE OF LAW  
KUNJIBETTU, UDUPI - 2