



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

Administrative Staff College Compound, 9, Hajarimal Somani Marg, Opp. C.S.T. Mumbai – 400001.
Tel: 22050791, Fax: 22091804/22093678/22078962. Website: <http://mshrc.maharashtra.gov.in>

SRB/Case 2827/2011-12

Name of the complainant : G.R.Kamat & Others.

V/s.

**Dy.Commissionr of Police, Zone-X
Sr.Police Inspector, Andheri.**

Date : 28th November, 2013

**Coram :Justice S.R.Bannurmth
(Chairman)**

ORDER

This complaint is filed by members of the Andheri Gymkhana alleging the illegalities and violation of human right by the Andheri Police Station officials including the A.C.P, Senior Police Inspector and others .

The brief fact leading to present complaint are as follows :-

It is alleged that he complainant many of whom are senior citizens are members of the Andheri Gymkhana it is a registered body under Bombay Published Act and the Society Registration Act in existence almost for the last 25 yrs. It is alleged that these members usually visit the Gymkhana for recreation purpose including playing, bridge and rummy card game. It is alleged that on 10.08.2011 when these members were present in the Gymkhana the police officials named forming a team raided the gymkhana at about 8.15p.m on the ground of engaging in gambling activity and arrested these complainants, took them to the Andheri Police Station and behaved in humanly with them. Hence the present complaint of violation of human right before this Commission.

From the perusal of the records including the complaint and other materials prima-facie it is apparent that the police officials so named have by their conduct

not only threw out the law out but has violated the basic rules and regulation as well as the human rights of lawful citizens.

The Commission need not go in detail inquiry in this regard as already the complainants have approached the Hon'ble High Court of Judicature Bombay in Criminal Writ Petition 1006/2012. The Division Bench of the Hon'ble High Court has on detailed hearing by its Judgement dated 25.06.2012 held that the superior police officials especially Shri.Shivajirao Deshmukh, Senior Police Inspector and Shekhar Bhalerao Police Inspector as well as Ravindra Mansingh Kadam P.S.I have not only violated the well settled norms and law while conducting the alleged raid and especially in the procedure adopted including illegal arrest, detention etc. In fact the Hon'ble High Court has without mincing words in several paragraphs has held that the arrest of the complainants including two women by the concerned police officers is not only violative of Provision of Law but also violative of the fundamental rights especially guaranteed under article 21 of the Constitution of India and ultimately castigated the police stating that “ the act of the police is not only depreciable but is also despicable.” The Respondents have clearly violated provision of Criminal Procedure Code and Art.21 of the Constitution of India. The Hon'ble High Court considering the grave nature of the violations infact has directed the respondents especially the State Govt. to pay a compensation of Rs.1000/- to each of the petitioners (Complainants herein) including compensation of Rs.25,000/- each to the two women who were also arrested and detent by the police.

In view of the action taken by the Hon'ble High Court including payment of compensation, this Commission need not go further with the present case. However, it is noticed that the State Govt. is dragging its feet in either payment of compensation or taking serious departmental action against the erring police

officers and infact as it is brought to my notice the complainants have initiated contempt of Court proceedings in C.C 378/2013 against the State and others.

However before closing the case I would like to observe that the initiation of action against the three erring police officers namely Shri.Shivajirao Deshmukh Sr.Police Inspector , Shri.Shekhar Bhalerao Police Inspector and Shri.Ravindra Mangsing Kadam P.S.I, prima-facie appears to be as a face wash. On the face of serious violation of human rights, dereliction of duty and even false report by these officers as noted in the departmental inquiry, show-cause notice, the proposed punishment appears to be very flimsy and inadequate. Hence the *Commission recommends the State Govt. to look into the matter a fresh and inflict proper an adequate punishment commensurate with the illegal act of the erring police officers who have been found with, not only disregard to the law but also to the fundamental rights and human rights available to the citizens*. State Government is recommended to take fresh action in this regard and report to the court the same to the Commission within 4 months from the date receipt of this order. With this observation the case is closed.

(Justice S.R. Bannurmath)
Chairman

Mumbai.