

Maharashtra State Human Rights Commission

2021-2022



21st Annual Report

1st April 2021 to 31st March 2022

About The Report

The report provides a comprehensive overview of the human rights situation in the state, including cases of violations and recommendations for improvement. The content of the report is based on the commission's investigations and findings, as well as input from civil society organizations and other

Maharashtra State Human Rights Commission



21st Annual General Report 2021-22

**9, Hajarimal Somani Marg, Opp. Near Chhatrapati Shivaji Terminus, Mumbai,
Maharashtra - 400001**

PREFACE

This is the 21st Annual Report of the Maharashtra State Human Rights Commission.

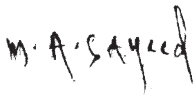
Human Rights are commonly understood as inalienable fundamental rights inherent in all human beings, regardless of their notions, locations, language, religion, ethnic origin, sex, caste, creed etc. They are universal and applicable everywhere. As per the United Nations Conferences and Conventions held, in 1948 as emphasised in the Universal Declaration of Human Rights the state must promote and protect human rights regardless of political, economic and cultural differences prevalent in the states. Accordingly, The Protection of Human Rights Act, 1993, was enacted in India.

The object of the Act was limited to the extent that the Human Rights Commission could inquire into violations of human rights only by public servants, and though the Commission, with its limited powers and jurisdictions, has been looking into complaints received or even suo moto, The efforts of the commission to bring awareness in the State of Maharashtra have resulted in a large number of cases being registered and inquired about. The Commission also makes surprise checks and holds camp sittings in various districts. The report is a testimony to the efforts taken by the Commission to uphold the human rights of the people of Maharashtra during the times of Covid-19 Pandemic. The report was not presented to the assembly in the year 2022 due to the imposition of lockdown during the pandemic period; hence, it is being presented in the following year. The report provides a detailed description of the work undertaken by the Commission.

This report is prepared by the students of Masters of Laws (LL.M.) - Access to Justice, School of Law Rights and Constitutional Governance, Tata Institute of Social Sciences, Mumbai under the attachment programme with the Maharashtra State Human Rights Commission.

Handwritten signature of Justice K. K. Tated in black ink, dated 18-1-2024.

Justice K. K. Tated (Retd.)
(Chairperson)

Handwritten signature of M.A. Sayeed in black ink.

M.A. Sayeed
(Member)

Bhagwant D. More
(Member)

Message from the Chairperson of the Maharashtra Human Rights Commission, Mumbai.

The United Nations Declaration of Human Rights' grant 75th anniversary and its implementation around the world is very important, particularly in India and Maharashtra. The Sustainable Development Goal (SDG) 16 mission statement reads as "to promote peaceful and inclusive communities for sustainable development, guarantee access to justice for all, and establish effective, accountable, and inclusive institutions at all levels." The Paris Principles are a set of international norms that are complied with by the Maharashtra State Human Rights Commission (MSHRC). The MSHRC acts as a link between the state and civil society. By receiving and handling complaints and advising governments on rights-based legislative frameworks, MSHRC combats inequality and discrimination. The MSHRC is easily accessible to the general public who need conflict resolution. Those who knock on the door receive their benefits. The best techniques involve a complaints those system that uses technology, regular hearings without breaks, and quick justice. Women who are physically or socially disadvantaged are neverdenied justice. During the past 20 years, the MSHRC has worked tirelessly to fulfil the aspirations of Maharashtrians to live lives of dignity and respect. It has consistently strived to implement a rights-based approach to how the government operates at all levels, including the state level, the district level, and even the distant village level. The Commission takes initiatives to increase public knowledge of human rights issues and to sensitise them to the need to uphold human dignity.

- Hon'ble Justice K. K. Tated (Retd.), Chairperson, Maharashtra Human Rights Commission, Mumbai.

Message from Members, MSHRC, Mumbai.

At MSHRC, the promise of the UDHR—of dignity and equality in rights—has been realised. The values and rights enshrined in the UDHR serve as benchmarks for our collective activities that do not leave anyone behind in accordance with the pledged message "Stand Up for Human Rights" while society confronts issues such as exploding disparities and climate change. Based on suo moto cognizance of media reports and complaints, the Commission continues to intervene in civil and political rights matters. Along with these issues, the Commission continued to focus on the rights of people who belong to Scheduled Caste and Scheduled Tribe communities, as well as other vulnerable groups like women, children, the disabled, and the elderly. It also continued to promote human rights education, training, and awareness in accordance with its mandate and the responsibilities envisioned by the human rights law.

- Hon'ble Shri. M.A. Sayeed, Member, Maharashtra Human Rights Commission, Mumbai.

MSHRC is a regional tribunal providing great assistance in the area of human rights advocacy. In Maharashtra, the Commission's effectiveness and efficiency speak for enforcing orders and issuing instructions to guarantee transformative justice. In order to uphold the rule of law, MSHRC believes in fundamental principles and values, and it never compromises justice. The commission is working assiduously to make human rights integral to government at all levels and to increase public officials' and civil society's understanding and sensitivity to human rights issues. The commission runs training programmes for aspiring attorneys, empowering abandoned and distressed women while ensuring societal necessities.

- Hon'ble Shri. Bhagwant D. More, Member, Maharashtra Human Rights Commission, Mumbai.

TABLE OF CONTENTS

No.	Chapter	Page No.
1	Introduction	1-7
2	Complaints Handled by the Commission	8-17
3	Illustrative Cases	18-27
4	Visits Taken By The Commission	28-30
5	Awareness Programmes	31-32
6	Recommendations	33-36
7	Budgeting and Finances	37-38

CHAPTER 1

INTRODUCTION

"To deny people their human rights is to challenge their very humanity."

- Nelson Mandela

Man has been fighting for his existence since the beginning of recorded history. The idea of the fittest surviving the weakest led to disputes between people and paved the path for the creation of laws and regulations to protect the weak. In the past, there wasn't much room for human rights because individuals were automatically preserving better interpersonal relationships. The notion of human rights arose and is now given the appropriate prominence at both the national and international levels after several centuries of development. Human rights are essentially the freedoms that people have, both individually and collectively, that improve their quality of life and sense of worth.

In 1948, the United Nations issued the Universal Declaration of Human Rights, which listed a number of rights and declared them to be fundamental freedoms that apply to all people without regard to distinctions of any kind. Each and every State must guarantee and defend these rights. Two Covenants on Civil and Political Rights and Economic, Social, and Cultural Rights were signed in 1966 in response to the declaration. According to the International Covenant on Economic, Social, and Cultural Rights, some rights cannot ever be restricted or suspended, not even in times of emergency. It recognises the right to life, which includes the right to an appropriate standard of living and an education. The right to work and the right to equal compensation for equal labour, as well as the right of minorities to practise their own culture, religion, and language. The Covenant on Civil and Political Rights addresses the avoidance of apartheid in all of its manifestations and ensures that everyone has the right to enjoy those rights free from discrimination based on race, colour, sex, language, religion, or social origin.

The United Nations works to promote, safeguard, and uphold human rights consistently around the world through its instruments, as well as through regional and international institutions. The "instruments" for human rights represent the political commitment made by member nations to

align their domestic laws with the global moral code. With this in mind, the "Paris Principles," which were developed in 1991 at a United Nations-sponsored meeting of representatives of national institutions held in Paris and endorsed by the UN Commission on Human Rights on March 3, 1992, and the UN General Assembly on December 20, 1993, became the cornerstone and a guide for the creation and management of national human rights institutions all over the world.

Human rights are universal legal protections for people and communities from acts that violate the minimum standards of human decency. As Justice VR Krishna Iyer says, "Human rights are those irreducible minima which belong to every member of the human race when pitted against the State or other public authorities, groups, gangs and other oppressive communities."

India ratified both Covenants in 1979 and is a signatory to the UDHR. Comparing international human rights law with the Indian Constitution reveals that the majority of human rights are included in Part-III of the Constitution under the "Fundamental Rights," which are upheld by the courts. It was deemed important to create an independent forum in order to improve accountability and openness in the administration of justice and safeguard the protection of human rights. On September 28, 1993, the Indian President promulgated the Protection of Human Rights Ordinance, and on October 12, 1993, the National Human Rights Commission was founded. Following the passage of a bill by the Parliament, the Act became operative on January 8, 1994. This Act offers protection from human rights violations. The National and State Human Rights Commissions, as well as the District Human Rights Court, are to be established under this Act. In accordance with The International Covenant and Protection of Human Rights Act, 1993.

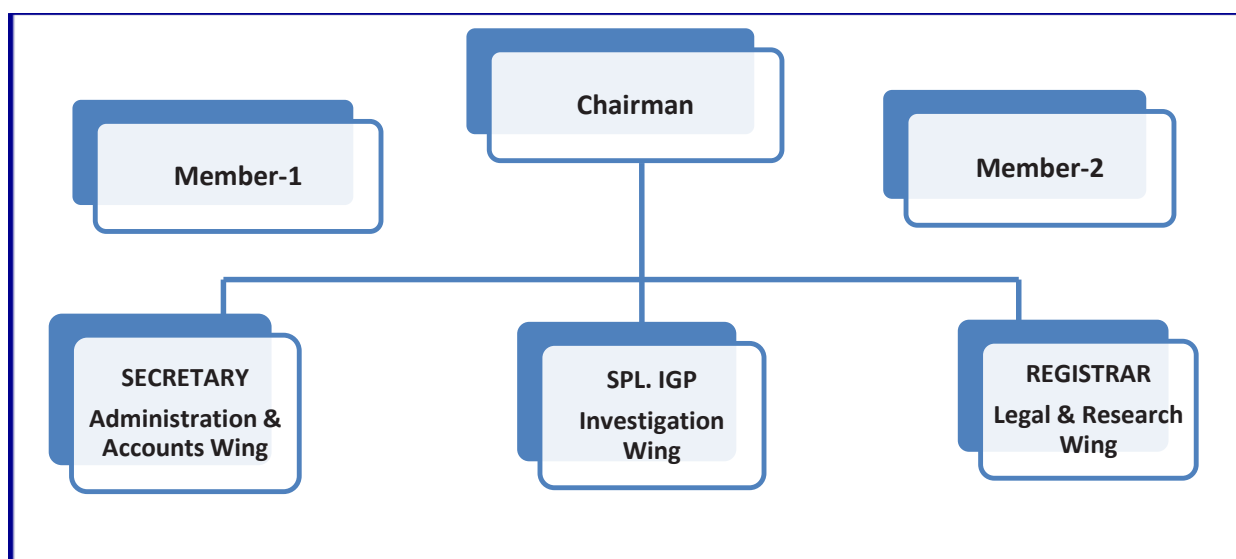
The Maharashtra State Human Rights Commission was established on March 6th 2001 when the Hon'ble Governor of Maharashtra signed the warrants for the appointment of the Chairperson and three members as provided under Section 22 of the Protection of Human Rights Act 1993.

I. Composition of the Commission

The Maharashtra State Human Rights Commission (MSHRC) is an Autonomous and Statutory Body

Comprising of:

- A Chairperson who has been a Chief Justice of a High Court/ Justice of High Court.
- One Member who is, or has been, a Judge of a High Court or District Court Judge in the State with a minimum of seven years' experience as District Judge;
- One Member is to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to Human Rights.



Composition of Maharashtra State Human Rights Commission, Mumbai.

- ❖ Justice K. K. Tated (Retd.), Hon'ble Chairperson, MSHRC, Mumbai.
- ❖ Shri. M. A. Sayeed, Hon'ble Member, MSHRC, Mumbai.
- ❖ Shri. Bhagwantrao D. More, Hon'ble Member, MSHRC, Mumbai.
- ❖ Shri. Tukaram Mundhe, (IAS), Secretary, MSHRC, Mumbai.
- ❖ Shri . Sachin Pandhakar, Superintendent of Police & I/C. Special IGP, MSHRC, Mumbai.
- ❖ Shri Pramod Bhagwan Lokhande, Registrar, MSHRC, Mumbai.

II. Functions of the Commission

The State Human Rights Commission is an important organisation established in India to safeguard and promote state-wide human rights. The State Human Rights Commission is an important institution established in India to protect and promote human rights in the state. Some of the functions of the State Human Rights Commission are:

1. ***Investigating complaints of human rights violations:*** The State Human Rights Commission is authorised to inquire into complaints of human rights violations that have taken place in the state, either suo motu or on receipt of a petition or complaint from any person.
2. ***Inquiring into violation of rights:*** The Commission can inquire into any violation of human rights, take suo motu cognizance of any matter related to human rights, and recommend appropriate actions to the concerned authorities.
3. ***Recommending compensation and relief:*** The Commission can recommend compensation or other forms of relief to the victim or the family of the victim in cases of human rights violations.
4. ***Recommending measures to prevent human rights violations:*** The Commission can recommend to the state government or other authorities, measures to be taken for the effective prevention of human rights violations.
5. ***Promoting human rights education and awareness:*** The Commission can promote human rights education and awareness through various means, such as conducting workshops, seminars, and public lectures.
6. ***Monitoring the functioning of government bodies:*** The Commission can monitor the functioning of government bodies and ensure that their activities are in compliance with human rights standards.
7. ***Submitting reports to the National Human Rights Commission:*** The State Human Rights Commission is required to submit reports to the National Human Rights Commission on the measures taken for the effective implementation of human rights in the state.

According to section 28 (1), of the “The Protection of Human Rights Act, 1993”, The State Commission shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report. According to section 28 (2) of the act. The State Government shall cause the annual and special reports of the State Commission to be laid before each House of State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendations of the State Commission and the reasons for non-acceptance of the recommendations, if any.

When it comes to safeguarding and advancing human rights in the state, the State Human Rights Commission is vital, and its duties are necessary for the efficient application of human rights throughout the nation.

III. Procedure of Dealing with Complaints or Suo-Moto Action

The procedure for dealing with complaints or suo-moto action in the State Human Rights Commission in India is as follows:

1. **Registration of Complaint:** The Commission can receive complaints of human rights violations either by way of a petition or suo-moto. The complaint must be in writing, signed by the complainant, and should contain all relevant details of the incident.
2. **Preliminary Inquiry:** The Commission may conduct a preliminary inquiry to ascertain whether the complaint is genuine and whether it falls within its jurisdiction.
3. **Notice to Concerned Parties:** Once the Commission is satisfied that the complaint falls within its jurisdiction, it issues notices to the concerned parties, including the victim, the alleged perpetrator, and any other relevant authority.
4. **Investigation:** The Commission may conduct an investigation into the matter either by itself or through its authorised officer.
5. **Hearing:** The Commission may hold a hearing to listen to the parties and gather evidence. The parties may be represented by a lawyer, and witnesses may be called.

6. **Recommendation:** After considering all the evidence and submissions, the Commission may make recommendations to the concerned authorities, including the government, to take appropriate action to prevent further violations and provide relief to the victim.
7. **Follow-up:** The Commission may also follow up with the concerned authorities to ensure that the recommendations are implemented and the victim is provided with the necessary relief.

In case of suo-moto action, the Commission can take notice of a human rights violation based on media reports, public outcry, or any other source of information. The procedure for taking suo-moto action is similar to that of a complaint, and the Commission may conduct an investigation and make recommendations accordingly.

The procedure of dealing with complaints or suo-moto action in the State Human Rights Commission is designed to ensure that human rights violations are addressed in a timely and effective manner, and the victims are provided with the necessary relief.

IV. Advantages of Approaching the Commission

Protection and Promotion of Human Rights: The State Human Rights Commission is responsible for the protection and promotion of human rights in the state. It can investigate complaints of human rights violations and take action to prevent further violations.

1. **Quick and Efficient Redressal:** The State Human Rights Commission is mandated to take up complaints of human rights violations and provide quick and efficient redressal to the victims.
2. **Independent and Impartial Body:** The State Human Rights Commission is an independent and impartial body that functions autonomously from the government. It is responsible for upholding the human rights of all citizens, without any bias or discrimination.
3. **Accessible to All:** The State Human Rights Commission is accessible to all, regardless of their economic, social, or political status. Anyone who believes that their human rights have been violated can approach the Commission for redressal.

4. ***Expertise and Experience:*** The State Human Rights Commission comprises experts in the field of human rights, who have the knowledge and experience to deal with complex human rights issues.
5. ***Provision of Compensation and Relief:*** The State Human Rights Commission can recommend compensation and relief to the victims of human rights violations, providing them with much-needed financial and emotional support.
6. ***Prevention of Future Violations:*** The State Human Rights Commission can make recommendations to the concerned authorities for the prevention of future human rights violations, ensuring that such incidents do not occur again in the future.

CHAPTER 2

COMPLAINTS HANDLED BY THE COMMISSION

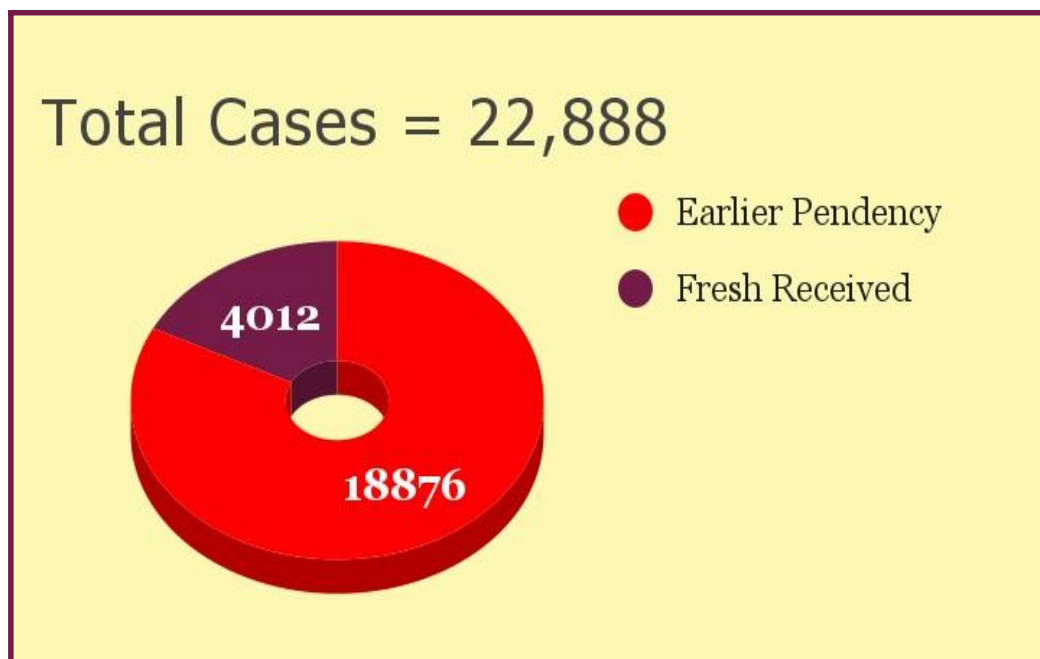
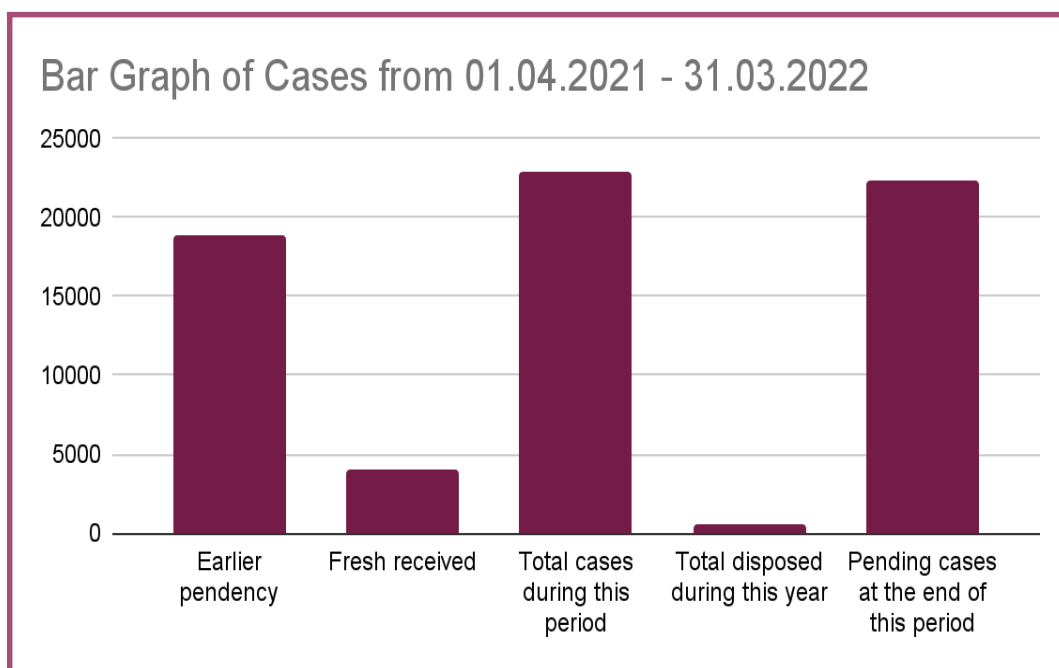
I. Complaints Handled by the Commission for the Year 2021-2022

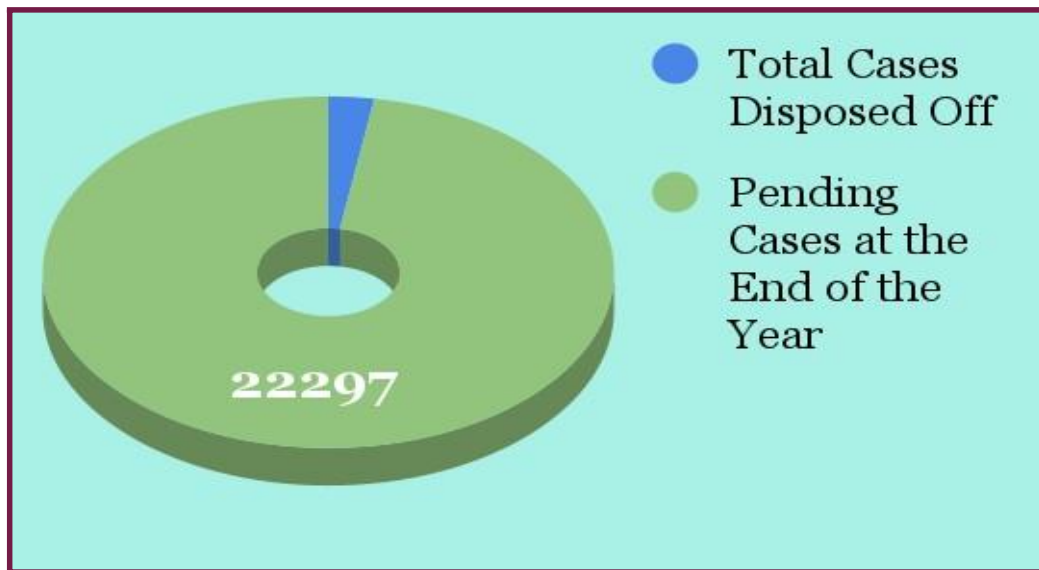
The Commission has received a total number of 4012 complaints for the year. The following chart and table shows the details of complaints received, pendency, and number of disposed complaints.

Statistical Chart of the Cases from 01.04.2021 to 31.03.2022

Earlier pendency	Fresh received	Total cases during this period	Total disposed during this year	Pending cases at the end of this period
18876	4012	22888	591	22297

The statistical chart for the cases received and disposed of from 01.04.2021 to 31.03.2022 indicates that there were 18876 cases pending at the beginning of this period. During the year, 4012 fresh cases were received, taking the total number of cases to 22888. Out of these cases, 591 were disposed of, leaving 22297 cases pending at the end of the year. The data highlights the challenges faced by the judicial system in dealing with a large number of cases and ensuring timely justice for the parties involved. It is imperative for the authorities to focus on reducing the pendency of cases and improving the efficiency of the judicial system to deliver justice to the aggrieved parties.

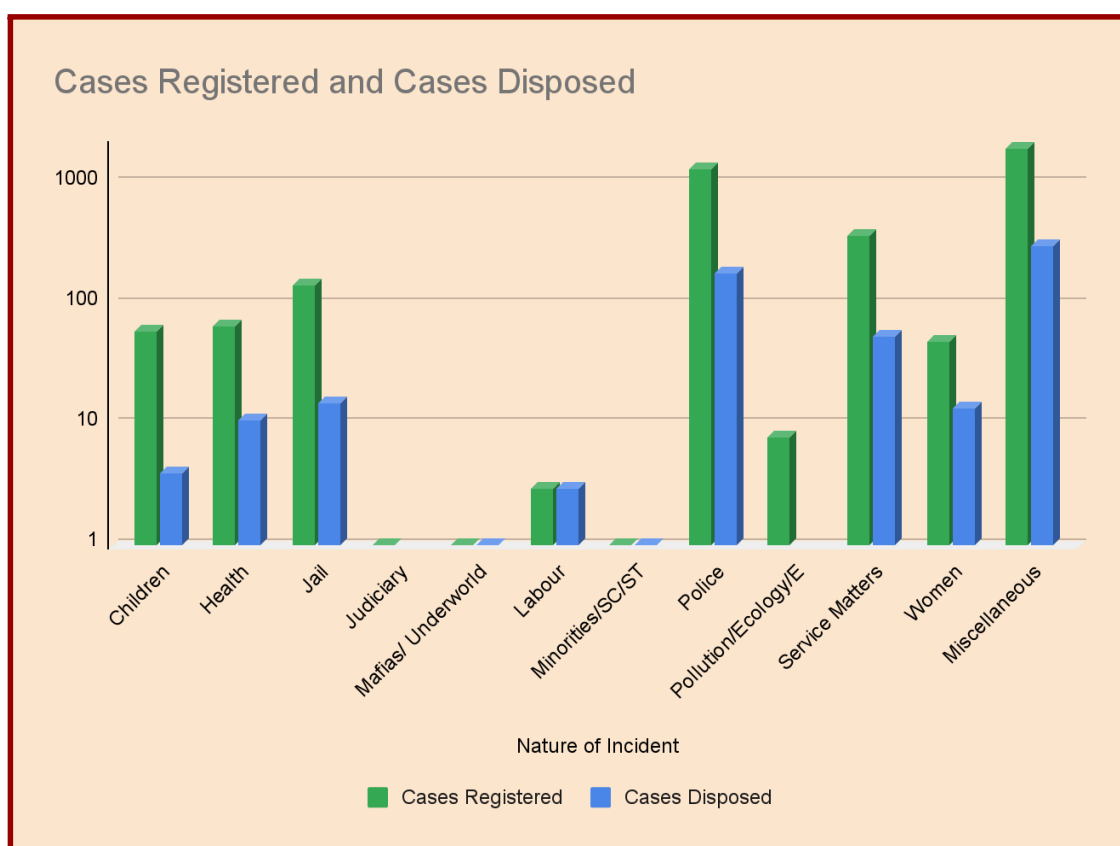




Total Relief Granted = Rs.74,00,000.00

II. Number of Complaints as per the Nature of Incident

Nature of Incident	Cases Registered	Cases Disposed
Children	61	4
Health	66	11
Jail	145	15
Judiciary	1	0
Mafias/ Underworld	1	1
Labour	3	3
Minorities/SC/ST	1	1
Police	1339	180
Pollution/Ecology/Environment	8	0
Service Matters	376	55
Women	50	14
Miscellaneous	1961	307
Total	4012	591



The data regarding the nature of complaints received and disposed of highlights the different areas of concern for the authorities. In the period under consideration, a total of 4012 complaints were registered, out of which 591 cases were disposed of. The police received the highest number of complaints with 1339 cases, and out of these, 180 were disposed of. The number of complaints related to the environment was the lowest, with only eight cases registered and none were disposed of. The highest number of complaints were classified as miscellaneous, with 1961 cases registered and 307 cases disposed of. It is imperative that authorities focus on these areas and take appropriate measures to ensure that justice is delivered in a timely and effective manner.

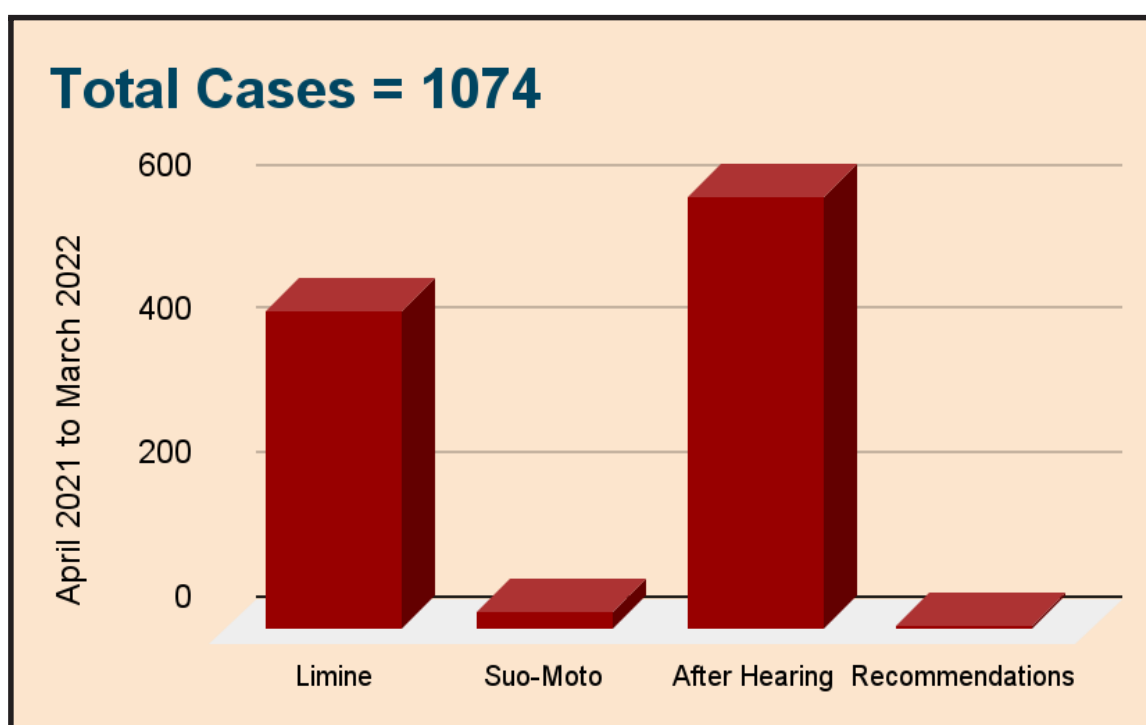
III. DETAILS OF COURT OFFICIALS AT MSHRC

The MSHRC has three Courts to resolve the complaints of human rights violations. Court No. 1 is presided by the Hon'ble Justice K. K. Tated (Retd.) Chairperson of Maharashtra Human Rights Commission, Mumbai. Court No. 2 is presided over by Hon'ble Shri. M.A. Sayeed, Member, MSHRC, Mumbai. Court No. 3 is presided over by Hon'ble Shri. Bhagwant D. More, Member, MSHRC, Mumbai.

The following table shows the total number of of complaints disposed by the three courts of the commission for the year 2021-22

Total Disposal of Court No. 1, 2 and 3 from April 2021 to March 2022

Period	Limine	Suo-Moto	After Hearing	Recommendations	Total
April 2021 to March 2022	444	24	600	6	1074

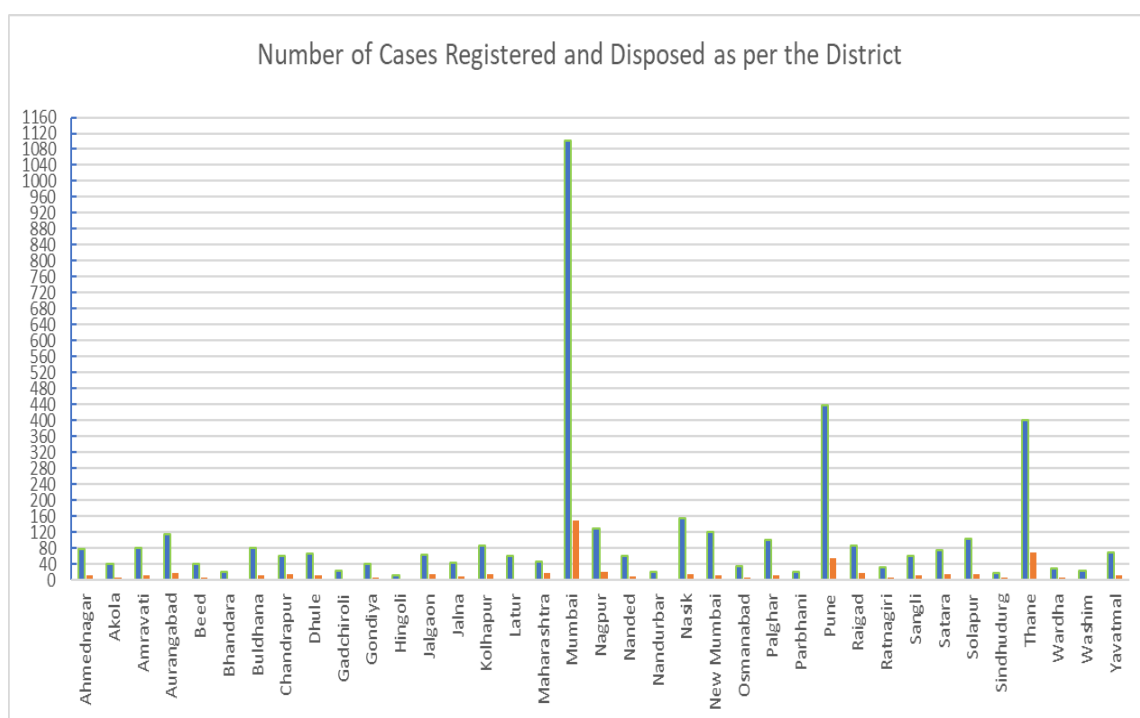


From April 2021 to March 2022, a total of 1074 cases were disposed of in Court No. 1, 2, and 3. Out of these cases, 444 were disposed of in Limine, 24 on Sua-Moto, 600 after Hearing, and 6 cases were disposed of based on Recommendations. This shows the efficiency of the courts in handling cases and ensuring justice is served within the prescribed timeline. The disposal of cases through different mechanisms also indicates the versatility of the courts in dealing with various types of cases.

IV. District Wise Registration and Disposal of Cases

District Name	Cases Registered	Cases Disposed
Ahmednagar	76	12
Akola	40	05
Amravati	81	10
Aurangabad	114	17
Beed	41	07
Bhandara	20	01
Buldhana	80	11
Chandrapur	59	13
Dhule	67	10
Gadchiroli	23	03
Gondiya	39	07
Hingoli	10	02
Jalgaon	63	15
Jalna	42	08
Kolhapur	87	14
Latur	60	04
Maharashtra	46	17
Mumbai	1100	148
Nagpur	129	19
Nanded	61	08
Nandurbar	19	02
Nasik	155	15
New Mumbai	120	12

District Name	Cases Registered	Cases Disposed
Osmanabad	34	05
Palghar	99	11
Parbhani	19	02
Pune	438	54
Raigad	86	17
Ratnagiri	30	07
Sangli	61	11
Satara	73	13
Solapur	102	15
Sindhudurg	18	06
Thane	400	70
Wardha	29	05
Washim	23	04
Yavatmal	68	11
Total	4012	591



The data on the registration and disposal of cases district-wise reveals significant differences in the number of cases registered and disposed of across the districts of Maharashtra. Mumbai had the highest number of cases registered with 1100, out of which 148 were disposed of. Pune had the second-highest number of cases with 438 registered and 54 disposed of. Thane also had a considerable number of cases registered with 400, out of which 70 were disposed of. Other districts like Ahmednagar, Amravati, Aurangabad, and Jalgaon had comparatively fewer cases registered and disposed of. It is essential for the authorities to pay attention to the distribution of cases across the districts and take necessary steps to ensure that cases are disposed of in a timely and effective manner. The disposal of cases is crucial in delivering justice to the aggrieved parties and maintaining the rule of law in the state.

CHAPTER 3
ILLUSTRATIVE CASES

1. Case Number- 2780/2017

Nature of the Complaint- Police Torture

Name of the Complainant- Sachin P Ankushrao

Name of the Respondent- The Superintendent of Police,
Solapur

Shri. Keshav Vabale
Asst Police Inspector
Lonikand Police Station, Pune
Thru Superintendent of Police
Pune (Rural)

Dr. Ramesh Khataavkar
Khataavkar Hospital
Patrakar Nagar
Bhakti Marg,
Pandharpur, Solapur – 413 304

Dr. A Y Joshi
Medical Officer
Thru Civil Surgeon
Civil Hospital, Solapur

Date of Order- 1st April, 2021

Quorum- M. A. Sayeed, Acting Chairperson / Member

Facts- The complaint comprised of two specific incidents involving alleged Police torture of the relatives of the complainant. The first incident is from the year 2013, while the second incident is from the subsequent years. The victims of these incidents are the cousins of the complainant. Mr. Akash Chandrakant Nehatrao was subjected to custodial torture as, admittedly, the orders and directions of the Court on that behalf were never assailed or challenged by the concerned erring Police Officer. In fact, in the year 2018, he has been again charged with having murdered FIR No. 244/2018. Most of the cases

registered against him are subjudice before the Court, and in fact, he went underground to evade arrest by the Police and, therefore, was apprehended at a later stage. He is reported to have approached the Supreme Court for his bail and was later arrested by the Police. All these factors, taken together, negate the complainant's allegations of discriminatory and vindictive action by the Police.

Action Taken by the Commission - During the inquiry, the Commission on 12.04.2019 was pleased to take note of all these critical developments and issued show-cause notices to the concerned Police Officer, API Shri. Wable, Gondia, and also with the concerned Medical Officer Shri. Khataukar and Shri. Joshi for having manipulated the medical record of the injured victims. His other cousin Shri. Gopal Ankushrao, being subjected to harassment and humiliation by the members of the Law Enforcing Agency because of his political affiliation and is a member of Nagar Parishad, does not sustain ground legally and factually as consistent averments in the Police reports, as well as the discreet inquiry report Ex L submitted by the Investigating Wing of this Commission, it can be seen that right from the year 2008 onwards Shri. Gopal Ankushrao has been involved in serious offences like murder, attempted murder, etc.

Gist of the Order- The Commission held that API Shri. Keshav Wable, presently attached with Lonikand Police Station, Pune, is held liable for having violated the human rights of the victim Shri. Akash Chandrakant Nehatrao and accordingly called upon to pay a compensation of Rs. 1,00,000/- (Rupees One Lakhs Only) to him within six weeks from the date of recommendation of this order. The commission ordered the SP, Pune, to consider launching disciplinary action against API Shri. Keshav Wable if permissible under the Rules.

2. Case Number - 6376/2018

Nature of Complaint- Animal Rights

Name of Complainant - Chairman,
Jayraj Apt. Co-Op. Housing Society,
Survey No.41, Plot No. 2 & 3,
Om Nagar, Ambadi Road, Vasai (W)
Dist.-Palghar-401 202

Name of Respondent- Municipal Commissioner,
Vasai Virar Municipal Corporation,
Opp Virar Police Station, Bazaar Ward,
Virar (E)-401 306

Date of Order- 6th April, 2021

Quorum- M. A. Sayeed, Acting Chairperson / Member

Facts- The complaint is related to the problems faced by the people of Jayraj Apartment Co-Op. Housing Society in tackling the menace of the stray dogs, who in fact are being indulged by some of the members of the housing society against whom FIR has been registered with Manikpur Police Station. Reports were submitted on record by the respondent through Ld advocate contending inter alia that necessary steps viz the sterilisation of the stray / street dogs as well as of having vaccinated them with Anti Rabies has been taken & to that extent the issue raised in the complaint is resolved but it appears from the report Ex 'B' that the concerned authority / official team, brought back the stray / street dog in the same area of the housing society which, does not serve the purpose, of the present complaint as the residents would continue to face the same problem. Copies & photographs to substantiate their contention have been annexed with the report Ex 'B'.

Action Taken by the Commission- After analysing the major legal framework regulating the rights of animals i.e "Prevention of Cruelty to Animals (Establishment & Regulations of Society for Prevention of Cruelty to Animals) Rules, 2001, Prevention of Cruelty against Animals Act, 1960 and case laws like T. N. Godavarman Thirumulpad v. Union

of India and Others (2012) and others etc, the Commission went through major evidence and arguments and then gave the appropriate order which is mentioned below.

Gist of the Order- The Commission held that the Civic Authority is under an obligation to coordinate with the concerned departments of the State and ensure due & proper compliance & implementation of the Rules & Law. The Commission called upon the main stakeholder to ensure due & proper implementation of the aim & object of the Prevention of Cruelty Against Animals Act, 1960, in consonance with the guidelines laid down by Supreme Court & report compliance to this Commission in accordance with the provisions u/s. 18 (e) of the Protection of Human Rights Act, 1993. The Office of the Ld Secretary attached with this Commission to forward the copy of the order for information & necessary action, to the office of the concerned Ld Municipal Commissioner as well as to the office of Ld Additional Chief Secretary, Urban Development Dept, Mantralaya, Mumbai for proper compliance, in accordance with the provision u/s. 18 of the Protection of Human Rights Act, 1993 r/w Regulation 22 to 24 of the Maharashtra State Human Rights Commission, (Procedure), Regulations, 2011.

3. Case Number- 1339/13/20/2019

Nature of the Complaint- Police Inaction

Name of the Complainant- Sunita Alhat

Name of the Respondent- Commissioner of Police,
Navi Mumbai

Date of Order- 9th April, 2021

Quorum- M. A. Sayeed, Acting Chairperson / Member

Facts- The present case is related to the grievance of non-action on the part of the respondent in registering the complainant's FIR in respect of the unfortunate incident of criminal trespass, physical assault on her & her husband & damage to her movable assets by her opponents. There has been a futile attempt to tarnish the credibility of the

complainant & her husband by accusing them of indulging in commission of serious offences like cheating, misappropriation etc, their landlords.

Action Taken by the Commission- The enquiry report Ex.'C', submitted by the Investigating Wing of this Commission, indicates that the FIR ought to have been registered u/s. 154 Cr PC, 1973. The default has resulted in violation of the human right of the complainant.

Gist of the Order- The Commission made the recommendations to the concerned police officer by invoking powers u/s. 18 of the Protection of Human Rights Act, 1993. The commission recommended that the concerned defaulting police officer PI, Shri Baviskar, be warned to be careful in the future in dealing with the aggrieved victims & taking action according to Law rather than becoming judgmental of the character and credibility of the victims. And also suggested the DGP, State of Maharashtra, conduct periodic interactions with the subordinate police force to update them on the importance & significance of their duties & make them aware of the substantiated as well as procedural law by creating them to undergo training at Police Training School, Nashik.

4. Case Number- 465/13/29/2021

Nature of the Complaint - Police Inaction

Name of the Complainant - Manasi Dattatraya Girap
Flat No. 504, Om Leva Vikas Niketan
Nanepada, Nanepada Road,
Mulund (E), Mumbai

Name of the Respondent- The Superintendent of Police
Sindhudurg

Date of Order - 16th April, 2021

Quorum - M. A. Sayeed, Acting Chairperson / Member

Facts - The Complainant is the owner of 6 guntas of land at Village Ansul, Vengrula, Dist. Sindhudurg has trees of cashew nuts, jackfruit, Indian Blue Berry (Jambhul). According to the complainant on 06.12.2020, one of her acquaintances from the village called her up to inform her about an incident of criminal trespass and theft by cutting down the cashew nut tree by one Shri. Tulsidas Gawde alongwith 4-5 persons. The complainant approached the Police Station and lodged a report against the alleged culprit, but the incharge Police Officer asked them to approach the Forest Department first and therefore, they approached the Forest Officer, who visited and inspected the site, and advised them to approach Police for necessary action. According to the complainant, despite approaching the Police a number of times, her report was not registered. Even after returning back to Mumbai reports by post were dispatched, but no proper response was given. A grievance is advanced that her husband approached the highest authority – Police Commissioner, Konkan Division, but he was advised to approach SP, Sindhudurg. Thus, it is in this backdrop that the complainant feeling aggrieved by the non action on the part of the concerned Police to take cognizance of her report, relating to occurrence of cognizable offences of theft and criminal trespass, approached this Commission u/s. 12 of the Protection of Human Rights Act, 1993.

Action Taken by the Commission- After completion of the inquiry and observing the reports, rejoinders and evidence presented before the Commission, the Commission held that there was a serious lapse on the part of the concerned officer which resulted in miscarriage of justice and violated the human rights of the complainant.

Gist of the Order - The Commission made the recommendations by invoking powers u/s. 18 of the Protection of Human Rights Act, 1993 r/w. Regulation 22 to 24 of the Maharashtra State Human Rights Commission, (Procedure), Regulations, 2011. The Commission directed the Office of Spl IGP, Konkan Division to direct SP, Sindhudurg to register an FIR on the strength of the complainant's report of 07.12.2020, under the relevant penal sections and conduct further investigation in accordance with law either personally or under his supervision by a Senior Police Officer of the rank of SDPO and complete the investigation in a time bound manner. The Office of Spl. IGP, Konkan

Division is directed to call upon ASI Shri. Shekhar Dabholkar, Vengurla Police Station to pay a compensation of Rs. 1,00,000 (Rupees One Lakhs) to the complainant Mrs. Manasi Dattaram Girap for blatant violation of her human rights. The concerned officer – ASI Shri. Shekhar Dabholkar should be made to undergo training and updating his knowledge on the law and its relevant subject by deputing him to the training School at Nashik, so that in future such blatant error should not be committed by him. The Office of Spl. IGP, Konkan Division do direct SP, Sindhudurg to consider enunciation of disciplinary action against ASI Shri. Shekhar Dabholkar for dereliction of duties and gross misconduct in discharge of his function as a Police Officer. The Office of Spl. IGP, Konkan Division to organise periodical workshops and sensitization programmes for its subordinate officers throughout its division so as to keep them updated on niceties on procedural law.

The Office of the Ld. The Secretary attached with this Commission is directed to forward the copy of the order for necessary compliance, in accordance with provisions u/s. 18 (e) of the Protection of Human Rights Act, 1993 r/w. Regulation 22 to 24 of the Maharashtra State Human Rights Commission, (Procedure), Regulations, 2011.

5. Case Number- 4624/13/23/2021

Nature of the Complaint - Suo Moto complaint taken from news report

**Name of the Respondent - Dy. Commissioner of Police,
Zone VIII, Mumbai**

Date of Order - 21st February, 2022

Quorum - M. A. Sayeed, Member

Facts- There was a news report relating to a hotel owner being subjected to humiliation and physical abuse by API Shri Vikram A. Patil in Vakola Police Station which is under the control of DCP Zone VII, Mumbai. On the night of 23.12.2021, the erring police officer Shri Patil, called up the owner of a Swagat Restaurant which was adjacent to Vakola Police Station and ordered food, but, the owner expressed his inability to take the order as the restaurant was closed. The Police Officer along with one of his colleagues

went to the hotel, entered into an altercation with the cashier at that counter and used physical force on him. These events were captured in CCTV cameras and the same has been circulated by the media. The disciplinary and supervisory authority of the erring API Shri Patil found him guilty of grave misconduct and placed him under suspension vide order dated 24.12.2021.

Action Taken by the Commission- The Commission took suo moto cognizance of the gravity of the news, and called for a report from the office of DCP Zone VIII, Mumbai. The enquiry was conducted through virtual hearing. The Show Cause notice under section 16 of the Act, 1993 was sent to the officer. The explanation submitted by the officer was not acceptable as it was merely shifting of burden.

Gist of the Order - The Commission held that the suspension of the erring Police Officer by the supervisory authority and NC no. 2866/21 u/s. 323 etc which is registered against him at the instance of the victim damages the credibility of the respondent. These two important factors taken together clearly establish violation of human rights. The Commission made the recommendation u/s. 18 of the PHR Act, 1993 and directed the Addl Chief Secretary (Home) to pay compensation of Rs. 2,00,000 (Rupees Two Lacs) to the victim within six weeks from the date of receipt of the order. The compensation amount of Rs.2,00,000/- to be recovered from the erring police officer API Shri Vikram Patil. Addl Chief Secretary (Home) to direct the Director General of Police, M.S. to frame guidelines to check abuse of the Police power by primarily focusing on – (a) Transparency of the action; (b) accountability; (c) to develop a proper work culture; (d) training and orientation of the Police force consistent with basic human values; (e) restructuring of training methodology of the Police; (f) infusing the Police force with basic human values and making them sensitive to the Constitutional ethos; (g) Efforts must be made to change the attitude and approach of the Police Personnel handling investigation, so that basic human values are not sacrificed during interrogation and do not resort to questionable forms of interrogation; (h) presence of the counsel of the arrestee during the interrogation may deter the Police from using third degree method during interrogation. The concerned DCP, incharge of the Police Station may consider

addition of charge u/s 330 IPC, which directly makes torture during interrogation and investigation, punishable under IPC. The learned Secretary of this Commission to forward the copy of the recommendation to the office of the Addl Chief Secretary Home, Mantralaya, Mumbai for implementation and action in accordance with the provisions of Sec. 18 (e) of the Protection of Human Rights Act, 1993 and Regulation 21 and 22 of Maharashtra State Human Rights Commission, (Procedure), Regulations, 2011.

6. Case Number- 1030/2016

Nature of the Complaint- Negligence by Medical Professionals- A Human Rights

Violation

Name of the Complainant- G.D'Souza

Name of the Respondent - Principal Secretary,
Public Health Department,
G.T. Hospital Compound,
Mumbai

Director,
Directorate of Health Services
Aarogya Bhawan, St. Georges Hospital,
Mumbai- 1

Date of Order- 29th March, 2022

Quorum- M.A. Sayeed, Member

Facts- The case was transferred by NHRC to the commission on 15/02/2016. It is related to the complaint filed by Mr. D'Souza in NHRC related to the news reporting of botched cataract surgery blinding 14 patients in Mumbai in Nov. 2015. The High Committee headed by Dr. Lahane, an Ophthalmologist found the medical team guilty for mishap and imposed damages of Rs. 1 Lac.

Action Taken by the Commission- After receiving the complaint from NHRC, the Commission issued notices to the concerned parties so as to file reports. Under section 16 of the Protection of Human Rights Act, 1993 show cause notices to the concerned medical officers so as to seek response from them.

Gist of the Order- After the hearing with due consideration of all the material evidence, the Commission held that the medical team has committed human rights violation as there is gross negligence making the 14 patients blind. Therefore, the commission has the right to intervene in the matter under section 18 of the PHRA, 1993. The explanations given by the medical team fail to protect them. The Commission has made recommendation, the gist of which is given here- The four Medical Officers have to pay jointly and severally compensation of Rs. 5,00,000/- each to the fourteen victims. The Office of the Director of Health Services, Mumbai has the duty to recover the compensation and transfer it to the victims account. If the order is not complied within 6 weeks, then 12% interest from the order date till realisation. The Supervisory and appointing authority to consider prosecution against the medical team under IPC. The Director of Health Services has responsibility to conduct awareness programmes periodically. The office of Secretary in the Commission to forward the order copy for necessary compliance.

Summary of Illustrative Cases -There are 6 cases from Court room number 2 in the year 2021-2022. There are one Police Torture, one Animal Rights, two Police Inaction, one Suo-Motu case and Medical Negligence case. The Quorum comprises M.A. Sayeed, Acting Chairperson/Member of the MSHRC. After taking cognizance of the case, the commission issues Show Cause notice under Section 16 of the Protection of Human Rights Act, 1993. After going through the affidavits, files and hearing of both the parties, the Commission gives recommendation under section 18 of the Act, 1993 and Regulation 21 and 22 of the Maharashtra State Human Rights Commission Regulations, 2011.

CHAPTER 4

VISITS UNDERTAKEN BY THE COMMISSION

Section 12(c) of the *Protection of Human Rights Act, 1993* which governs the Functions of the Commission, mandates that the Commission shall visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon. The following visits were undertaken by the Hon'ble Chairperson, Hon'ble Members, Secretary, Investigation Wing headed by Spl. Inspector General of Police, Registrar & other staff.



Sr. No.	Date of Visit	District	Place of Visit	Type of Visit	Visiting Team
1.	21-12-2021	Mumbai	Children Observation Home, Umerkhadi	Planned	Hon'ble Chairperson Justice (Retd.) Shri. K. K. Tated, Hon'ble Member Shri. M. A. Sayeed, Hon'ble Member Shri. B. D. More, Superintendent of Police, Other Staff
2.	26-12-2021	Nagpur	Sadar Police Station	Surprise	Hon'ble Member Shri. B. D. More

3.	26-12-2021	Nagpur	Lakadganj Police Station	Surprise	Hon'ble Member Shri. B. D. More
4.	07-01-2022	Pune	Lonavala Rural Police Station	Surprise	Hon'ble Member Shri. B. D. More
5.	14-01-2022	Pune	Lonavala City Police Station	Surprise	Hon'ble Member Shri. B. D. More
6.	08-02-2022	Pune	Shikrapur Police Station, Pimpri Chinchwad	Planned	Superintendent of Police & Staff
7.	12-02-2022	Raigad	Alibag	Surprise	Hon'ble Member Shri. M. A. Sayeed
8.	13-02-2022	Pune	Wakad Police Station	Surprise	Hon'ble Member Shri. B. D. More
9.	20-02-2022	Palghar	Collector Office	Planned	Spl. Inspector General of Police, Superintendent of Police, Police Inspector & Staff
10.	26-02-2022	Sindhudurg	Vengurle Police Station	Surprise	Hon'ble Member Shri. B. D. More
11.	28-02-2022	Sindhudurg	Malvan Police Station & Sawantwadi Police Station	Surprise	Hon'ble Member Shri. B. D. More
12.	06-03-2022	Baramati	Baramati Taluka Police Station	Surprise	Hon'ble Member Shri. B. D. More
13.	13-03-2022	Ahmednagar	Ahmednagar	Surprise	Hon'ble Member Shri. B. D. More

			Police Station		
14.	15-03-2022	Palghar	Collector Office	Planned	Spl. Inspector General of Police, Superintendent of Police, Police Inspector & Staff
15.	18-03-2022	Nashik	Ghoti Police Station	Surprise	Hon'ble Member Shri. B. D. More
16.	29-03-2022	Raigad	Karjat Police Station	Planned	Superintendent of Police, Police Inspector & Staff

The Surprise or Unplanned & Planned visits are the means of checking the State Government's compliance for the protection of Human Rights of the citizens.

The Surprise / Unplanned visit is an effective medium to conform the accountability of the State Government for implementation of measures governed by the law for safeguarding these human rights.

The Planned visit is an efficacious way to monitor & inspect the functioning of the Government Institutions in fulfilment of the obligations mandated in the laws that govern the protection of human rights.

CHAPTER 5

AWARENESS PROGRAM

The awareness programs conducted by Maharashtra Human Rights Commission are mandated under Section 12 (h) and (i) of the Protection of Human Rights Act, 1993 (Act). Section 12 of the Act deals with Functions of the Commission.

Section 12 (h) states that the Commission shall spread awareness and human rights literacy among various sections of the society. This can be done through publications, media, seminars and other such means.

Section 12 (i) states that the Commission shall encourage non-governmental institutions and organisations that are working for in the field of human rights.

Awareness Programmes

S. No.	Date of Program	Location of Program	Place of Program	Members who attended
1.	26.01.2022	Umerkhadi, Mumbai	Dongri Children's Home	Chairperson and Members
2.	08.02.2022	Pimpari, Chinchwad, Pune	Shikrapur Police Station	Superintendent of Police and Staff
3.	20.02.2022	Palghar, Maharashtra	Collector Office	Special Inspector General of Police, Superintendent of Police, Police Inspector
4.	15.03.2022	Palghar, Maharashtra	Collector Office	Chairperson, Members, Special Inspector General of Police

The first event was organised by the Hetu Charitable Trust in coordination with Maharashtra State Human Right Commission in Dongri Children's Home, Umerkhadi, Mumbai. In the event,

the Foundation provided essentials as per the requirement of the children. The event was organised in the presence of Hon'ble Justice K. K. Tated, Chairperson, MSHRC and Mr. M.A. Sayeed, Member, MSHRC.

The rest of the events were organised by Maharashtra State Human Rights Commission under the mandate of the Protection of Human Rights Act, 1993. The "Awareness and Sensitization Programme" is conducted on a regular basis for officers of the Government from various departments, and public in general as well.

CHAPTER 6

RECOMMENDATIONS TO THE GOVERNMENT

The Commission has the power to make recommendations under Section 18 of the Protection of Raman Rights Act, 1993. This section empowers the State Human Rights Commission to inquire into complaints of human rights violations and make recommendations to the concerned authorities for appropriate action. The MSHRC can make recommendations to the concerned authorities, including the state government, to take appropriate action in cases where it finds that there has been a violation of human rights. These recommendations may include measures to prevent further violations, compensation to the victims, and action against the perpetrator.

In addition, the Commission may also recommend measures for the effective implementation of human rights safeguards and provide guidelines to the state government on human rights issues.

The recommendations made by the commission are not binding, but they carry considerable weight and are generally followed by the concerned authorities.

Serial No.	Case No.	Order Date	Recommendations
1.	MAS/Case No- 2780/2017	01.04.2021	The Commission directed the API Shri. Keshav Wable to pay compensation of Rs. 1,00,000/- (Rupees One Lakhs Only) to the victim within six weeks from the date of recommendation of this order. The commission ordered the SP, Pune, to consider launching disciplinary action against API Shri. Keshav Wable if permissible under the Rules.
2.	MAS/Case No-6376/2018	06.04.2021	The Commission called upon the main stakeholder to ensure due & proper implementation of the aim & object of the Prevention of Cruelty Against Animals Act, 1960, in consonance with the guidelines laid down by Supreme Court & report compliance to this Commission in accordance with the

			provisions u/s. 18 (e) of the Protection of Human Rights Act, 1993. The Office of the Ld Secretary attached with this Commission to forward the copy of the order for information & necessary action, to the office of the concerned Ld Municipal Commissioner as well as to the office of Ld Additional Chief Secretary, Urban Development Dept, Mantralaya, Mumbai for proper compliance, in accordance with the provision u/s. 18 of the Protection of Human Rights Act, 1993 r/w Regulation 22 to 24 of the Maharashtra State Human Rights Commission, (Procedure), Regulations, 2011.
3.	MAS/Case No.-1339/13/20/2019	09.04.2021	The concerned defaulting police officer PI, Shri Baviskar, be warned to be careful in the future in dealing with the aggrieved victims & taking action according to Law rather than becoming judgmental of the character and credibility of the victims. And also suggested the DGP, State of Maharashtra, conduct periodic interactions with the subordinate police force to update them on the importance & significance of their duties & make them aware of the substantiated as well as procedural law by creating them to undergo training at Police Training School, Nashik.
4.	MAS/Case No-465/13/29/2021	16.04.2021	Office of Spl IG of Police, Konkan Division have been recommended- •To direct SP, Sindhudurg to register an FIR of the complainant's report under the relevant penal sections and to complete the investigation in a time bound manner. • Concerned officer ASI Shri Shekhar Dabholkar should be made to undergo training to update his knowledge of law by deputing him to the police training school at Nashik. • To call upon the concerned officer - ASI Shri

			Shekhar Dabholkar, Vengurla Police Station to pay the compensation of Rs. 1,00,000 (One Lacs) to the complainant for blatant violation of her Human Rights. •To order SP, Sindhudurg to consider initiation of disciplinary action against ASI Shri Shekhar Dabholkar. •To organise, periodical workshops and sensitisation programs for its subordinate officers throughout its division so as to keep them updated on niceties on procedural law.
5.	MAS/SM Case No-4624/13/23 /2021	21.02.2022	The Commission made the recommendation u/s. 18 of the PHR Act, 1993 and directed the Addl Chief Secretary (Home) to pay compensation of Rs. 2,00,000 (Rupees Two Lakhs) to the victim within six weeks from the date of receipt of the order.
6.	MAS/Case No-1030/2016	29.03.2022	The four Medical Officers have to pay jointly and severally compensation of Rs. 5,00,000/- each to the fourteen victims. The Office of the Director of Health Services, Mumbai has the duty to recover the compensation and transfer it to the victims account. If the order is not complied within 6 weeks, then 12% interest from the order date till realisation. The Supervisory and appointing authority to consider prosecution against the medical team under IPC. The Director of Health Services has responsibility to conduct awareness programmes periodically. The office of Secretary in the Commission to forward the order copy for necessary compliance.

The Commission has exercised its power to recommend or award compensation in various cases as shown in the table above.

The table summarises the compensation awarded by the Maharashtra State Human Rights Commission (MSHRC) for human rights violations. The compensation awarded ranges from Rs. 1,00,000 to Rs. 5,00,000 with the lowest compensation being awarded in cases of minor violations, and the highest compensation being awarded in cases of severe violations resulting in loss of life or serious injury.

The majority of the cases were related to the inability of police officers in performing the requisite action while on their duty. The recommendations also include measures to prevent further violations, compensation to the victims, and action against the perpetrators. The compensation awarded by the MSHRC is based on the severity of the violation, the extent of damage caused, and the financial status of the perpetrators, the table highlights the importance of human rights and the role of the MSHRC ensuring that victims of human rights violations are adequately compensated. It also serves as a reminder that human rights violations should not be taken lightly, and perpetrators should be held accountable for their actions.

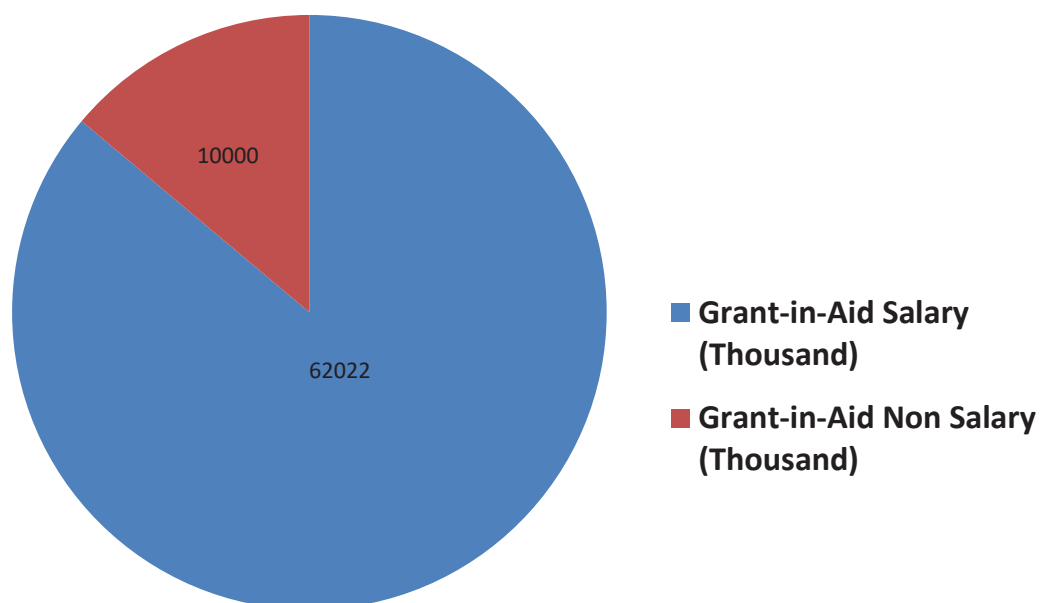
CHAPTER 7

RESOURCE

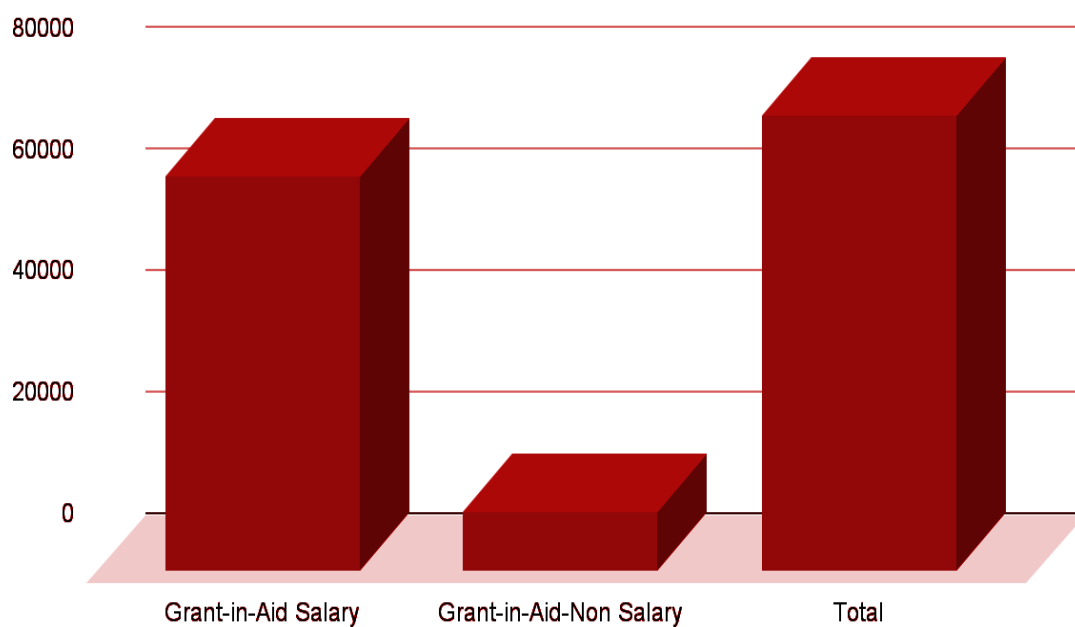
S

	Rupees
Grant-in-Aid Salary	62022
Grant-in-Aid Non Salary	10000
Total	72022

**Fund Received from Government for 2021-22
(Rupees in Thousand)**



Funds received from the Government for the Financial Year 2021-2022



Summary For The Annual Report 2021-2022

Maharashtra State Human Rights Commission (MSHRC) was established in 2001 as per Protection of Human Rights Act 1993. MSHRC functions as per the provision of Protection of Human Rights Act 1993 and the Maharashtra State Human Rights Commission (Procedure) Regulations 2011.

The following chart shows the details about the complaints received, pendency and the number of cases disposed off.

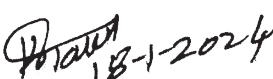
Statistical Chart of the Cases from 1.1.2021 to 31.12.2021

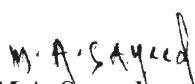
Earlier Pendency/ Opening Balance	New Receipts/ Complains	Cumulative complaints during this period	Total disposal of during the year	Total Cases of Relief/ Recommendation	Pending cases at the end of this period
22381	2287	24668	40	0	24628

Funds Received from the Government for the financial year 2021-2022

Grant	Rupees (in Thousands)
Salary	62022
Non Salary	10000
Total Grant Received	72022

The detailed performance of MSHRC for the year 2021-2022 has been included in the Annual report.


Justice K. K. Tated (Retd.)
(Chairperson)


M.A. Sayeed
(Member)

Bhagwant D. More
(Member)
Superannuated on 8.4.2023 (A.N.)

the 1990s, the incidence of *S. flexneri* has increased in the United Kingdom [10]. In the United States, *S. flexneri* has been reported to be the most common serotype of *Shigella* isolated from children with shigellosis [11].

There is a paucity of data on the epidemiology of *S. flexneri* in the United Kingdom. In the 1970s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [12]. In the 1980s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [13].

In the 1990s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [14]. In the 2000s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [15].

In the 2010s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [16]. In the 2020s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [17].

In the 2030s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [18]. In the 2040s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [19].

In the 2050s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [20]. In the 2060s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [21].

In the 2070s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [22]. In the 2080s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [23].

In the 2090s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [24]. In the 2100s, *S. flexneri* was the most commonly isolated *Shigella* serotype from patients with shigellosis in the United Kingdom [25].