



# **MAHARASHTRA STATE HUMAN RIGHTS COMMISSION**

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**ANNUAL REPORT  
2003 - 2004**

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**MAHARASHTRA STATE  
HUMAN RIGHTS  
COMMISSION**



**Third Annual Report  
(April 2003 - March 2004)**

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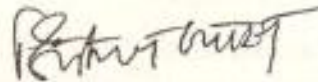
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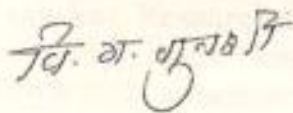
## PREFACE

Human Rights came into existence by adoption of Universal Declaration of Human Rights in 1948. Our Constitution provides various articles for safeguarding these rights. For this purpose the State Human Rights Commission prevents violation of human rights by public servants. There has also been increase in number of cases from the last years. For protection of human rights the Commission keeps timely court proceedings and surprise visits to Police Stations, Jails and Custodial Homes. It also supports various organisations and NGO's who work in this field. The Commission verifies each and every case received. The Commission is successfully achieving its objective of giving fair trials to those who are deprived of their inherent rights, i.e birth right or fundamental rights as guaranteed by law. With a view that " Human Rights provide a foundation upon which development and human security can be pursued ". We submit our Annual Report for the year 2003-2004 to the State Government, which is subsequently to be placed before the Legislative Assembly, in accordance with Sec. 28 of The Protection of Human Rights Act 1993.

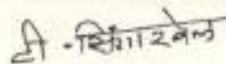
The present members assumed office in the Commission in the year 2006-2007 and the Chairperson in the year 2007. Thereafter the pending work of this Annual Report of the earlier period of the Commission was taken on top priority and is being submitted now.



**Justice Shri Kshitij Vyas**  
Chairperson



**Justice Shri. V. G. Munshi**  
Member



**Shri. T. Singaravel**  
Member



**Shri. Subhash Lalla**  
Member

Mumbai :

Date 10th February 2009.

## CHAPTER 1

### Introduction

This Annual Report of the Maharashtra State Human Rights Commission relates to the period April, 2003 to March, 2004. Having become operational on 6th March 2001, the Commission completed three years of functioning till March, 2004.

1.2 The composition of members and senior officers did not show any change. The post of Chairperson remained vacant. The composition of the Commission's Members and senior officers was as follows :—

Justice A. D. Mane	:	Member & Acting Chairperson
Dr. V. S. Chitnis	:	Member
Shri M. R. Patil	:	Member
Shri C. L. Thool	:	Member
Smt. Ranjana Sinha	:	Secretary
Shri D. S. Purohit	:	Registrar
Shri Subhash Avate	:	Sp. IG, Head, Investigation Wing.

Shri. J. R. Sangam, Superintendent of Police, held the additional charge of Registrar up to 22nd May 2003, until Shri D. S. Purohit, Additional District Judge Malegaon, joined the Commission as Registrar. Ms. Rashmi Nagarkar joined the Commission in January, 2004 as Research Officer. After the transfer of Shri Purohit to Palghar on 1st March 2004, Ms. Rashmi Nagarkar, Research Officer, held the additional charge of Registrar. During the year under report, the State Government *vide* its Resolution No. HRC/112002/281/Pol-14, dated 10th March 2004 sanctioned four posts (Assistant Registrar, Lower Grade Stenographer, Clerk and Peon) on contract basis for the Sub-Committee on the Rights of Arrestees. Thus on 31st March 2004, the total sanctioned strength of staff increased from 48 to 52 ; of these, 41 posts were filled in and 11 posts (including the four posts for D. K. Basu Sub-Committee) were vacant.

There was no change in the location of the office premises. The State Government, by its order No. HRC/Misc/148/Pol-14, dated 29th March 2003 gave administrative sanction for a budget of Rs. 65.07 lack to be utilized for renovation work in the current office premises.



## CHAPTER- 2

**Complaints Handled by the Commission**

This chapter gives a broad overview of cases handled by the Commission: general cases [complaints], custodial death cases and suo motu cases.

2.2. The year saw a phenomenal increase in the number of Complaints filed before the Commission. The following is a break-up of the complaints received during 2003-04 :—

Year	Number of Complaints received	Number of complaints disposed of
2001-2002	1454	538
2002-2003	2153	1645
2003-2004	2226	1686

2.3. We can see the rising awareness among the people of the state as there has been a phenomenal rise in the number of complaints received in the years 2001-02 to 2003-04, the number of cases received is still rising. From the above given statistics we are able to understand the rising belief in the State Human Rights Commission to solve the common man's grievances and give them justice. In the year 2003-04 out of the 2226 complaints received, a total of 1686 matters were disposed of during the current year.

During the year 2003-04, 91 cases were forwarded to the Investigation Wing of the Commission, and last year's pendency is 42 and out of those 70 cases were thoroughly investigated and reports submitted to the Commission. And 63 cases are pending under investigation.

2.4. During the year under report, the Commission registered a total of 217 custodial death cases.

Year	Number of custodial death cases handled
2001-2002	119
2002-2003	218
2003-2004	217

Year	Number of suo-motu cognizance taken
2001-2002	05
2002-2003	22
2003-2004	17

**Analysis of disposed cases :**

As mentioned above, a total of 1686 matters were disposed of during the current year under report. Of these matters, 895 were dismissed in limine, while 264 cases were closed on receipt of report from the concerned authority. 291 were closed after hearing. During the current year, the Commission gave relief/recommendations in 236 matters.



## CHAPTER - 3

## Rights of Arrestees

The Commission set up a Sub-Committee on the Rights of Arrestees in December, 2001, to oversee and monitor the implementation of the guidelines laid down by the Apex Court in the matter of D. K. Basu *versus* State of West Bengal.

3.2. During the reporting year, the constitution of the Sub-Committee remained unchanged.—

Shri M. R. Patil [Member, MSHRC]	: Chairperson of Sub- Committee
Dr. V. S. Chitnis [Member, MSHRC]	: Member
Shri C. L. Thool [Member, MSHRC]	: Member
Shri Purohit [Registrar, MSHRC]	: Secretary

The main function of the Sub-Committee is to monitor compliance of the guidelines given in D. K. Basu's case and to pay visits to the police stations in the State for on the spot verification of reported compliance. The Sub-Committee has accordingly visited various police stations in the State. The following 21 police stations were visited during the year under report —

Name of the police station	District	Date of visit
1. Bund Garden Police Station	Pune	02/04/2003
2. Lashkar Police Station	Pune	02/04/2003
3. Deccan Gymkhana Police Station	Pune	02/04/2003
4. Chatushrungi Police Station	Pune	02/04/2003
5. Aundh Out-post Police Station	Pune	02/04/2003
6. Shegaon Police Station	Buldana	16/04/2003
7. Ganesh Peth Police Station	Nagpur	08/05/2003
8. Rajapur Police Station	Ratnagiri	23/05/2003
9. Kolhapur City Police Station	Kolhapur	23/08/2003
10. Deoli Police Station	Wardha	11/09/2003
11. City Police Station	Wardha	11/09/2003
12. Jail Road Police Station	Solapur	12/10/2003
13. Mira Road Police Station	Mumbai	04/01/2004
14. Malad Police Station, Zone-11	Mumbai	04/01/2004
15. Bhandara Police Station	Bhandara	17/01/2004
16. Vishrambaug Police Station	Pune	12/03/2004
17. Chembur Police Station	Mumbai	22/03/2004
18. Higna Police Station	Nagpur	26/03/2004
19. City Chowk Police Station	Aurangabad	27/03/2004
20. Kranti Chowk Police Station	Aurangabad	27/03/2004
21. MIDC CIDCO Police Station	Aurangabad	27/03/2004



3.3. During the visits to the police stations, all data pertaining to the arrest, medical examination, information of arrest of the person to the relatives etc. was examined. Arrest memos, as envisaged by the Hon'ble Supreme Court were also inspected to verify whether the signature of the arrestee has been taken on record and attested by the witnesses and whether it bears the signature of the arresting officer. The observations and recommendations given by the Sub-Committee are summarized as below :—

It was observed that by and large, in most of the police stations directives were being followed. However, during the visits to Pune and Nagpur it was observed that in some cases the memo of arrest had not been signed by the arrestee.

At the time of visit to Higna Police station the arrest memos were not available. It was explained by the Police Station that the arrest memo and other documents might be available with the investigating officer who was not present at the time of visit. An explanation of the Superintendent of Police Nagpur (Rural) was called for. However, it was instructed that whenever the arrestee was in the custody of a police station, these documents should always be available in the police station. The Superintendent of Police should ensure this.

The Sub-Committee observed that 11 guidelines issued by the Supreme Court were displayed in almost all police stations. In some cases, the guidelines were not exhibited prominently. In some places, like MIDC CIDCO Police Station, Aurangabad, and Bund Garden Police Station, Pune, the notice board was put up, but in a very inconspicuous place. The Sub-Committee directed that the boards should be put up in conspicuous places. The registers regarding the details of arrested person were maintained properly.

At the time of the visit to Rajapur Police Station, Ratnagiri, that there was no independent register containing the name of the arrestee, time of arrest and other required details. The concerned police officer who was directed to comply with the guidelines immediately followed the directions to the satisfaction of the Sub-Committee.

At Bhandara Police Station, Bhandara, it was observed that a register for non-cognizable offences to note down the details of the complaints was being maintained. A receipt was also given to the Complainant in regard to the non-cognizable offences. The Sub-Committee lauded this effort by the concerned officers to maintain transparency, and opined that such a practice could be adopted by all police stations in the State. The arrangement of the lock ups was also satisfactory.

While visiting Chembur Police Station, Mumbai, it was seen that a separate register containing all information about the fulfillment of the norms of the Supreme Court had been introduced in the police station.

During many of the visits, although the police personnel stated that information regarding arrest was duly and promptly given to the relative / friend of the arrestee as envisaged by the Apex Court, documentary proof to the effect was not available. The Sub-Committee suggested that such documentary proof ought to be maintained. If a relative is informed in person, his signed documents could be made available showing the acknowledgement of intimation of arrest.

The medical examination reports are not readily available though it is seen from other documents that the arrestee were taken for medical examination.

The Sub-Committee also came out with an Annual Report of its activities undertaken during the reporting year. Copies of this report were sent to the Commissioners of Police in the State in order that note be taken of the observations made during visits of the Sub-committee.



## CHAPTER - 4

**Administrative and Logistic Support**

Government of Maharashtra *vide* its G.R. No. HRC-1099/378/Pol-14, dated 15th January 2000 established the State Human Rights Commission. The said resolution mentioned that there would be a Chairman and four Members of the Commission and its headquarter will be at Mumbai. The first State Human Rights Commission became operational when the Governor of Maharashtra issued warrants of appointments on 6th March 2001. Accordingly the Chairperson and Members assumed their office in the commission.

4.2. The member of the Commission Shri A. D. Mane was appointed as the Acting Chairperson, the other members of the commission was Shri M. R. Patil, Dr. Vijay Chitnis, Shri. C. L Thool, The post of Chairperson remained vacant till the end of this year.

**STAFF**

4.3. The staff of the commission continued to be distributed amongst three wings namely :—

Administrative wing headed by Secretary, Investigation wing headed by Special Inspector General of Police and the Legal wing headed by Registrar.

**PREMISES**

4.4. The Government of Maharashtra *vide* its GR No. HRC-10099/378/ Pol-14, dated 15th January 2000, mentioned that the Maharashtra State Human Rights Commission's headquarter would be at Mumbai. Accordingly the Government offered to allot various alternatives such as New Administrative Building opposite Mantralaya, Worli Government Transport Service, Arun Chambers, Tardeo, Mumbai, New administrative Building Bandra (E.), Old Custom House, Mumbai.

4.5. Finally *vide* its Circular No. G.A. /11.01 /C.N. 15 /2001/22, dated 20th June 2002, the Government allotted 2380 sq.ft in the premises of Administrative Staff College Building at 9, Hazarimal Somani Marg, Opp. CST, Mumbai 400 001 to the commission. This premise was earlier occupied by State Finance Commission. The Commission is functioning in the same premise.

**RESOURCES**

4.6. During the year 2003-04, the State Government made available a grant of Rs.1 crore 19 lakhs 25 thousand. The total expenditure was 1 crore 21 lakhs 9 thousand 437 Rs.



## CHAPTER - 5

## Illustrative Cases Decided by the commission

- 1. Case No. : Case No. 858/2001 with 890/2001**  
 Name of Complainant : Shri Iliyaz Bhai Naikwadi & Ors.  
 Name of Respondent : District Magistrate, Sangli, Superintendent of Police, Sangli  
 Date of Order : 30th December 2003  
 Coram : Justice A. D. Mane [Retd.]  
 Facts : The Complainant, a Muslim, alleged that their right to profess any religion of their choice had been violated. The Complainants stated that certain persons disturbed them at the time when they would offer prayers and they were also threatened by the said people, for which the Complainants requested the Commission to direct the police to give protection to them.  
 Gist of Order : Report was called for from the District Magistrate and Superintendent of Police, Sangli. The report submitted mentions about the steps and measures taken by the administration for maintenance of law and order situation in the District. On perusal of the report, the Commission was satisfied and hence the case was closed.  
 Result : Case closed.
- 2. Case No. : Case No. 1032/2002**  
 Name of Complainant : Shri Soma Govind Jadhav  
 Name of Respondent : Superintendent of Women Beggars' Home, Chembur, Mumbai  
 Date of Order : 7th July 2003.  
 Coram : Justice A. D. Mane [Retd.]  
 Facts : The complaint pertained to non-receipt of retirement benefits viz., pension, gratuity, etc by the Complainant, a retired employee of the Beggars' Home, Chembur, Mumbai.  
 Gist of Order : The Commission called for report from Director of Women Beggars' Home. In his report submitted on 26th November 2002, the Superintendent of the Women Beggars' Home, assured the Commission that, he would pay all the dues on account of pension, gratuity and other benefits immediately to the Complainant.  
 Result : Due to the assurance received from respondent, regarding the due payment of retirement benefits, the case was closed.
- 3. Case No. : Case No. 220/2001**  
 Name of Complainant : Shri J. N. Sadashiv  
 Name of Respondent : Vice-Chancellor, Mumbai University, Mumbai  
 Date of Order : 22nd April 2003.  
 Coram : Justice A. D. Mane [Retd.]



**Facts**

: It was alleged in the present complaint that Institutions and Management centers affiliated to the University of Mumbai were charging tuition and other fees from the backward class candidates at the time of admission. The Complainant drew the attention of the Commission to the University of Bombay Circular dated 21 September 1991, whereby no tuition fees were to be charged by a College / University Department to students belonging to the Scheduled Caste including Nav-Buddhist, Scheduled Tribes, and DT/NT categories at the time of admission to a course/ examination. The Complainant further prayed that, fees which were already collected should returned to them.

**Gist of Order**

: Reports was called for from the Vice Chancellor, University of Mumbai. In his reply, the Vice Chancellor submitted that, they were taking action on the said matter and that they had also issued a circular to all the concerned Colleges and Institutions informing them that Scheduled Caste candidates should not be charged tuition and other fees.

**Result**

: Both parties arrived at an agreement before the Commission and agreed upon the following :—

(a) The Vice Chancellor, Mumbai University, will issue orders regarding the strict implementation of free admission/examination to the backward class community.

(b) Above order will be published each year in the Prospectus.

(c) Within seven days of the order passed by the Commission, the Vice Chancellor would inform the concerned authorities through an appropriate Circular.

As a result of the compromise, the case was closed.

**4. Case No.**

: **Case No. 299/2002**

**Name of Complainant** : Shri Prashant More

**Name of Respondent** : Superintendent of Police, Latur

**Date of Order** : 7th July 2003

**Coram** : Justice A. D. Mane (Retd.)

**Facts**

: One Anand More was murdered by some unknown persons. The Complainant alleged that, the murder took place resulting from a love affair of the victim with one Ms. Sheetal Deshmukh. The Complainant was not satisfied with the investigation of police, as they were not questioning the said Ms. Sheetal Deshmukh and her family members. The Complainant therefore prayed for proper investigation by CID.

**Gist of Order**

: Report was called from the Superintendent of Police, Latur. It was submitted in the report that, there appeared no link between the incident of murder and Ms. Sheetal Deshmukh.

**Compliance**

: Case was closed on the basis of the report received.

**5. Case No.**

: **Case No. 106/2001**

**Name of Complainant** : Shri Vivek Pandit, Samarthan

**Name of Respondent** : Secretary, Labour Department, Government of Maharashtra

**Date of Order** : 18th September 2003



- Coram : Justice A. D. Mane (Retd.).
- Facts : The Complainant, a social worker, sought to bring to the notice of the Commission that the practice of bonded labour was still being followed, despite of ban on the same. The Complainant cited the case of one minor boy child, Naresh Warang, son of Dattaram Warang, who was forced to work in the garage of one Shrikrishna Kulkarni, for the repayment of loan amount obtained by his father from him. The Complainant approached the appropriate Authority, viz. the Labour Commissioner, however, despite several reminders, no action was taken. The Complainant therefore approached the Commission.
- Gist of Order : By order dtd. 18th September 2003, the Commission observed *inter-alia* that bonded labour as well as child labour is a dynamic problem that could occur and re-occur at any point of time in any industry or occupation. Therefore, the Commission recommended that, proper guidelines to achieve the desired objective of eradication of bonded labour, be issued to all concerned. The Commission also hoped that momentum would be given to the concept of human rights education under the National Action Plan.
- Result : A copy of the order was sent to the Chief Secretary, Government of Maharashtra, for appropriate follow-up action with a direction to submit action taken report to the Commission within 2 months.
- 6. Case No. : Case No. 105/2001**
- Name of Complainant : Shri Vivek Pandit, Samarthan.
- Name of Respondent : Secretary, Labour Department, Government of Maharashtra, District Magistrate, Chandrapur.
- Date of Order : 27th May 2003.
- Coram : Shri M. R. Patil.
- Facts : In the instant case the Complainant, a social worker brought to the notice of the Commission complaint relating to an alleged bonded labourer, Shri Vishwanath Shende. It was alleged that the said Vishwanath Tekadi and his family were being forced to work as bonded labourers by one Mohammed Ali Asgarali Sayyed. The appropriate Authorities were requested to take necessary action, however, the Tehsildar issued a letter stating that the said Vishwanath Shende was not a bonded labour and therefore a certificate of release from bonded labour could not be issued.
- Gist of Order : The Commission issued notice to the Collector and District Magistrate, Chandrapur. After detailed study of all the facts and circumstances as put forth in the affidavit-in-reply as well as rejoinders submitted by the Complainants, the Commission came to the conclusion that he said Vishwanath Shende was indeed a bonded labour and that the Government of Maharashtra should take necessary steps to issue release certificate to Shri Vishwanath Shende and his family under the provisions of the Bonded Labour System (Abolition) Act, 1976, and take such further necessary steps for eradication of the system of bonded labour.



- 7. Case No. : Case No. 665/2003**
- Name of Complainant : Rajani Chandrakant Vibhute.
- Name of Respondent : The Chief Executive Officer, Z. P., Pune.
- Date of Order : 18th March 2004.
- Coram : Justice A. D. Mane (Retd.).
- Facts : The Complainant in the instant matter approached the Commission against alleged arbitrary dismissal, which she stated was a violation of her human rights.
- Gist of Order : Report was called from the Chief Executive Officer, Zilla Parishad, Pune. On perusal of the reports and hearing both parties, the Commission was of the view that the Complainant was illegally dismissed.
- Result : The Complainant was re-instated in service.
- 8. Case No. : Case No. 373/2003**
- Name of Complainant : Madhukar Chedangi Ingole.
- Name of Respondent : Commissioner of Poilce, Amravati.
- Date of Order : 13th January 2004.
- Coram : Justice A. D. Mane (Retd.).
- Facts : The Complainant was work on the field of one Abdul Masjid in Badnera, District Amravati. When the Complainant went to collect his unpaid wages, from the said Abdul Masjid, he was, instead allegedly beaten up. When he went to register a complaint with Badnera Police Station, the Complainant alleged that, the concerned personnel tried to cover up the matter and avoided to register an offence against Abdul Masjid. It is alleged that, the Complainant was threatened not to press for charges, failing which, he would be involved in false cases.
- Gist of Order : Report was called for from the Commissioner of Police, Amravati. From the reports received, the Commission observed that, the medical records of the Complainant appeared suspicious. Also, the report seemed to be silent on the issue of refusal to register complaint. Therefore, fresh notice was issued. Thereafter, in the report, the Commissioner stated that, there was indeed a dereliction of duty on the part of the concerned police personnel and required Departmental action would be taken.
- Result : Departmental action was taken against the errant personnel and the Complainant was paid his back-wages. Also appropriate offence was registered against the said Shri Abdul Masjid.
- 9. Case No. : Case No. 605/2001**
- Name of Complainant : Dr. R. A. Khan.
- Name of Respondent : District Magistrate, Amravati and Superintendent of Police, Amravati-Rural.
- Date of Order : 14th August 2003.



- Coram : Justice A. D. Mane (Retd.).
- Facts : The Complainant sought to bring to the notice of the Commission the negligence on the part of the Administration to take action against the persons who were responsible for communal riot, which took place at Purna Nagar, Asegaon Police Station, Amravati on 11th August, 2001. A Magisterial inquiry was not held, regarding the police shoot out, as there were no casualties on either side. According to the Complainant the inquiry ought to have been conducted.
- Gist of Order : Report was called from the Superintendent of Police, Amravati (Rural) as well as the District Magistrate, Amravati. On the basis of the reports, the Commission arrived at the conclusion that the District Magistrate wrongly relied on the presumption that as there was no casualty, no Magisterial inquiry was required to be conducted. The Commission recommended that the Government may issue a fresh circular and reiterate the Government orders contained in the Home Department (Special) Circular No. MIS-3199/CR-362/Special, dated 10th September 1999, regarding holding Magisterial enquiries into police and home guard firings.
- 10. Case No. : Case No. 940/2001**
- Name of Complainant : Shri P. K. Nair.
- Name of Respondent : The Finance Director, HAL.
- Date of Order : 1st September 2003.
- Coram : Justice A. D. Mane (Retd.)
- Facts : The Complainant approached the Commission with his grievance regarding non-payment of gratuity and leave salary difference, even after several years of retirement. The Complainant retired as an employee of Hindustan Antibiotics Ltd.
- Gist of Order : Despite the fact the Respondent company is a Government of India Undertaking, and not technically within the jurisdiction of the State Commission, the Commission issued notice to the Respondents, in view of the violation of human rights. The Chairperson, HAL Employees' Gratuity Fund Trust, Pune was present before the Commission at the time of hearing. He submitted that due to the intervention of the Commission, the grievance of the Complainant was redressed. The Complainant also expressed his satisfaction.
- Compliance : Compliance received, therefore, case closed.
- 11. Case No. : Case No. 658/2001**
- Name of Complainant : Smt. Anuradha Krishan Rode.
- Name of Respondent : The Superintendent of Police, Kolhapur.
- Date of Order : 25th March 2004.
- Coram : Justice A. D. Mane (Retd.)
- Facts : The Complainant alleged that she was being harassed and false charges were being leveled against her husband.



**Gist of Order** : The Commission recommended that the Director General of Police, Maharashtra State, Mumbai, should issue appropriate guidelines to the police officers in the light of observations of the Commission in the matter of initiating proceedings under Section 107 of the Code of Criminal Procedure, to promote and protect human rights. The Commission directed an action taken report to be submitted to the Commission within 4 weeks from receipt of these directions.

- 12. Case No.** : **Case No. 799/2003**  
**Name of Complainant** : Prashant A. Kharat.  
**Name of Respondent** : Chief Executive Officer, Z. P., Nashik.  
**Date of Order** : 1st October 2003.  
**Coram** : Justice A. D. Mane (Retd.)  
**Facts** : The Complainant alleged that though he was first amongst all candidates belonging to SC/ST category, he was not given appointment by the Zilla Parishad, Nashik on the ground that his name was included in the general merit list and not in the list of SC/ST category.

**Gist of Order** : Notice was issued to the Divisional Commissioner, Nashik, and Chief Executive Officer, Z.P., Nashik. On perusal of the reports received it was observed that other SC candidates who had got lesser marks were appointed, but the Complainant was not appointed on account of the fact that his name did not figure in the list of SC/ST candidates. By order dated 29th September 2003, the Complainant was appointed as Laboratory Technician at Zilla Parishad, Gondia in Nagpur Revenue Division.

**Result** : Case closed as Complainant was given appointment.

- 13. Case No.** : **Case No. 1187/2002**  
**Name of Complainant** : Jijabai Dashrat Chincholkar.  
**Name of Respondent** : Collector, Akola.  
**Date of Order** : 9th March 2004.  
**Coram** : Justice A. D. Mane (Retd.)  
**Facts** : The Complainant alleged that land that was originally in her husband's name was transferred illegally to someone else.

**Gist of Order** : Reports were called for from the Collector, Akola, who in his report submitted that the Talathi, Wadegaon had recorded another name in the record of rights, without any order or inquiry of the Tehsildar. The Collector was directed to take disciplinary action against the concerned Talathi for misuse of his position as public servant and to take necessary steps to get the entry corrected on the basis of true facts as set out in the report submitted to the Commission. It was also directed that an action taken report be submitted to the Commission within a period of 4 weeks from the order.



## ANNEXURE - A

**11 requirements laid down by the Supreme Court in D. K. Basu's case :**

1. The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their destinations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.
2. That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may either be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.
3. A person who has been arrested or detained and is being held in custody in a police station or interrogation center or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or relative of the arrestee.
4. The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of eight to twelve hours after the arrest.
5. The person arrested must be made aware of his right to have someone informed of his arrest or detention as soon as he is put under arrest or detained.
6. An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.
7. The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The " Inspection Memo " must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.
8. The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the State or Union Territory concerned. Director, Health Services should prepare such a panel for all Tehsils and Districts as well.
9. Copies of all the documents including the memo of arrest, referred to above, should be sent to the Magistrate for his record.
10. The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.
11. A district control room should be provided at all district and State headquarters, where information regarding the arrest and the place of.
12. custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board.