

2009-2010



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION



NINTH ANNUAL REPORT
(1st April 2009 – 31st March 2010)

**MAHARASHTRA STATE
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ANNUAL REPORT 2009-10

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MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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PREFACE

Human Rights Commission is concerned with the grievances regarding the violation of human rights by public servants. The Human Rights Commission has an object to address these grievances (to the satisfaction of the individuals and society) as per the tenets of law. The Commission has so far dealt with the cases from the angle of achieving the individual's right and provided protection under the concerned provisions of the Protection of Human Rights Act, 1993.

We are glad to achieve certain degree of satisfaction of the public as it can be seen from cases recently redressed by the Commission. It is to be noted that the present Hon'ble Chairperson and Hon'ble Member have taken charge in September 2013 and by that time there was a huge pendency of cases, since the Commission was not functioning for almost 20 months. We are well aware of the pendency of cases and the objectives to be accomplished during the next few years and for this the Commission will take measures to expedite the progress of disposal of cases.

The Commission has taken all efforts for finalizing its Annual Reports and we are glad to present the Annual Report for the year 2013-2014 for placing it before the Legislative Assembly in accordance with section 28 of the Protection of Human Rights Act, 1993.

Shri Bhagwantrao D. More

Member

Justice Shri S. R. Bannurmath

Chairperson

Place: Mumbai

Date:

CHAPTER I

• Introduction

Maharashtra State Human Rights Commission is working for the protection of human rights. The Commission is trying to redress the grievances pertaining to various types of violation of human rights accrued by public authorities. The Commission was established on 31st March 2001 as per The Protection of Human Rights Act, 1993. The Commission receives complaints from various Districts of Maharashtra by way of filing the complaints personally or by Fax or sending by Post. There is no requirement to have lawyer and the complainant can file a complaint in Marathi, Hindi or English. There is a Chairperson and two Members. Under them the Officers are working. The Commission is conducting the programme on human rights awareness and education, by way of workshop, seminars, etc. throughout Maharashtra. The Commission has undertaken students internship which has helped the Commission in spreading human rights literacy amongst people.

1.2. The Commission has been putting checks by the way of making surprise visits to the Government custodial homes, prisons, police stations, etc.

1.3. Reminiscing into the World of Human Rights, we see how this concept has evolved over the years the world over. The story of Human Rights is the story of mankind itself through the ages, there were struggles for the liberation of man, these struggles were for the protection of every man's right, his basic Human Right. King John of England violated a number of ancient laws and broke some of the oldest customs and traditions by which the country was governed. His disgruntled subjects eventually forced him to sign the "Magna Carta" in 1215, which was a Charter that enumerated numerous rights. The French revolution, where the monarchy was overthrown and the Republic established gave to the world the French concepts of, "liberte, egalite et fraternite" which mean "Liberty, Equality and Fraternity." The French Revolution also gave birth to the "Declaration of Rights of Man" in 1789. The U.S. Declaration of Independence (American Bill of Rights, 1791) through which British colonies in North America proclaimed Independence, reads, "We hold these truths to be self evident; that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and pursuit of happiness." A bloody war over slavery almost destroyed the United States of America, and eventually the rights of every man were recognised irrespective of his race. If one looks at the Indian freedom struggle carefully, one can see that it was a struggle for human rights. Many countries have had revolutions and some movements were for Independence, as people were being oppressed and exploited and their basic human rights being trampled upon. A human right is the Right of Man, which he has since birth. Human rights include all basic freedoms and are based on the demands of mankind for a dignified life, where each human being is respected and taken care of. These rights are basic and in fact essential for achieving the human dignity, that is, to preserve all human beings. Human Rights are universal, uniform, indivisible, integrated inalienable, interdependent, natural and basic in nature.

1.4. Over the years, man realised that in order to protect these rights these must be properly enumerated and mechanism must be put in place in order to protect them. The United Nations in 1948 through the Universal Declaration of Human Rights enumerated certain Rights and declared that these were the basic rights of every human being, irrespective of any factor of differentiation. These rights must be guaranteed and protected by each and every State. The declaration was followed by two Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights in 1966. The International Covenant on Economic, Social and Cultural Rights States that certain rights can never be limited or suspended even in an emergency situation. It recognises the right to life, including the right to education, right to adequate standard of living, right to work, right to pay for equal work, right of minorities to enjoy their own culture, religion and language. The Covenant on Civil and Political Rights talks about, the prevention of apartheid in any form and guarantees rights to people which are enjoyable by all without any discrimination on the ground of race, colour, sex, language, religion or social origin.

1.5. If we compare the Universal Declaration of Human Rights and the two Covenants with the Indian laws, we realise that, over Constitution also lays down these primordial rights of man, as the Fundamental Rights in Part-III and provides for mechanisms to protect these rights. The Constitution guarantees to all its citizens, the basic rights and an egalitarian society, where all citizens are equal and free. The Constitution speaks about equality of man, his equal status before the law, the provision of equal opportunity to all men, the right to life and personal liberty, the freedom of thought, expression, speech, faith and belief. It also provides that, an aggrieved citizen may move the Supreme Court (under Art. 32) or the concerned State's High Court (under Art. 226) to issue writs for the protection of Human Rights.

1.6. The International Bill of Human Rights, is an informal name given to International treaties and General Assembly resolution established by the United Nations. It consists of the Universal Declaration of Human Rights (adopted in 1948), the International Covenant on Civil and Political Rights (1966) with its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights (1966). The two covenants entered into force in 1976, after sufficient number of countries had ratified them.

1.7. In the beginning, different views were expressed about the form of the bill of rights. In 1948, General Assembly, planned the bill to include UDHR, one Covenant and measures of implementation. The Drafting Committee decided to prepare two documents: one in the form of a declaration, which would set forth general principles or standards of human rights; and the other in the form of a convention, which would define specific rights and their limitations. Accordingly, the Committee transmitted, to the Commission on Human Rights, draft articles of an international declaration and an international convention on human rights. At its second session, in December, 1947, the Commission decided to apply the term "International Bill of Human Rights" to the series of documents in preparation and established three working groups, one on the declaration, one on the convention (which it renamed "covenant") and one on implementation. The Commission revised the draft declaration at its third session, in May/June, 1948, taking into consideration comments received from Governments. The declaration was therefore submitted through the Economic and Social Council to the General Assembly, meeting in Paris.

CHAPTER II

COMPLAINTS HANDLED BY THE COMMISSION

2.1 This was the ninth year of the Commission's working and in comparison with the last year, there was a sharp rise in the amount of work done during the present year.

There has also been a gradual and steady increase in the number of complaints received by the Commission each year which reflects the spread of awareness amongst the public over the years of the Commission's functioning.

2.2. STATISTICAL DATA:

In the current reporting year, i.e. 2009-10, the Commission received a total number of 6034 complaints. The following chart is showing the detail about the fresh complaints received during the current reporting year and the pendency of previous year 2008-09, the total number of cases to be decided including last year's pendency, also the number of cases disposed off, and the number of cases which are pending for disposal.

Statistical Chart of the Cases

Year	Earlier pendency	Fresh received	Total cases in a year	Dismissed in limine	Total Disposed of year	Pending cases at the end of year
2001-02	Nil	1454	1454	419	538	916
2002-03	916	2153	3069	1548	1645	1424
2003-04	1424	2226	3650	895	1686	1964
2004-05	1964	3384	5348	1803	2964	2384
2005-06	2384	5585	7969	2466	4004	3965
2006-07	3965	5618	9583	3942	4635	4948
2007-08	4948	6473	11421	3522	5974	5447
2008-09	5447	7208	12655	5161	8563	4092
2009-10	4092	6034	10126	4498	7224	2902

2.3. NATURE OF COMPLAINTS

An analytical study was conducted on the 6034 Complaints that were received and they were divided on the basis of the following categories—

ENTERTAINABLE BY THE COMMISSION AS PER LAW :-

(i) Against the police force - These complaints mostly included complaints alleging abuse of power by the police force, failure to register offence, false implication, illegal detention, etc **1393 matters.**

(ii) Against local Government Bodies - This category included complaints against Gram Panchayats, Panchayat Samitis, Zilla Parishad, Municipal Councils and Municipal Corporations, etc..... **330 Matters.**

(iii) Against other Government Departments - Complaints against other departments like Home Departments, Public Works Departments, Social Welfare Department etc have been included in this category **264 Matters.**

(ii) Complaints regarding atrocities to SC/SC or other minorities	88 Matters.
(iii) Complaints regarding violation of human rights to prisoners	77 Matters.
(iv) Complaints regarding violence and injustice to women	58 Matters.

NOT ENTERTAINABLE BY THE COMMISSION AS PER LAW :—

(i) Complaints regarding service matters	754 Matters.
(ii) Complaints regarding family disputes	286 Matters.
(iii) Complaints regarding land disputes	167 Matters.
(iv) Complaints against private persons	1310 Matters.
(v) Complaints against banks.....	88 Matters.
(vi) Other complaints.....	1219 Matters.

2.4 CUSTODIAL DEATH CASES

The Commission received a total of 280 intimations regarding custodial deaths during the current reporting year. 21 were in police stations and 126 in jail custody. There were 8 deaths reported as encounters and 20 intimations of death in beggar's home, 86 in child's home, one in women's home and 18 in mentally deficient children's home.

2.5 There were a number of cases where the Commission had sought investigation from the investigation wing of the Commission. In the year 2009-10, the Commission referred 60 cases for investigation and previous year pendency was 9. Out of these in 57 matters investigation was completed and report submitted.

CHAPTER III

RIGHTS OF THE ARRESTEES, AND EDUCATION

3.1 In the exercise of its jurisdiction under article 32 of the Constitution of India, the Supreme Court, in case of "Permjit Kaur v/s state of Punjab" reported in [1999] @SCC131, held that: "the continents, countries, castes, colours and religions. The country, colour and religion may have divided them into different groups but as human beings they are all one and possess the same rights."

3.2 It was further observed that "The National Human Rights Commission is also a body created under an act made by Parliament for examining and investigating the questions and complaints relating to the violation of human rights as also the negligence on the part of any public servant in preventing such violation."

ONE DAY SEMINAR IN MUMBAI CENTRAL PRISON FOR PRISONERS ON HUMAN RIGHTS

3.3 One day seminar was conducted jointly by Maharashtra State Human Rights Commission and Mumbai Central Prison, Mumbai for the Prisoners, in the prison premises on human rights and prisoners. Hon'ble Chairperson Justice Shri Kshitij Vyas inaugurated the programme and other members of the Commission Shri. V. G. Munshi, Shri. T. Singaravel and Shri. Subhash Lalla, alongwith Shri Mafiul Hussain, Secretary and Research officer Dr. Jaishri Patil, Superintendent of Prisons, Shri Rajendra Dharnne, Addl. Superintendent Shri. Ashok Rane. and Jailer Shr. Sanjay Kamble were present for the seminar. The seminar was conducted for the prisoners. Shri. Rajendra Dharnne in his speech gave special thanks to the Commission for conducting the human rights literacy program first time in the Jail for the prisoners. On the occasion, a drawing competition was organized for the prisoners, and the prizes were awarded to the winners.

Hon'ble Member, Shri. Subhash Lalla delivered the speech and guided the prisoners about their human rights. The Secretary, Shri. Mafiul Hussain spoke about the need for following the prison guidelines by the personnel at the jails. He assured that the Commission has in the past and will in future, continue to guide the inmates of these prisons towards reformation and improvement, so that the prisoners can lead a healthy social life with dignity and self-respect when they leave the prison. The Research Officer, Dr. Jaishri Patil spoke that the prison is a place for reforms and not mere punishment, every human being has the scope for change and improvement and thus one has to pay close attention to the D.K Basu guidelines while dealing with the under trials and convicts.

The Hon'ble Chairperson, Justice Kshitij Vyas concluded the seminar on a positive note by pressing on effective implementation of the prison laws to safeguard the basic human rights of the prisoners and encouraging others to approach the Commission whenever there is a breach of the above, so that timely justice is rendered to the victims.

MAHARASHTRA STATE HUMAN RIGHTS PUBLICATION A CALENDAR

3.4 In December 2008, the Maharashtra State Human Rights Commission published a calendar for January 2009 to December 2009 based on the theme of 'D. K. Basu Guidelines'. The guidelines were passed by the Hon'ble Supreme Court as a human right safeguard to be used for all the accused persons when they arrested by the Police. The calendar was inaugurated by Mr. A. N. Ray, Director General of Police, in the presence of the Hon'ble Chairperson Justice Shri Kshitij Vyas and other Members Justice Shri. V. G. Munshi, Shri. T. Singaravel and Shri. Subhash Lalla. It was inaugurated on the occasion of World Human Rights day on 10th December, 2008. The calendar depicts the D.K Basu guidelines through the use of pictures and cartoons, each month showcasing a different guideline. The calendar has served a useful purpose as it helps everyone to know the guidelines, and to increase the awareness about the rights of the arrestee. We got positive response from various offices.

VISIT TO H. J. COLLEGE OF LAW

3.5 In 2009, Secretary Shri Mafiul Hussain and Dr. Jayshree Patil were present for one day Seminar on 'Human Rights Education' in H. J. College of Education, Bandra, organized with the support of National Human Rights Commission. Secretary Shri. Mafiul Hussain as Chief Guest inaugurated the programme, and delivered a speech on Universal Declaration of Human Rights. He also enlightened the students about different aspects of human rights. Dr. Jayshree Patil enlightened the students about human rights which are guaranteed as basic fundamental rights in the Indian Constitution and awareness about the Commission. Both contributed to the interactive session on human rights. The participants were the students of education (B.Ed.).

VISIT TO DONGRI CHILDREN'S HOME, MANKHURD CHILDREN'S HOME, AND CHEMBUR CHILDREN'S HOME

3.6 In the year 2009 a High level Committee of the Maharashtra State Human Rights Commission headed by the Secretary, Shri. Mafiul Hussain with other members including the Inspector General of Police, Shri. Kanakratnam, Registrar Smt, Neena Kapharde, Research Officer, Dr. Jayshree Patil and Superintendent Shri G. Ravishankar visited the Dongri Children's Home, Mankhurd Children's Home, and Chembur Children's Home to conduct an inspection of the same. After reviewing the functioning, administration and activities of the homes, the members submitted a report to the Commission. The Commission has taken the cognizance and the report was called from the Respondent authorities. After receiving the report from them, several recommendations were laid by the Commission, which were to be inculcated in the working of the children's homes.

AWARENESS PROGRAM FOR THE PEOPLE OF THE SLUM AREAS OF DHARAVI

3.7 The Maharashtra State Human Rights Commissions Research Officer, Dr. Jayshree Patil, organised a one day awareness programs for the people of the slum areas of Dharavi, Mumbai with the help of internship students. The aim of the program was to educate the slum masses about the basic human rights, the powers of the Commission, the way to file your complaints and seek remedies.

The program enlightened the slum dwellers about the most cardinal rights which, they were earlier unaware of. The officers answered all the enquiries, question posed by the dwellers and encouraged them to address the complaints to the Commission, whenever they witness or experience a violation of their human rights. As most human rights violations go unheard because of the lack of knowledge of the victims, this program mustered the necessary vigour and imbibed knowledge into these slum dwellers about their human rights.

CHAPTER IV

D. K BASU SUB-COMMITTEE

4.1 In Cri. M.P. No. 12704/2001, arising out of D.K Basu's case cited supra by its order and directions, passed on 29th October 2001, the Supreme Court stated that, "with a view to ensure proper compliance, we consider it now proper that for further monitoring of the case and to see that the 11 requirements spelt out in the D.K Basu case, besides other statutory safeguards are implemented in letter and in spirit, the task to be assigned to the Human Rights Commission, constituted in various states/union territories."

4.2 The Supreme Court has ordered the State Human Rights Commissions to constitute a sub-committee in the respective Commissions in the country with a view to oversee whether those requirements are being carried out or not and to take all such further necessary steps as are required to ensure that those requirements are carried out. It was also observed that it shall be open to the committee to make surprise checks with a view to see actual implementation of those requirements.

4.3 In the Meeting of the Commission, it was decided to constitute new Sub- Committee with a view to monitor and see whether these requirements are being carried out properly.

The Hon'ble members of the new sub-committee were as follows.

1. Justice. V.G.Munshi Chairman.
2. Shri. T.Singarvel Member.
3. Shri. Subhash Lalla Member.

The first meeting of the sub-committee took place on 26-6-2008 and it was decided to pay visits to POLICE STATIONS, JAILS, & other places of detention during the current year, with a view to ensure proper compliance of the guide lines. Visits made by members are stated below.

According to the directions of the Commission quarterly reports were received from some of the district police superintendents of Maharashtra regarding the compliances of the 11 guidelines given by the Hon'ble Supreme Court.

SURPRISE VISITS :—

4.4 About proper compliance of the 11 guidelines of the Supreme Court, Hon'ble Chairperson and Members of the Commission visited following Custodial institutions in the year 2009-10.

Sr. No. (1)	Police stations/jails/ custodial Institutions (2)	District (3)	Date (4)	Hon'ble Members (5)
1	District Jail	Ahmednagar	10th August, 2009	Hon'ble Justice Shri. Kshitij Vyas
2	Yerwada Open Prison	Pune	16.5.2009	Hon'ble Member Shri. T. Singarvel
3	Central Jail	Aurangabad	13.7.2009	Hon'ble Member Justice Shri. V.G. Munshi
4	Deccan Police Station	Pune	14.7.2009	Hon'ble Member Justice Shri. V.G. Munshi
5	Central Prison	Nashik	16.7.2009	Hon'ble Shri. Kshitij Vyas
6	Paithan Open Prison	Aurangabad	17.7.2009	Hon'ble Justice Shri. Kshitij Vyas
7	District Jail	Ahmednagar	10.8.2009	Hon'ble Member Justice Shri. V.G. Munshi

(1)	(2)	(3)	(4)	(5)
8	Chhatrapati Police Station	Pune	23.11.2009	Hon'ble Member Shri. T.Singarvel
9	Wardha District Prison	Wardha	27.12.2009	Hon'ble Member Justice Shri. V.G. Munshi
10	Central Prison	Pune	29.12.2009	Hon'ble Member Justice Shri. V.G. Munshi
11	Nanded Jail	Nanded	16.1.2010	Hon'ble Member Shri. T. Singaravel
12	Jalgaon Jail	Jalgaon	19.1.2010	Hon'ble Member Shri. T. Singaravel
13	Central Prison	Nashik	20.2.2010	Hon'ble Member Justice Shri. V.G. Munshi
14	Sub Jail	Kolhapur	14.3.2010	Hon'ble Member Justice Shri. V.G. Munshi
15	Central prison	Kalamba	15.3.2010	Hon'ble Member Justice Shri.V.G. Munshi

CHAPTER V

ADMINISTRATIVE MATTERS AND LOGISTICAL SUPPORT

5.1 Man is a social animal. Principles of the social justice and Human Rights have to go together as all human beings strive to stay together in a society with all their differences. It is for the individuals to consider the differences in a healthy way and avoid casual approach & attitude of differentiating nature. If all Indians do so there will be much scope to deal with the rightful Human Rights cases. This will help to minimise the cases which arises before the Human Rights Commission.

5.2 The Government of Maharashtra *vide* its G.R. No. HRC- 1099/378/Pol-14 dated 15th January 2000 established the Maharashtra State Human Rights Commission. The Commission became operational on 6th March 2001, and began functioning on 12th March 2001. The said resolution maintains that there would be a Chairperson and three Members of the Commission and that its Headquarters will be in Mumbai. Justice Shri. Kshitij R. Vyas continued in the post of Chairperson. Shri Subhash Lalla, Shri T. Singaravel and Justice Shri V.G. Munshi were serving as Members of the Commission during the year.

STAFF

5.3 The staff of the Commission has been working in different wing namely the Administrative Wing, the Investigation Wing, the Legal Wing the Research Wing and the Accounts Wing. Shri Mafiul Hussain continued to work as the Secretary. Shri D. Kanakratnam continued as the Special Inspector General of Police upto 4/9/2009 and Shri K L Bishnoi from 4/9/2009 onwards. Smt. Neena Khaparde continued in the post of Registrar. Dr. Jaishri Patil continued in the post of Research Officer . Shri G Ravishankar continued as the Superintendent looking into Accounts. Shri V Parulekar continued as the Desk Officer. Shri. R. D. Shirsath continued in the post of Assistant Registrar.

PREMISES

5.4 The Government of Maharashtra *vide* its C.I.R. No. HRC- 1099/378/Pol-14, dated 15th January 2000, stated that the Headquarters of the Maharashtra State Human Rights Commission would be located at , Mumbai. Accordingly, the Government allotted or offered to allot various premises such as the New Administrative Building, opposite Mantralaya, Worli Government Transport Service, Arun Chambers, Tardeo, Mumbai, New Administrative Building, Bandra (E), and Old Custom House, Mumbai. Finally, *vide* its Circular No. G.A./11.01/C.N.15/2001/22, dated 20th June 2002, the Government allotted area 1380 sq. ft. in the premises of Administrative Staff College Building at 9, Hazarimal Somani Marg, opposite CST, Mumbai 400 001 to the Commission. This was earlier occupied by the State Finance Commission. The Maharashtra State Human Rights Commission continues to function in the same premises.

RESOURCES

5.5. During the year April 2009 to March 2010, the State Government made available a grant of Rs. 3 Crore 7 Lakhs 2 Thousand against which the total expenditure was 2 Crore 33 Lakhs 98 Thousand

CHAPTER VI

*Illustrative cases***(1) CASE No. : SUO-MOTO 5/2009-10**

Name of the Respondent : The Secretary, Women and Child
Development Department, Government of
Maharashtra, Mumbai 400 032
The Commissioner of Police, Thane
Prachi Kasbekar, Managing Trustee (Thane)

Date : 8th April 2010

Coram : Divisional Bench
Justice Kshitij Vyas (Chairperson) and
Shri Subhash Lalla (Member)

Nature of the Complaint.—*Suo-motu* cognizance was taken by Commission regarding the Thane shelter home boys molestation. The news published in Mumbai Mirror dated 2nd October 2009 and 3rd October 2009 under the caption “Thane shelter home boys cry molestation” wherein serious allegation of molestation against the trustee and food grain made for boys was full of red excreta and insect. Accordingly *suo-motu* cognizance was taken by Commission.

Action taken by the Commission.—The Division Bench was constituted for hearing this case. Notices were issued to all the concerned. Commission sent a notice to the S.P and Inspector General of Police. The Investigation Wing inquired and submitted their report after due investigation and after examining all the concerned witnesses.

Decision of the Commission.—The Commission considered all the circumstances and went through the reports from various respondents and the report submitted by the Investigating Wing of this Commission. They do not intend to pursue this matter against the person mentioned in the report and leave the matter to the trustee of the Shri Sadguru Seva Mandir Trust to pursue it at any forum as they may deem fit. The Registrar to communicate this order to the parties concerned.

(2) CASE No. : 4263/07-08

Name of the Complainant : Jalis Ahmed Mohammed Najir Momin, Thane.

Name of the Respondent: The Commissioner, Thane Dist.

Date : 28th January 2010.

Coram : Justice Shri.V.G. Munshi, Member.

Nature of the Complaint.—The Complainant is the resident of Bhiwandi, Dist. Thane. He neither appeared before Commission nor did substantiate his case. He states that the Corporation constructed three Public Latrines in his area. The waste water from the latrines was illegally flowing in the drainage and it caused great nuisance to the residents of that area. Because of dirty smell and mosquitoes all these persons were leading a miserable life. Therefore he moved the Commission for necessary action in this matter.

Action taken by the Commission.—It is incumbent upon the Respondent Corporation to see that the septic tanks of the latrines are properly repaired and maintained and also to check whether the waste water from the latrine does not flow in the drainage.

Decision of the Commission.—The Commission hopes and trusts that the Respondent Corporation will take necessary precautions to avoid such inconvenience to the residents of that area. With these observation the case was disposed of accordingly.

(3) CASE No. : 4154/07-08

Name of the Complainant : Vilas Kisan Choudhary,
Dist. Chandrapur.
Name of the Respondent : The Suprintendent of Police, Chandrapur
Bhaktapralhad Waghmare.
Date : 27th January 2010.
Coram : Justice Shri V.G. Munshi, Member.

Nature of the Complaint.—Complainant Vilas Choudhary is a resident of Village Lohara. He resided with his wife and 2 children. Respondent Bhaktaprabhad Waghmare resided in his neighbourhood and he was in visiting terms. The complainant was suspicious that Bhaktapralhad Waghmare has committed the murder after committing rape on the victim as Police did not take any proper action in this matter, the complainant moved the Commission for the necessary action in this matter.

Action taken by this Commission.—The complainant stated on 25th January 2010 in his letter addressed to the Commission that the Police has registered offence against the Respondent Bhaktapralhad Waghmare and he has been arrested. After completing the investigation charge-sheet is filled in the Court and the matter is sub judice in the court. Thus, Police have taken proper action in this matter and calls for no adverse remarks.

Decision given by the Commission.—The Complainant in his statement and letter stated that he is now satisfied with the action taken by the Police and therefore now does not want to proceed with this case. Therefore the case is disposed of accordingly as the Complainant got the relief sought in the complaint.

(4) CASE No. : 3317/2007-2008

Name of the Complainant : Adv. K. V. Tribhuvan,
Name of the Respondent : Development Engineer
Municipal Corporation, Pune.
Date : 11th November 2009.
Coram : Justice Shri V.G. Munshi, Member.

Nature of the complainant.—The complainant is resident of Pune Wadgaon, Malwadi. According to him persons residing in Wadgaon (Malwadi) were not getting regular water supply. Though he made complaint to Respondent Corporation there was not any improvement in water supply.

Action taken by the Commission.—A notice was issued and report was called from the Respondent, in response to the notice the report was filed by the Respondent Corporation. The report shows that new water pipeline was made active and now the persons residing in this area are getting water supply.

Decision of the Commission.—Since, the problem of the complainant is solved and he is getting water supply regularly. Therefore, the case is disposed of accordingly in view of section 17(i)(b) of the protection of Human Rights Act, 1993.

(5) DKB CASE No. : 963/2008-2009**CASE No. : 2011/2008-2009**

Name of the Complainant : Adv. Sushan Kunjuraman
Name of the Respondent : The Superintendent
Authur Rd. Jail, Mumbai
Date : 28th July 2009.
Coram : Hon'ble Member Justice Shri V.G. Munshi.

Nature of the complainant.—The complainant is the Human Rights Activist. He made a complaint on behalf of the under trial prisoners of Central Jail, Arthur Rd. Mumbai, Number of trials are under trial prisoners. These inmates of the Central prison, Arthur Rd, Mumbai that under trial prisoner who are detained in Central Prison, Mumbai during summer season suffocate for want of table fans/ceiling fans in their respective cells or barracks and hence the under trial prisoners are leading miserable life. The complainant is requesting for the facility.

Action taken by the Commission.—The Commission called report from the Superintendent Mumbai Central Prison, Mumbai and asked to remain present at the time of hearing. In response to the notice the reply was submitted by the Superintendent, Mumbai Central prison it mentions that Government sanctioned amount 2,11,945 for fixing of the fans in the cells/barracks. Also pointed out that yet they have not received the amount of the grant.

Decision of the Commission.—The subject was discussed with the Superintendent. Instructions were given to the Superintendent to get this amount sanctioned as early as possible and to the needful at early date. Superintendent assured to the needful at early date. Hence the Case stands disposed of.

(6) CASE No. 987/2009-2010

Name of the complainant : Shri Vinayak Bhanudas Jadhav
 Name of the respondent : A.G. Maharashtra-1
 Date of order : 9th October 2009
 Coram : Hon'ble Member Shri. T. Singaravel.

Nature Of The Complainant.—Complaint is regarding non-receipt of terminal benefits of the complainant who retired as Administrative Officer of Home Guards Department.

Action taken by the Commission.—A report was called for from the Accountant General-I, Mumbai. He has submitted the report.

Decision of the Commission.—After the intervention by this Commission. Accountant General has already endorsed the terminal benefits to the complainant. Therefore, this case is disposed of under section 17(i) (b) of the protection of Human Rights Act, 1993.

(7) CASE No. 3781/2008-2009

Name of the complainant : Shri Raman Ratnaji Patel
 Name of the respondent : Controller Rationing, Mumbai
 Date of order : 1st April 2009
 Coram : Hon'ble Member Shri. T. Singaravel.

Nature of the complainant.—The complainant is a hamal living in Andheri (W.) for the past 30 years who is a licensed porter of Western Railway with batch no. 302 and seeks ration card.

Action taken by the Commission.—A report was called from the Controller, Rationing, Mumbai. He has submitted his report dated 23rd January 2009 enclosing a photo copy of Ration card No.338579. The Ration card is issued to the complainant at the intervention of this Commission.

Decision of the Commission.—Since the grievances of the complainant is redressed, hence this case is disposed of under section 17(i)(b) of the protection of Human Rights Act, 1993.

(8) CASE No. 5742

Name of the complainant : Shri Shayamrao Tushiramji Kurwale
 Name of the respondent : Chief Executive Officer, Amravati Z.P,
 Date of order : 1st June 2010.
 Coram : Hon'ble Member Shri. T. Singaravel.

Nature of the Complaint.—Complainant Shayamrao Tushiramji Kurwale stated that the Zilla Parishad, Amravati by not including the name of the complainant on the list of people below poverty line. The Complainant alleged that violation of his human right by the Zilla Parishad, Amravati, therefore he moved the Commission.

Action taken by the Commission.—The respondent i.e, Chief Executive Officer of Amravati Z.P. submitted the report to the Commission and also Amravati Zilla Parishad Samiti, Tiwsa forwarded the report to the CEO Amravati stated that the Appellate authority namely the Tehsildar of Tiwsa had included the name of the complainant in the list of people below poverty line.

Decision of the Commission: Due to the intimation of the Maharashtra State Human Rights Commission after considering all the circumstances, the Amravati Appellate authority namely the Tehsildar of Tiwsa had included the name of the complaint in the list of under below poverty line. The grievances of the Commission were redressed at the intervention of the Commission. Thus the case was disposed off under section 17(i)(b) of the Protection of Human Rights Act 1993,

(9) CASE No. 100/2009-2010

Name of the complainant : Shri Sanjay T. K. Patil
(Anti corruption committee) Thane
Name of the respondent : (i) Sp. Inspector General of Police, Kolhapur
(ii) Superintendant of Police, Kolhapur
Date of order : 17th November 2009
Coram : Hon'ble Member Shri Lalla.

Nature of the complainant.—The applicant has made a complaint regarding police officer of Junagad Rajwada Police Station, Kolhapur. The allegations made by the complainant are that the Police Inspector has broken the car panes and misbehaved with the occupants of the car.

Action taken by the Commission.—Similarly, the officer Shri Kurundkar Police Inspector, should have handle the situation tactfully, particularly when he knew both the drivers were permitted by the policemen on the duty intact they (occupant of the vehicles) were escorted inside the campus as well as in temple. This could have avoided further consequences and complaint against the police Inspector himself.

Decision of the Commission.—Sp. Inspector General of Police Kolhapur range should get this case re-examined from the different sets of officers, who are not concerned with police administration of Kolhapur district and take further appropriate action as per the provision of law and rules against all those who are found guilty in the said enquiry. The Sp. Inspector General or Police should submit his action taken report to this Commission within 6 weeks of the receipt of this order. With these recommendations the case is closed under section 17(i)(b) of the protection of Human Rights Act 1993.

(10) Suo-motu Case No. : 6/2009-2010

Name of the complainant : The Indian Express Mumbai Newslane, Nariman
Name of the respondent : (i) Commissioner of Police, Mumbai
(ii) Addl Commissioner of Police, Mumbai
(iii) Deputy Commissioner of Police Zone 2, Mumbai
(iv) ACP, Paydhuni Division
L.T.Marg Police Station, Mumbai.
Date of order : 22nd March 2010
Coram : Hon'ble Member Shri Subhash Lalla.

Nature of the complainant.— Suo-motu cognizance of news appearing in "The Indian Express" Mumbai Newslane dated 20th November 2009 regarding " MUMBAI COPS PARADE ALLEGED SNATCHERS, SAY NO RIGHTS VIOLATION " was taken by MSHRC. The Deputy Commissioner of police, Zone 2, Mumbai was called upon to file affidavit before the Commission and remain present before the Commission.

Action taken by the Commission.— Commissioner of Police, Mumbai he is called upon to go through the report and take appropriate action as per the provision of law or rules therein and submit the report about the action taken or proposed to be taken. Accordingly Action Taken Report is received from the Commissioner Of Police, Mumbai vide his letter No.771/10 dated 22nd March 2010.

Decision of the Commission.—From the submission made during hearing and the social report is seen that Police Commissioner, Mumbai has taken serious cognizance of the said incident and has taken departmental action against Sr. Police Inspector by conveying his displeasure to the concerned police officers who has violated Human Rights. The matter was already viewed seriously by Police Commissioner, Mumbai and a note made in the service record of the concerned officer. The report was accepted and case closed under section 17(i)(b) of the Protection of Human Rights Act, 1993.

RECOMMENDATIONS REJECTED BY THE GOVERNMENT :—

(1) Suo Motu No. 6/2003 alongwith Case No. 1576/2003 and Case No. 1732/2003

Name of the complainant:	Shailesh Thakur and Ors.
Name of respondent :	(1) ACS, Home Dept. (2) Superintendent of Police, Yavatmal
Date of order :	29th June 2009
Coram :	Division bench Justice Shri Kshitij Vyas (Chairperson) and Hon'ble Member Shri Subhash Lalla.

Name of the respondent.—The complainant has filed the complaint against the police authorities in respect of death of Shri Suresh Sonkusre and Shri Ajay Mohite during their investigation in the office of the Superintendent of Police, Yavatmal.

Decision taken by the Commission.—The Commission recommended the inquiry against Shri Amitesh Kumar SP, Yavatmal, Shri Totawar Dy. SP, CID Crime Amravati the concerned P I and two constables in respect of death of Shri Suresh Sonkusre and Shri Ajay Mohite in the office of SP Yavatmal.

Action taken by the government on the recommendation.—The Commission received a letter dated 25th March 2011 alongwith the action taken report dated 2nd September 2009 from Home Department, Mantralaya. In the report it is stated that necessary action has been taken against the concerned Police Inspector and two Police Constables. The department did not find any reason to take action against Shri Amitesh Kumar, SP and Shri Totawar, Dy. SP of Yavatmal, hence no action has been taken against both of them.

(2) Case No. 2248/2009-10

Name of the complainant :	Nilesh Oza
Name of the respondent :	(1) Collector, Wardha (2) District Magistrate, Wardha (3) Superintendent of Police, Wardha
Date of order	09th March 2010
Coram :	Division bench Justice Shri Kshitij Vyas (Chairperson) and Hon'ble Member Shri Subhash Lalla

Nature of Complaint.—The complainant has filed the complaint against the police authorities in respect of custodial death of Shri Shankar Ghume in the custody of Wardha Police Station.

Decision taken by the Commission.—The Commission recommended the Departmental Enquiry against Smt. Aswati Dorje, Superintendent, Wardha, Shri Dilip Karande, Naib Tahsildar, Wardha and Shri V. D. Bhoite, Jail Superintendent, Wardha, in respect of custodial death of Shri Shankar Ghume.

Action taken by the government on the recommendation.—The Commission received a letter dated 16th March 2011 alongwith copy of report dated 8th October 2010 from Collector, Wardha in which Shri Dilip Karande, Naib Tahsildar was held responsible for the death of Shri Shankar Ghume. The Commission also received letter dated 7th February 2011 from Home Department stating that as per the report of Director General of Police there was no fault of Smt. Aswati Dorje Superintendent, Wardha and hence the recommendation made by the Commission to hold DE against Smt. Aswati Dorje is not accepted. In respect of Shri V. D. Bhoite Jail Superintendent, Wardha, the Commission received letter dated 26th December 2012 from I G P Prisons, Pune stating that after due inquiry there was no fault of Shri V. D. Bhoite, Jail Superintendent, Wardha.

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