

CATEGORIES OF CASES

- Custodial Death and Custodial Torture
- Illegal Detention / arrest
- Violation of the Rights of Prisoners
- Violation by Health & Family Welfare Deptt.
- Sexual Harassment at Workplace
- Violation Of The Legal Rights Of Special Children
- Unlawful Eviction By Public Authorities
- Referred by NHRC

COMPLAINT PROCEDURE

- (a) The complaint may be written in Marathi, Hindi or English language by any victim of Human Rights Violation or any other person on his behalf, to be presented in person or by Post or any other means such as email and on portal.
- (b) No fee is charged on complaint. No Court fee stamps are required, no need to engage lawyer.
- (c) The complaint against any Public Servant required to be addressed to the Chairperson/Secretary of the Commission and should mention following information:

1. The Complainant's full name
2. Postal address of the complainant
3. Date & Place of incident
4. Time of incident
5. Specify details of violation of Human Rights
6. Complaint against which Public Servant
7. Whether the matter is pending in any Courts, National Human Rights Commission, New Delhi, Tribunals or any other Statutory Forums
8. Relief prayed for.

MODES OF COMPLAINT

BY POST
at Registered
Address

BY HAND
at Office of
MSHRC

BY
EMAIL
complaint-
mshrc@mah
.gov.in

BY PORTAL
[https://hrnet.nic.in/
HRCNet/public/webc
omplaint.aspx](https://hrnet.nic.in/HRCNet/public/webcomplaint.aspx)

ESTABLISHMENT OF THE STATE COMMISSION

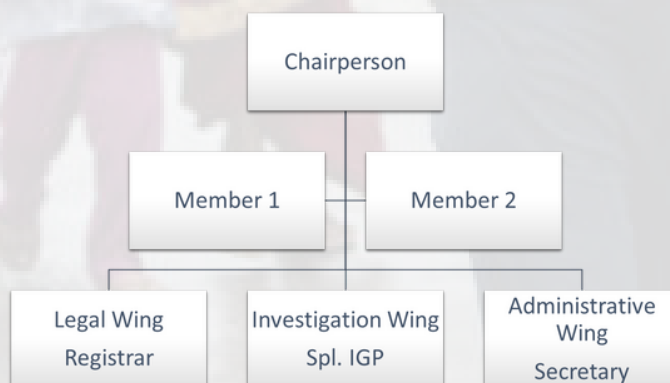
The Maharashtra State Human Rights Commission was established on on 15 January 2000 vide Government Resolution no. HRC/1099378/Pol No. 14 under Section 21 (1) of Protection of Human Rights Act (PHRA), 1993.

COMPOSITION OF THE COMMISSION

The Maharashtra State Human Rights Commission is an Autonomous and Statutory Body comprising of:

- (a) A Chairperson who has been a Chief Justice of a High Court or a judge of High Court;
- (b) One Member who is, or has been, a Judge of a High Court or District Judge in the State with a minimum of seven years experience as District Judge;
- (c) One Member to be appointed from among persons having knowledge of, or practical experience in, matters relating to human rights.

STRUCTURE OF COMMISSION



Maharashtra State Human Rights Commission

Tel. No.: 022 2209 2857

Fax: 022 22091804 / 22078962

Email Id: complaint-mshrc@gov.in

Website: <https://www.mshrc.gov.in/>

Address: 9, Hazarimal Somani Marg,
Opp. CSMT Station, Mumbai 400001



WHAT ARE HUMAN RIGHTS?

In terms of Section 2 of the Protection of Human Rights Act, 1993, "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed under the Constitution or embodied in the International Covenants and enforceable by courts in India.

COMPLAINTS WHICH ARE GENERALLY NOT ENTERTAINED

The complaints of the following nature are generally not entertained by the Commission under Regulation 12 of Maharashtra State Human Rights Commission (Procedure) Regulations 2011:

- (a). vague, anonymous, pseudonymous, illegible, trivial or frivolous;
- (b). barred under sub-section (1) of section 36 of the Protection of Human Rights Act, 1993, when the dispute is pending before any Other Commission;
- (c). barred under sub-section (2) of section 36 of the Protection of Human Rights Act, 1993, when the complaint is presented after one year from alleged violation of Human Rights;
- (d). barred under sub-section (5) of section 21 of the Protection of Human Rights Act, 1993, when the complaint does not pertain to State subject viz Railways, Defense, Postal Department etc.;
- (e). relate to civil dispute, such as property rights/ contractual obligations/ family/ matrimonial disputes;
- (f). relate to service matters or labour or industrial disputes;
- (g). allegations are not against any public servant;
- (h). allegations do not make out any specific violation of Human Rights;
- (i). matter is subjudiced before a Court or Tribunal;
- (j). matter is covered by judicial verdict or decision of the State Commission;
- (k). where a copy of the Complaint addressed to some other authority is received by the State Commission;
- (l). matter is outside the purview of the State Commission.

FUNCTIONS OF THE COMMISSION

As provided in Section 12 of The Protection of Human Rights Act 1993 the Commission shall, perform all or any of the following functions namely:

- (a). Inquire, suo motu or on a petition presented to it by a victim or any person on his behalf (or on a direction or order of any Court, into complaint of:
(i) Violation of human rights or abetment thereof; or (ii) Negligence in the prevention of such violation by a Public Servant;
- (b). Intervene in any proceeding involving any allegation of violation of Human Rights pending before a Court with the approval of such Court;
- (c). Visit, notwithstanding anything contained in any other law for the time being in force, Jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations there on to the Government;
- (d). Review the safeguards provided by or under the Constitution or any law for the time being in force for the Protection of Human Rights and recommend measures for their effective implementation;
- (e). Review the factors, including acts of terrorism, that inhibit the enjoyment of Human Rights and recommend appropriate remedial measures;
- (f). Study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- (g). Undertake and promote research in the field of human rights;
- (h). Spread human rights literacy among various sections, of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;
- (i). Encourage the efforts of non-governmental organizations and institutions working in the field of human rights;
- (j). Such other functions as it may consider necessary for the promotion of human rights.

POWERS OF THE COMMISSION

- (1). The Commission shall, while inquiring into complaints under The Protection of Human Rights Act 1993, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), and in particular in respect of the following matters, namely:
 - (a) summoning and enforcing the attendance of witnesses and examining them on oath;
 - (b) discovery and production of any document;
 - (c) receiving evidence on affidavits;
 - (d) requisitioning any public record or copy thereof from any court or office;
 - (e) issuing commissions for the examination of witnesses or documents;
 - (f) any other matter which may be prescribed.
- (2). The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code (45 of 1860).
- (3). The Commission or any other officer, not below the rank of a Gazetted Officer, specially authorised in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom subject to the provisions of section 100, of the Code of Criminal Procedure, 1973 (2 of 1974), in so far as it may be applicable.

Further according to Section 18 of Protection of Human Rights Act, 1993 upon the completion of an inquiry held under the stated Act, where the inquiry discloses, the commission of violation of human rights or negligence in the prevention of violation of human rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons.