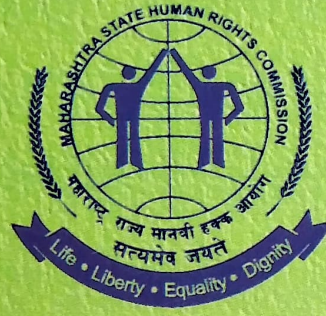


2013-2014



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

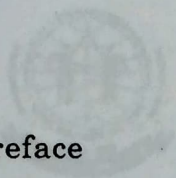


THIRTEENTH ANNUAL REPORT

(1st April 2013 – 31st March 2014)

**MAHARASHTRA STATE
HUMAN RIGHTS COMMISSION**

**THIRTEENTH ANNUAL REPORT
(1st APRIL 2013 - 31st MARCH 2014)**



CONTENTS

Pages

Preface		
1 Introduction		1
2 Functions of the Commission		2
3 Complaints Handled by the Commission		3
4 Rights of Arrestees		7
5 Promotion of Human Rights Awareness		10
6 Administrative and Logistic Support		11
7 Illustrative Cases Decided by The Commission		12
8 Focus of the Commission's Working		22

The Commission 'Human Rights' is of wide constitution and it covers basic rights of human beings which are accepted for development and freedom of all irrespective of their race, religion and nationality. Therefore, human dignity is to be respected and recognized not only at the national level but also at the international level.

The present Hon'ble Chairperson and Hon'ble Member assumed office in the Commission in September, 2012. Till now, for the various time periods the annual reports from 2007-08 to 2012-13 were not prepared by the then Secretary and Member. Thereafter, the pending work of this Annual Report of the earlier period of the Commission was taken up on top priority and is being submitted now. It is made clear that the investigations and statistics stated in the report is based on the report prepared by the then Secretary.

Shri. Manojrao D. More
 Member

Justice Shri. S. K. Bhatnagar
 Chairman

Place: Mumbai
 Date: _____



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001
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PREFACE

This is the Ninth Annual Report of the Maharashtra State Human Rights Commission for the period 1st April 2009 to 31st March 2010.

'Human Rights' are inalienable rights to which a person is inherently entitled simply because she or he is a human being. Human Rights are rights which are related to life, liberty, equality and dignity of the individual. Many of these rights are guaranteed by the Constitution and are enforceable by the courts in India.

Human rights movement will become only a distant dream and an unhappy unreality so long as it is in the control of the elite. It should come away from the Five Star Culture. Human rights movement should be carried forward to the grass root level. We should have a sense of social commitment, social responsibility, and sharing the sorrows of the poor.

The expression "Human Rights" is of wide connotation and it means basic rights of human beings which are essential for development and freedom of all irrespective of their race, religion and nationality. Therefore, human dignity is to be respected and recognised not only at the national level but also at the international level.

The present Hon'ble Chairperson and Hon'ble Member assumed office in the Commission in September, 2013. Till then, for the reasons best known, the annual reports from 2007-08 to 2012-13 were not prepared by the then Secretary Shri Mafiul Hussain. Thereafter, the pending work of this Annual Report of the earlier period of the Commission was taken up on top priority and is being submitted now. It is made clear that the information and statistics stated in the report is based on the report prepared by the then Secretary.

Shri Bhagwantrao D. More

Member

Justice Shri S. R. Bannurmath

Chairperson

Place: Mumbai

Date:

CHAPTER 1

Introduction

1.1 This is the Thirteenth Annual Report of the Maharashtra State Human Rights Commission covering the period 1st April 2013 to 31st March 2014.

1.2 The Maharashtra State Human Rights Commission was established on 6th March 2001 as per protection of Human Rights Act, 1993. The Commission was set *vide* Government No.H.R.C. 1099/378/P10-14, dated 15th January 2000 of the Home Department. The Commission became operational from 6th March 2001.

The United Nations through its instruments in international and regional institutions seeks to promote, protect and implement Human Rights in a uniform manner throughout the world.

1.3 During the period of this report Hon'ble Chairperson, Justice S. R. Bannurmath and Hon'ble Member, Shri Bhagwantrao D. More are functioning as the Commission. However, one of the post of Hon'ble Judicial Member is still vacant.

1.4 Under the Protection of Human Rights Act, 1993, the Commission can inquire suo-motu (on its own) or on a petition presented to it by a victim of human rights violation, or any person on his behalf, into complaint of violation of human rights or abatement thereof or into negligence in prevention of such violation by a public servant. It can also intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court. The Commission is also entrusted with the duty of bringing awareness amongst all the stakeholders including public servants, students at all level and the public in general.

Composition

1.5 Hon'ble Chairperson, Justice S. R. Bannurmath, Retired Chief Justice of Kerala High Court, has taken charge as Chairperson on 12th September 2013. Shri Bhagwantrao D. More, Retired IPS, has taken charge as Member on 16th September 2013 of the Commission.

CHAPTER 2

FUNCTIONS OF THE COMMISSION

As provided under section 12 of the protection of Human Rights Act, 1993; the Commission shall perform any or all of the following functions :—

- (A) Inquire suo-motu or on a petition presented to it by a victim or any person on his behalf, into complaint of—
 - (i) Violation of human rights or abatement 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 under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained for the purpose of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon.
- (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 recommend measures for their effective implementation.
- (G) Undertake and promote research in the field of human rights.
- (H) Spread human rights literacy among various sections of the society and promote awareness of the safeguards available for the protection of these rights through publication, media, seminars and other available means.
- (I) Encourage the efforts of NGO's and institutions working in the field of human rights. Such other functions as it may consider necessary for the protection of human rights.

CHAPTER 3

COMPLAINTS HANDLED BY THE COMMISSION

3.1 The Maharashtra State Human Rights Commission has entered in the thirteenth year since its inception. It is observed that after the present Chairperson and Member took charge, because of the consistent propagation through media, lectures and interaction regarding the importance of human rights and especially the functioning of the Human Rights Commission, large number of complaints in various forms started coming to the Commission. This is a welcome development.

Statistical Data

3.2 In the current reporting year, i.e. 2013 – 2014, the Commission received a total of 5170 fresh cases. During -1st April 2014 to 31st March 2015 1274 complaints were disposed of.

3.3 The Commission took *suo-motu* cognizance in 20 matters during this year.

Nature of Complaints

3.4 An analytical study was made in respect of 5170 complaints received by the Commission, and they were divided into the following categories –

(i) **Against the police department** – These complaints comprised of allegations (1736) of abuse of power, failure to register offences, falsely implicating persons in criminal cases, illegal detentions, corruption etc.

(ii) **Against Children** - This category includes abuse, sexual harassment, assault, (19) ill treatment of children.

(iii) **Health** - this category includes exploitation of differently abled persons, public (48) health hazards, complaint against medical professionals and etc.

(iv) **Against Jail Authorities**- this category includes violation of human rights of (45) prisoners' including harassment, threatening, abuse of power, ill treatment etc.

(v) **Against Judiciary and Judicial Officers** - (10)

(vi) **Against habitual criminals**, - this includes extortion, kidnapping, threatening (17) by mafias/underworlds or habitual criminals.

(vii) **Complaints regarding violation of human rights of Labourers** – this (23) category includes violation of human rights of the labourer by the employers.

(viii) **Complaints regarding atrocities SC/ST and other minorities** – this (80) category includes atrocities on SC/ST and other minorities committed by public servants and others.

(ix) **Pollution/Ecology** – this category includes ecological disturbances, (05) environmental pollution and pollution affecting the human rights.

(x) **Violation of Human Rights of the migrants/religion, slum dwellers etc:** - (02)

(xi) **Service Matters** – this category includes disparities in employment (650) opportunities, non -payment of pension/compensation and other service dispute.

(xii) **Women** – abduction, rape and murder, gender discrimination, dowry (108) harassment or death, matrimonial dispute etc.

(xiii) **Complaints regarding Violations of Human Rights under Special (00) Enactments** – this category includes harassment of detainees under special Acts, misuse of Special Acts.

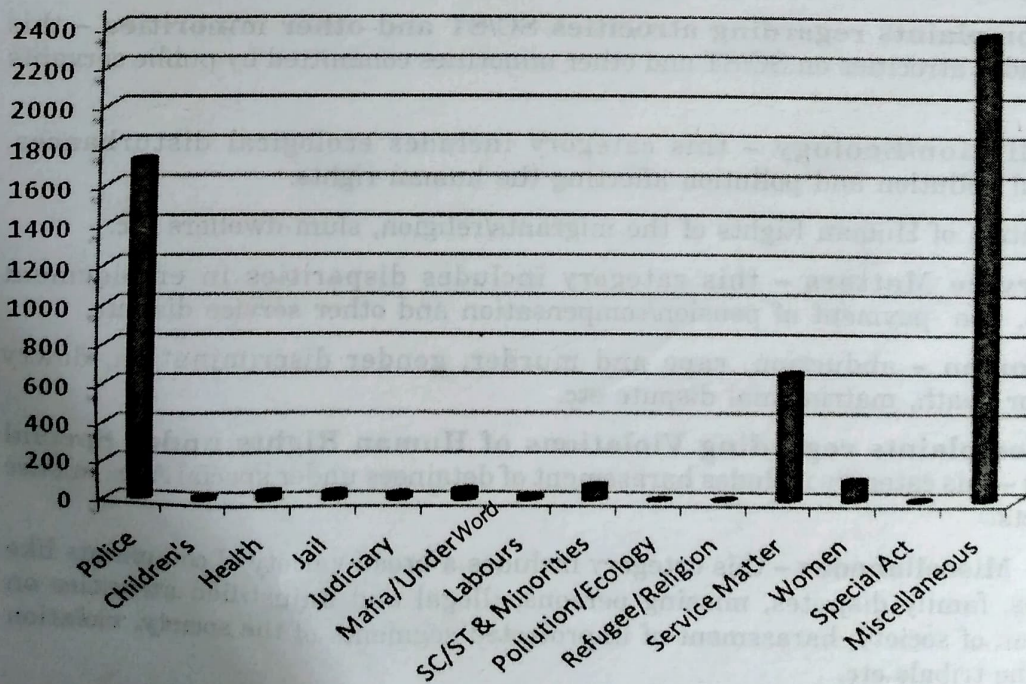
(xiv) **Miscellaneous** – this category includes a broad variety of complaints like (2427) land disputes, family disputes, missing persons, illegal and unjustified atrocities on weaker section of society, harassment of unprotected segments of the society, violation of rights of the tribals etc.

Maharashtra State Human Rights Commission (Procedure) Regulation 2011 states that the following types of Complaints are generally not entertainable—

3.5 Regulation 12

- (a) Vague, anonymous, pseudonymous, illegible, trivial or frivolous;
- (b) Barred under section 36(1) of the Act; when the dispute is pending before other Commission;
- (c) Barred under section 36 (2) of the Act; when the complaint is presented after one year from alleged violation of Human Rights;
- (d) Barred under section 21 (5) of the Act; when the complaint does not pertain to state subject e.g. Railway, Defence etc.
- (e) Relate to civil dispute, such as property rights, contractual obligations and family matrimonial disputes;
- (f) Relate to service matters or labour or industrial disputes;
- (g) Allegations are not against any public servants;
- (h) Allegations do not make out any specific violation of human rights;
- (i) Matter is sub-judice before a court or tribunal;
- (j) Matter is covered by judicial verdict or decision of the Commission;
- (k) Where a copy of complaint, addressed to some other authority is received by the Commission.
- (l) Matter is outside purview of the Commission.

A graphical representation of the division of the categories of complaints is prepared as under:



3.6 It is to be noted that majority of the cases (other than miscellaneous cases) entertainable by the Commission are against the police force. Serious note has been taken of the fact and sensitization, training and awareness programmes for the police force as well as district level administration are being planned by the Commission.

3.7 A large number of cases received were not entertained by the Commission as they were not maintainable and/or outside the purview of the Commission, as per Regulation 12 of the Maharashtra State Human /rights Commission (Procedure) Regulation 2011. This indicates lack of adequate awareness about the powers and functions of the Commission. Steps are being taken to bring awareness amongst public by arranging lectures to promote awareness about the Commission and its functions.

SUO-MOTU COGNIZANCE TAKEN BY THE COMMISSION

3.8 Normally the Commission acts only upon receipt of a compliant from or on behalf of an aggrieved person.

However, the Protection of Human Rights Act, 1993 has also empowered the Commission to inquire, *suo-motu*, or on its own initiative, into matters of human rights violations.

During the current reporting year, the Commission took *suo-motu* cognizance in the following matters :—

1. Injuries caused to children due to spilling of corrosive substance while being transported at Kandivali (The Times of India, Mumbai dated 20th September 2013)
2. Worms found in the drinking water provided by BMC to Khar residents (Indian Express dated 20th September 2013)
3. Damaged caused to both life and properties by unprecedented rain in Nashik Division (Indian Express, Mumbai dated 25th September 2013)
4. Danger caused to public especially students of Pholadpur due to unsafe road conditions on the highway (Lokmat dated 25th September 2013)
5. Multistoreyed building collapsed at Dockyard in Mumbai and loss caused to human life as well as absence of rehabilitation programme for the houseless people (Newspaper and TV report)
6. Discharge of untreated sewerage water to Dahisar – Goregaon residents (Newspaper report)
7. Custodial death at Govandi (Mumbai Mirror dated 27th September 2013)
8. Growth of Naxalism due to flaw in land acquisition proceedings (Newspaper report)
9. Aviction of nomadic tribes and footpath dwellers by BMC and police (Newspaper report)
10. Malnutrition of tribal children (Newspaper report)
11. Outcaste/boycott of family by Caste Panchayat (Newspaper report)
12. Explosion causing injuries to users of public toilet at Chembur (Newspaper report)
13. Leakage of gas at Turbhe (Newspaper report)
14. Refusal of police to register complaint of rape (Newspaper report)
15. Illegal arrest and assault on a artist by police causing physical damage (Newspaper report)
16. Pollution of lakes/tanks by discharge of sewerage water (Newspaper report)
17. Danger of life to Matunga labour camp residents due to dangerous conditions of the building (Newspaper report)
18. Food poisoning of 417 school boys under mid day meal scheme (Newspaper report)
19. Negligence of the police in investigation of a missing girl (Newspaper report)
20. Delay in registering the case of stripping and assaulting a woman (Newspaper report)

CUSTODIAL DEATH CASES

3.9 The Commission has received a total of 300 intimations regarding custodial deaths during the current reporting year.

Sr. No.	Type of Custody	Total
1	Death in Police Custody	22
2	Death in Encounter	8
3	Death in Jail	113
4	Death in Child Home	76
5	Death in Mentally Disturbed Child Home	13
6	Death in Beggars Home	57
7	Death in Women's Home	11

Analysis of complaints/disposed off

3.10 Disposed off by year. Of the 1274 complaints disposed of during the current year, 1087 matters were dismissed in limine as not maintainable. 187 matters were closed u/sec. 17(b) of the Protection of Human Rights Act, 1993 on receipt of report and hearing from the concerned authorities, the Commission gave relief/recommendations in 14 matters during the current year.

CHAPTER 4

Rights of arrestee and Sub-Committee

4.1 The Constitution of India is the fountain and foundation of fundamental rights of the Indian citizens. It provides safeguard to basic human values. It is a triumph of the Universal values Liberty, Equality and Fraternity, which are the pillars of modern Democratic civilization throughout the World.

The Right of life and liberty is embodied in Article 21, explains that,

“No person shall be deprived of his life or personal liberty except, according to the procedure established by law”. That the State functionaries cannot deprive life or personal liberty of citizen.

The Constitution also assures that right to life and personal liberty also covers with Human Dignity and respect and also includes guarantee against harassment, Torture and Illegal detention by Sovereign Authority.

4.2 In tune with these Constitutional safe guards there are a number of legal provisions codified to protect liberty, Human Dignity and Human Rights. The expression Arrest appearing in Article 22 of the Constitution of India is comprehensive term that is designed to cover all cases in which a person is apprehended by legal authority and is not confined to cases in which a person is apprehended by or under the orders of civil or criminal Court. It covers not only cases of punitive and preventive detention, but also case of what may, for convenience, be called protective detention.

4.3 The main intention behind codifying the Code of Criminal Procedure, 1973 is to provide fair and speedy trial to accused person.

4.4 Even though there are legal provisions and pronouncements of Hon'ble Supreme Court of India and Guidelines of NHRC as well as International Covenants; there are increasing complaints about police torture, third degree methods, custodial violence and illegal detention etc.

Therefore, with a view to provide a check on custodial violence and to protect the right of arrestee's the Hon'ble Supreme Court held that, “the action of the State however, must be right, just, and fair. Using any form of torture, for extracting any kind of information would neither be right nor just and fair”.

4.5 The Hon'ble Supreme Court with a view to protect fundamental rights of life and personal liberty and human dignity and values, in the decision given in the case of (D.K. Basu Vs State of West Bengal) (1997) SSC 416, laid down 11 requirements and guidelines to be followed while arresting a person and further held that, the failure to comply with them, make the concerned officer not only liable for departmental action, but also liable to be punished, for contempt of Court which can be instituted in any court.

4.6 The Hon'ble Supreme Court issued further directions and ordered the Central Government and all State Government, in the judgment dated 19th October 2001 in CRL. M.P. Nos. 4210/1997, 4105/1999, 2660 and 2601/2000, 480/2001 and 1270/2001 in writ petition (criminal) No.539 of 1986 and 592/87 directing the State Human Rights Commission, to constitute a Sub-Committee for monitoring and for the implementation of 11 requirements regarding arrest and detention of the person, by investigating agencies like police, custom, forest etc. the sole purpose behind these requirements is to control the custodial violence, torture, harassment and to impose the responsibility on the Officer.

4.7 Accordingly the Maharashtra State Human Rights Commission has constituted the A Sub-Committee on 18th March 2014 comprising Hon'ble Chairperson and Members of the State Commission.

Composition of Sub-Committee :

4.8 The Hon'ble Members of Sub-Committee are as follows :—

- (i) Honorable Shri Justice S.R.Bannurmath, Chairperson of the Sub-Committee.
- (ii) Shri Bhagwantrao D.More, Hon'ble Member of the Sub-Committee.

Response from the concern Authority :

4.9 The Commission also received quarterly reports from all Superintendents of Police.

4.10 AWARENESS PROGRAMMES, VISITS AND MEETINGS BY THE COMMISSION

In the year 2013-2014 the Commission attended following meetings, visited Police Stations/Jail/Institutions and interacted with officers :—

Sr. No. (1)	Police Station/Jail/Institution (2)	District (3)	Date of Visit (4)	Chairperson (5)
1	Meeting and Discussion with Chairperson and Members of NHRC.	Delhi	21.10.2013	Hon'ble Chairperson Justice Shri S R Bannurmath.
2	Interaction with few NGOs in Maharashtra working in the Human Rights field.	Mumbai	15.12.2013	Hon'ble Chairperson Justice Shri S R Bannurmath.
3	Meeting with Divisional Commissioner, Commissioner Tribal Development, Commissioner of Police, Inspector General of Police, (Nashik Range), Supdt. of Police, Municipal Commissioner, (CEO, Zilla Parishad), District Officer of Social Justice Dept.	Nashik	21.12.2013	Hon'ble Chairperson Justice Shri S R Bannurmath.
4	Visit to Government Junior and Sr. Children (Juvenile) Home for Girls, Nasardi. District Probation and After Care Assoc. Nashik's Children Special Home for Boys District Probation and After Care Assoc. Nashik's Children Special Home for Girls.	Nashik	21.12.2013	Hon'ble Chairperson Justice Shri S R Bannurmath.
5	Visit and interaction with the students for bringing awareness in Human Rights at Mumbai University.	Mumbai	06.01.2014	Hon'ble Chairperson Justice Shri S R Bannurmath.
6	Visit and interaction with the students for bringing awareness in Human Rights at Advani Law College.	Mumbai	07.02.2014	Hon'ble Chairperson Justice Shri S R Bannurmath.
7	Visit and interaction with the students for bringing awareness in Human Rights at Mithibai College.	Mumbai	09.02.2014	Hon'ble Chairperson Justice Shri S R Bannurmath.

(1)	(2)	(3)	(4)	(5)
8	Meeting with officials of Women and Child Welfare Department, Pune.	Pune	10.03.2014	Hon'ble Chairperson Justice Shri S R Bannurmath.
9	Visit to SOFOSH an NGO looking after Welfare of Orphan Children Visit to CARE (Pallative Care) an NGO looking after Welfare of Orphan Children Visit to Observation Home for Boys, Shivaji Nagar.	Pune	11.03.2014	Hon'ble Chairperson Justice Shri S R Bannurmath.
10	Meeting and Discussion with Chairperson and Members of NHRC.	Delhi	21.10.2013	Hon'ble Member Shri B D More
11	Interaction with few NGOs in Maharashtra working in the Human Rights field.	Mumbai	15.12.2013	Hon'ble Member Shri B D More.
12	Meeting with Divisional Commissioner, Commissioner Tribal Development, Commissioner of Police, Inspector General of Police, (Nashik Range), Supdt. of Police, Municipal Commissioner, (CEO, Zilla Parishad). District Officer of Social Justice Dept Visit to Government Junior and Sr. Children (Juvenile) Home for Girls, Nasardi District Probation and After Care Assoc. Nashik's Children Special Home for Girls District Probation and After Care Assoc. Nashik's Children Special Home for Girls.	Nashik	21.12.2013	Hon'ble Member Shri B D More.
13	Inauguration of "International Moot Court Competition" at Bharati Vidyapeeth.	Pune	09.03.2014	Hon'ble Member Shri B. D. More.
14	Meeting with officials of Women and Child Welfare Department.	Pune	10.03.2014	Hon'ble Member Shri B. D. More.
15	Visit to SOFOSH an NGO looking after welfare of orphan children Visit to CARE (Palliative Care) an NGO looking after welfare of Cancer patient Visit to Observation Home for Boys, Shivaji Nagar.	Pune	11.03.2014	Hon'ble Member Shri B. D. More.

CHAPTER 5

PROMOTION OF HUMAN RIGHTS AWARENESS**Human Rights Day - 10th December 2013**

5.1 Maharashtra State Human Rights Commission, Mumbai observed Human Rights Day on 10th December 2013 by holding a one day Seminar for law students, NGOs and media representatives at Sahyadri State Guest House, Malabar Hills, Mumbai.

The Hon'ble Governor Shri K. Sankaranarayanan inaugurated the function. As a mark of respect to the departed leader Dr. Nelson Mandela two minutes silence was observed.

Chairperson Justice S. R. Bannurmath in his welcome speech highlighted the importance of Human Rights and appealed the participants especially the NGOs and media to assist the Commission in its endeavor.

Hon'ble Member, Shri Bhagwantrao More addressed the invitees.

Hon'ble Governor Shri K. Sankaranarayanan enlightened the gatherings about his perception about Human Rights and especially need for care and protection of senior citizens.

In the Second session, five speakers namely (1) Smt. Fatima Lilani, Director, Project Monitoring, Care India Medical Society, Pune, (2) Smt. Sheilu Sreenivasan, President, Dignity Foundation, Mumbai, (3) Prof. Arvind Tiwari, Centre of Excellence for Human Rights Education, Tata Institute of Social Sciences, Mumbai, (4) Smt. Vandana Krishna, Chairperson, Maharashtra Nutrition Mission and (5) Dr. Anita Patil-Deshmukh, Pukar – Partners for Urban Knowledge Action and Research presented their papers which was moderated by Prof. G. Hargopal and interactive discussions were held on various issues relating to existing and emerging human rights.

CHAPTER 6

ADMINISTRATIVE MATTERS AND LOGISTIC SUPPORT

The Government of Maharashtra *vide* its G.R. HRC.NO.1099/378/Pol-14, dated 15th January 2000 established the Maharashtra State Human Rights Commission which became operational on 6th March 2001. The Commission consists of a Chairperson, a Judicial Member and a Member having knowledge of/practical experience in matters relating to human rights.

Staff

6.1 The staff of the Commission consists of three wings namely, Administrative Wing, Investigation Wing headed by Spl. Inspector General of Police, Legal Wing headed by the Registrar (Civil Judge). The Secretary is the Chief Executive Officer of the Commission.

Premises

6.2 The Government of Maharashtra *vide* its G.R. No. HRC.1099/378/POL-14, dated 15th January 2000 mentions that the Maharashtra State Human Rights Commission headquarter would be at Mumbai. Presently, the Commission is functioning at 9, Hazarimal Somani Marg, Mumbai which is centrally located near CST Railway station and as such easily accessible to all the people in Maharashtra especially people coming from different parts of Maharashtra

Resources

6.3 During the year 2013-14, the State Government made available a grant of Rs.3,10,27,000 against which the total expenditure was Rs.2,28,86,000/- spent on Pay Allowances and other Expenses. Remaining balance amount is remitted to Government of Maharashtra.

CHAPTER 7
ILLUSTRATIVE CASES DECIDED BY THE COMMISSION

1] Case No.-217/2011-12

Date of receipt.-Complaint- 21 March 2011

Complainant.-Mukund J Deshmukh & Ors

Respondents.-Commissioner of Police, Amravati

Nature of Complaint.—This complaint is by 27 residents of Pusda Tahsil in District Amravati alleging the violation of human rights by the police officials of Walgaon police station. It is alleged that on 25th April 2010 there was an election of the Grampanchayat at the village, one of the complainant Pankaj Dinkarrao Deshmukh when came out of the polling booth, he was assaulted by two police officers without any reason and when questioned by others present, they were also assaulted by the police staff causing injuries to them. It is stated that thereafter, the complainants were arrested and taken to the police station at Walgaon and some were sent to other police stations nearby as the number of accused was more. It is alleged that in the police station, the police officials, in violation of guidelines issued by the Apex Court in D.K.Basu case, not only stripped them but also did not provide food etc. and thus violated the human rights of the complainant.

Action taken By the Commission.—The Hon'ble Commission on 21 September 2013 called for report from the Commissioner of Police Amaravati. In pursuance of the notice issued the Commissioner of Police, Amravati has submitted a detailed report interalia contending that all the allegations are false, since the concerned police have not violated in human rights of the complainants and have followed carefully the guidelines issued in D.K. Basu Case. So far as the injuries to the complainants during or after the arrest, it is submitted that on 25.04.2010 during the said Grampanchayat Election the complainant no.1 who was contesting the election alongwith his people started altercation with the police and pelted stones at them and as such the police had to take action by mild retaliation and the, arrest resulting in minor injuries to some of the victims. In sum and substance it is stated that though the concerned police have acted legally and within their bounds and followed D.K.Basu case guidelines, the present complaint is liable to be rejected. The Hon'ble Commission heard Shri. Mukund Deshmukh the 1st complainant and Shri.Shrish D.Rathod the present Police Inspector of Walgaon Police Station and perused the various records produced by both sides.

Decision of the Commission.—The Hon'ble commission held that in the present case the concerned police have failed to register the complaint given by the victims and there was biased attitude by police and denial of justice to the victims and as such made the following recommendations :—

(a) The State shall bring awareness and educate the police personnel as to the strict procedure to be followed when they receive complaint by first registering a case and investigate the same if found to be a penal offence and thereafter if found there is possibility of prosecution after investigation, since non recording of complaint submitted to a police amount to violation of human rights i.e the basic access to the criminal justice system.

(b) Since in the present case as the commission finds the inaction on the part of the police not registering a case against the police officials about which some of the complainants intended to lodge criminal case and thus they have been shut out of fair Justice, the Commission directed payment of a compensation of Rs.10,000/- to each of the complainants by the State, compliance of which shall be reported in four weeks from the date of receipt of this order.

2] Case No.-1405/2011-12.

Date of receipt.-Complaint- 27/05/2011

Complainant.-Dattatray S. Sangale

Respondents.-Superintendent of Police, Beed.

Nature of Complaint.—The complaint Shri.Dattaray B. Sangale alleging illegal arrest, detention and misbehavior by a police officer Dhanraj Sadashiv Gawane the then Asst. Police Inspector (A.P.I) of Amalaner Police Station. It is stated that on 10th May 2011 in the evening when the complainant was going on his motorcycle near a petrol pump the A.P.I stopped him and started talking to him in abusive words and when the complainant tried to answer, the A.P.I suddenly started hurling abusive words and stating that he must be taught lesson for arguing with the police, illegally arrested him and booked case against him for drunken driving after registering F.I.R and also subjected him to medical examination.

Action taken By the Commission.—The Commission called for report from the Superintendent of Police Beed. On receipt of the report and after detailed inquiry held that the concerned police have failed to implement the guidelines in D. K. Basu case by illegal arrest, detention of a retired teacher and also registering a false criminal case against him.

Decision of the Commission.—Hon'ble Commission has passed following recommendations :—

(a) The State Government and the Home Department, Mantralaya should issue proper guidelines for the police especially in the light of the guidelines issued by the Apex Court in D. K. Basu and other Cases and direct strict compliance so as to prevent the present incident like illegal detention or filing of the false case.

(b) As a senior citizen who is a retired School Teacher has been harassed and infact his human rights have been violated by the illegal detention and false case lodged by the concerned A.P.I the Commission directed the State Government to make payment of interim compensation of Rs. 50,000 to be paid to the complainant within six weeks from the receipt of this order and report compliance thereafter.

3] Case No.-2143 /2013-14

Date of receipt Complaint.—22nd October 2013.

Complainant.—Surekha A. Gaikwad.

Respondents.—Police Inspector, Vashi Police Station, Navi Mumbai. Police Inspector, Vinoba Bhave Police Station.

Nature of Complaint.—This is an unfortunate case where a mother is made to move pillar to post to find out about her missing daughter and ultimately has to approach this Commission for the inaction on the part of the police machinery. It is stated in the complaint that the daughter of the complainant by named Kajol Anand Gaikwad, age 21yrs. was found missing on 15th August 2013 from the house and as such after searching with relatives, the complainant lodged a missing complaint with the Vinoba Bhave Police Station, Kurla (W.), Mumbai and thereafter, did not hear anything from the police. It is alleged that only in the month of first week of October the complainant came to know that the dead body of her daughter was found by Vashi Police, Navi Mumbai on 15th August 2013 itself and inspite of the repeated inquiries earlier she was not informed about the same and ultimately she was told that the dead body has been given final rites by the police on 17th September 2013. It is alleged that because of the inaction on the part of the police, the mother/complainant and the relatives have been deprived of even seeing the dead body and were unable to perform the final obsequies and have suffered mental agony, thereby there is a violation of the human rights.

Action taken by the Commission.—Hon'ble Chairperson has taken suo motu cognizance of the matter as reported in a Newspaper on 23rd October 2013 and issued notice to Commissioner of Police, Navi Mumbai, Sr. Police Inspector of Vashi Police Station, Kurla, Mumbai. Having heard the complainant, Shri Sugaonkar the A.P.I of Vashi Police Station and Shri V.K.Ukarde P.S.I of Vinoba Bhave Police Station and perusal of the records produced, the Commission held that the concerned police have not taken enough or proper steps to find out the identity of the dead body found which in turn is now established as that of Miss. Kajol the daughter of the complainant and there was failure of proper investigation about the missing person, as well as negligence in establishing the identity of a dead body found.

Decision of the Commission.—Hon'ble Chairperson has passed the following order :—

Whenever unidentified dead body is found by police, it should contact the Central Control Room apart from police station in vicinity which in turn could contact or check about all missing complaints and establish the identity. Hence the concern should instruct and bring awareness amongst all police personnel as to the proper methods of search of a missing persons, a proper method for establishing identity of all un-identified dead bodies found in their jurisdiction.

As the mother and her relatives have been deprived off seeing the face of the dead daughter for the last time and performing last rites over the dead body as per the custom resulting in pain and agony because of negligence of police, as an interim measure directed to pay a compensation of Rs.1,00,000 (Rs.One Lacs only) to the mother.

The compliance of the recommendation especially the payment of compensation shall be reported to the commission within six weeks from the date of receipt of this order with these observations the complaint is closed.

4] Case No.- 2344 /2011-12

Date of receipt Complaint.—30 July, 2011

Complainant.—Vikas Kachur Ahivale

Respondents.—Superintendent of Police, Satara.

Nature of Complaint.—This is a complaint by Shri Vikas Ahivale, President, Phaltan Press Club, District-Satara alleging illegal acts of the police on 26th April 2011 in Phaltan. It is alleged on 26th April 2011 there were some riots and the police concerned including five named officials during the promulgation of Section 144 proceedings illegally entered the houses, assaulted students, public and women and arrested more than 100 citizens. It is alleged that in this regard on 29th April 2011, the complainant was also arrested and assaulted mercilessly by the police officials named, without any reason and provocation. As such it is prayed that action be taken against them for the illegal behavior against the public.

Action taken by the Commission.—Hon'ble Commission has issued notice on 23rd November 2013 to Superintendent of Police, Satara. As there was no proper representation/response from the police officials a notice was ordered to Superintendent of Police, Satara calling upon him to explain the negligent attitude of the police officials for not responding to the orders of the Commission. In pursuance of the complaint report was called for from the concerned police and the Superintendent of Police, Satara has submitted a detailed report in this regard. In the same it is stated that on 26th April 2011 there were fights between two groups of people from Somarpeth and Mangalwarpeth area and inspite of the best efforts as the riot did not subside ultimately on 28th April 2011 extreme steps of imposing curfew has been ordered and in this regard nearly 111 persons have been arrested. During the enquiry the Superintendent of Police has recorded the statements of the complainant and various police officers concerned. After concluding the inquiry, the conclusion of the Superintendent of Police is that no police official have either arrested or assaulted the complainant and the present complaint is filed only out of vengeance as some of the relatives of the complainant were also arrested.

Decision of the Commission.—Hon'ble Chairperson has passed the following order :—

The State Government should instruct the police machinery to take proper care and cautions while arresting or detaining a person as per the various guidelines issued by the Apex Court in D.K.Basu Case as well as guideline issued by NHRC and follow the same strictly.

The Home Department to direct all the police officers who conduct inquiry in pursuance of the report called for by the Commission to access the evidence properly and independently & apply its mind to come to the final conclusion & not give report mechanically. Such police officers are also directed to examine few independent witness who could corroborate or otherwise the allegations of the complainant, instead of routinely recording the statement of the complainant alone and of few police officials.

In view of the un-rebutted evidence of the complainant receiving injuries, though simple, the Commission awards a compensation of Rs.15,000 to be paid to the complainant by the State within four weeks from the date of receipt of this order and report compliance immediately thereafter.

5] Case No.-2827 /2011-12

Date of receipt Complaint.-14th September 2011.

Complainant.-G.R. Kamat & Others.

Respondents.-Dy. Commissioner of Police, Zone-X, Mumbai

Sr. Police Inspector, Andheri Police Station, Mumbai.

Nature of Complaint.—It is alleged that he complainant many of whom are senior citizens are members of the Andheri Gymkhana it is a registered body under Bombay Published Act and the Society Registration Act in existence almost for the last 25 yrs. It is alleged that these members usually visit the Gymkhana for recreation purpose including playing, bridge and rummy card game. It is alleged that on 10th August 2011 when these members were present in the Gymkhana the police officials named forming a team raided the gymkhana at about 8.15 p.m on the ground of engaging in gambling activity and arrested these complainants, took them to the Andheri Police Station and behaved inhumanly with them. Hence the present complaint of violation of human right before this Commission.

Action taken by the Commission.—Hon'ble Commission issued notice on 19th October 2013 to Dy. Commissioner of Police, Zone-X, Mumbai. After perusal of reports and records including the complaint and other materials *prima-facie* Hon'ble Commission found that the police officials so named have by their conduct not only showed disregard to the law but also violated the basic procedure, rules and regulations regarding arrest, detention etc. as well violated the human rights of lawful citizens.

Decision of the Commission.—Hon'ble Chairperson has passed the following order :-

The Commission recommends the State Government to look into the matter afresh and inflict proper and adequate punishment commensurate with the illegal act of the erring police officers who have been found with, not only disregard to the law but also to the fundamental rights and human rights available to the citizens. State Government is recommended to take fresh action in this regard and report to the court the same to the Commission within 4 months from the date receipt of this order.

6] Case No.-3752 /2011-12

Date of receipt Complaint.-8th November 2011.

Complainant.-Rekha S.Parekh.

Respondents.-Asst. Police Inspector,

Dahisar Police Station.

Nature of Complaint.—This complaint by Smt. Rekha S.Parekh is in respect of the alleged illegal detention and assault on her son Amit Parekh by the Dahisar Police and especially by the then A.P.I. Shri.Khatke.

Action taken by the Commission.—Hon'ble Commission has issued summons on 05th October 2013 to the Dy .Commissioner of Police Zone XII, Mumbai has made detailed inquiry including recording the statements of the complainant and the A.P.I Shri Khatke and submitted his report. In the report it is submitted that the allegations of the complainant that Amit Parekh was illegally arrested/detained and that the said A.P.I used obscene words towards the complainant are not proved & so far as the alleged assault on Amit by the police, it is stated that in the absence of any medical report in this regard of any Hospital produced by the complainant or victim, it cannot be held that there was an assault. However, the D.C.P has found that the said A.P.I has failed in his duty in not making proper entries about taking into custody and letting off Amit Parekh and as such only in this regard the API has been punished with 'strict warning'.

Decision of the Commission.—Hon'ble Chairperson has passed the following order :—

The Police Officers are required to be sensitized about the various guidelines issued by the Apex Court NHRC in respect of the illegal arrest/detention and prohibition of use of third degree by the concerned police and proper training and sensitization of the police officers has to be done regularly.

On going through the entire facts and the circumstances of the case, as injuries on Amit Parekh are simple in nature and for dereliction of duty the said API Shri.Khatke has been departmentally punished with "strict warning" the Commission does not propose to take any further action against him.

However, as the valuable human rights of the complainant's son Amit Parekh have been violated, the Government is directed to pay a compensation of Rs.50,000/- to the victim Amit Parekh within four weeks from the date of receipt of this order and report compliance thereafter forthwith.

7] Case No.-3800/2011-12

Date of receipt of Complaint.—9th November 2011.

Name of Complainant.—Nandini Shirke.

Name of Respondent.—Dy. Commissioner of Police, Zone-III, Mumbai.

Nature of Complaint.—In the complaint presented to the Commission the Complainant says that on 7th February 2011 at about 1.30 noon when she had been to the Agripada Police Station to lodge a complaint against her husband and three others including Smt Nutan Chopra for assaulting the complainant in the house the Police Inspector on duty Shri Kharade not only refused to take the complaint and on the contrary detained her and her teenage daughter till midnight and thereafter let her to go home.

Action taken by the Commission.—In this regard summons was issued on 5th October 2013 to concerned police and after due inquiry the D.C.P. Zone-III, Mumbai has submitted a report to the Commission dated 23rd February 2011 *inter alia* denying the allegation illegal detention. On the other hand, it is stated that there was some dispute between the complainant, her husband and others including Smt Nutan Chopra and in this regard as the concerned police received information that the complainant had assaulted by hand Smt Nutan Chopra and abused her in filthy language Shri.Kharade after sending the alleged victim Smt.Nutan Chopra to hospital brought the complainant and her daughter to the Police Station and since Smt.Nutan Chopra had not returned from the hospital they were requested to stay till she comes back and only after arrival of Smt.Nutan Chopra at 10.45p.m considering the case being non-cognizable & of simple quarrel after making entry in this regard in Crime No.288/11 for the offences under Section 504, 323 I.P.C the Complainant was asked to maintain peace and was let off. It is also stated that the complainant is of quarrelsome nature and there is a case registered against her in Crime No.254/10 and charge-sheet is filed and matter is pending trial. To conclude it is reported that there was no illegal detention of the complainant and she has given a false complaint to the Commission.

Decision of the Commission- Hon'ble Commission passed the following Order—

On detail enquiry the Commission finds that the contentions/defence raised by the concerned police officials was unbelievable/unacceptable. As such the Commission held that there was illegal detention and floating of the guidelines laid down in D. K. Basu case amounting to violation of human rights of the complainant.

Taking into consideration the nature of violation Hon'ble Chairperson direct the State to pay a compensation of Rs.25,000/- to the complainant within four weeks of receipt of this recommendation as well as take appropriate steps to educate the police staff in this regard while calling for, arresting or detaining especially woman to the police station.

8] Case No.-4024/2011-12

Date of receipt of Complaint.-22.11.2011

Name of Complainant.-Rajaram S. Sonwalkar

Name of Respondent.-Commissioner of Police, Navi Mumbai.

Sr. Police Inspector, Kharghar Police Station.

Nature of Complaint.—This complaint is filed by one Shri.Rajaram S. Sonwalkar then working as watchman of A.T.M of IDBI Bank at Kharghar, Sector-7, alleging that on 28.04.2011 while he was on duty two police constables including one Shri.Shivaji Patil.

Head Constable came to the said ATM at about 2.00 a.m. and on an allegation that he was sleeping on duty took him to the Police Station and assaulted him all over the body including testicles causing severe physical injuries as well as mental trauma and hence prays for taking action against erring police officials.

Action taken By the Commission —Hon'ble Commission has issued summons on 22.10.2013 to the Commissioner of Police, Navi Mumbai. In response Shri.S.B.Suryawanshi ACP Panvel on behalf of the Commissioner of Police Navi Mumbai is present and has filed detailed report. In respect of the allegations it is contended that it is true that in the night of 28-04-2011 at about 2.00 a.m. the said head constable Shri.Patil and another while on night Beat Petrol found that the complainant who is a watchman of an A.T.M was found sleeping and as such after warning him about his duty, in order to keep him awake he was asked to run for a distance and come back and this was done only with an intention to keep him awake for the next part of duty.

Decision of the Commission.— After detailed inquiry Hon'ble Chairperson has passed the following order :-

As the complainant was not involved in any crime, his arrest and assault on him being illegal and violation of human rights the State Govt. should compensate the victim complainant by payment of compensation of Rs.25,000 within 4 months from the date of receipt of this order and report compliance.

Direct the Commissioner of Police to hold proper fresh D.E enquiry and pass appropriate orders and submit report of compliance in 6 weeks.

9] Case No.-4049/2011-12

Date of receipt of Complaint.-10.12.2010

Name of Complainant.-Nilkanth G. Somkuvar

Name of Respondent.-The Collector, Nagpur.

Nature of Complaint.—It is complained that even though in 2003-04 he was considered as BPL and given financial help under Indira Avas Yozna for constructing a house and in fact with the help of partial finance of Rs.50,000 he started constructing the house, thereafter the balance was not given to him and in this regard inspite of his repeated request not only the aforesaid public servant denied it, on the other hand removed his name from the BPL list alleged to be based on a Govt. Notification (G.R) and the criteria for eligibility fixed therein. It is complained that after deleting the name even a complaint has been filed against the complainant in the concerned police station for false claim of being BPL. It is the case of the complainant that the entire exercise by the officials is only to harass and deprive him of his legitimate claim.

Action taken By the Commission.—The Hon'ble Commission issued summons on 19.11.2013 to the Collector, Nagpur and also to the CEO, Z P, Nagpur, in this regard, Shri.Makrand Netke, Project Director, District Rural Development Agency, Nagpur representing C.E.O Zilla Parishad, Nagpur is present with records and has filed detailed report indicating that after making proper inquiry and as per the records since the complainant was not entitled for being included as BPL and the present complaint is filed only to harass the officers.

Decision of the Commission.—On enquiry though in the absence of records the Commission could not find any violations of human rights of the victims, taking into consideration the plight of the complainant directed the Tahsildar to hold a fresh inquiry after giving an opportunity to the complainant, within three months from the date of receipt of the order and to communicate the same to the complainant and this Commission.

10] Case No.— 4330/2011-12

Date of receipt of Complaint.—27.12.2011

Name of Complainant.—Mohd.Bilal Abdul Sattar Memon

Name of Respondent.—Superintendent of Police, Buldhana.

Nature of Complaint.—This complaint is by one Mohd Bilal Abdul Sattar Memon resident of Phatakpura, Khamgaon, Buldhana against the illegal treatment given by the police of Shivaji Nagar Police Station. In this regard it is complained that on 4th July 2011 the complainant as a social worker to bring to the notice of the concerned police about the illegal activities going around Khamgaon in respect of sale of illicit liquor, ganja etc. it is complained that on 22.08.2011 at about 9.30p.m a constable of the police station served a notice on him to come to the police station on the next date to attend inquiry in respect of his complaint dated 4th July 2011. It is stated that on the same night of 22nd August at about 2.00 p.m, two police officials by name P.I Suryawanshi and P.S.I Raju Pawar barged in to his house, abused him about his giving complaint of inaction of the police in respect of the alleged illicit sale of liquor and ganja etc. It is also stated that his signature were forcibly taken on blank papers and hence as he is concerned about his safety as well as possibility of being involved in false cases against him. He also complains that, for no valid reason his name is included in Goonda list and proclaimed / announced as a at muslim fanatic, which has resulted in lowering his dignity in the society and amounts to violation of his human right.

Action taken By the Commission.—The Hon'ble Commission has issued notice to the Supdt. of police, Buldhana on 18.10.2013. In pursuance of the notice issued by the Commission the Superintendent of Police, Buldhana has submitted a detailed report alongwith the preliminary inquiry made by the S.D.P.O.

As per the report of Superintendent of Police, Buldhana the complainant is a criminal and as on date there are five cases registered against him under various provisions like Maharashtra Gambling Act., Maharashtra Prohibition Act. and some Provisions under I.P.C. As per the report of the Superintendent of Police the present complaint is filed by the complainant, who is a communally fanatic belonging to Muslim community and only in order to escape from the criminal cases against him and to protect the other Muslim community people, he has lodged this false complaint.

As submitted by Shri.Umesh Patil the Police Inspector, out of five criminal cases against the complainant the cases of 2003 and 2005 have ended in acquittal and remaining three cases are pending trial. Since these three cases are pending before the Court, this Commission will not and cannot comment upon the same. But what is Commission's concern is the serious allegation of branding the complainant as fanatic Muslim having criminal background and antecedent which practically brands him being anti-social elements in the society.

Decision of the Commission.—On detailed enquiry the Hon'ble Chairperson has passed the following order :-

The State Govt. shall instruct the police officers to take appropriate precaution before proclaiming any person as anti-social element or a fanatic belonging to a

particular community and even including his name in the goonda (antisocial) list maintained in the police station.

The higher police officers are required to make independent inquiry whenever reports of violations of human rights activities are noted by the Commission and report are called for and not repeat what the subordinate officer has stated in the submissions made to him

As the Commission finds that there is clear violation of human rights of the complainant by branding him as an anti-social communally fanatic and an anti-social element, resulting in lowering his dignity in the society, the Commission deems it proper to award a compensation of Rs.50,000 to the Complainant to be paid by the State within 4 months from the date of receipt of this order and report compliance.

11] Case No.- 4530/2011-12

Date of receipt of Complaint.- 02.01.2012

Name of Complainant.- Malan Shantaram Zore

Name of Respondent.- Dy. Commissioner of Police, Zone VI, Mumbai.

Sr. Police Inspector, Tilak Nagar Police Station, Mumbai.

Nature of Complaint.—This complaint by Smt. Malan S. Zore resident of Bhimnagar, Rajawadi, Vidyavihar, Mumbai against her illegal detention and assault by Tilak Nagar Police officials and especially by Shri. Siddharth Kasabe the then P.I of the Tilak Nagar Police Station.

Action taken By the Commission.—The Hon'ble Commission has issued notice to the Dy. Commissioner of police, VI, Mumbai on 16.12.2013. In pursuance of the notice issued by the Commission, the D.C.P Zone- VI has filed a report inter alia denying the alleged ill-treatment, assault etc. by the concerned police. It is stated that as the complainant and her son were involved in serious crime of kidnapping and illegal marrying a minor and as case has been filed against them, in order to take vengeance against the police the present allegations are made

Decision of the Commission.—On detailed enquiry the Commission has passed the following order :-

The State Govt./ Senior Police Officers shall sensitize the police officers regarding the ill-treatment beating and third degree methods used by some of the police on the suspected citizens which is violative of protection provided under Constitution of India and which is basically violation of human rights and if any such instances are noticed proper action should be taken against such erring police officers immediately.

As the Commission has come to the conclusion that there is violation of human rights of the complainant by the concerned police, the State Government is liable to pay a compensation of Rs.50,000 to the Complainant within four weeks from the date of receipt of this order and report compliance forthwith.

12] Case No.- 5009/2010-11

(Division Bench)

Date of receipt of Complaint.- 02.02.2011

Name of Complainant.- Shayistabi Parvin Rehman

Name of Respondent.- Superintendent of police, Buldhana.

Nature of Complaint.—This complaint of Smt. Shayistabi Parvin Shaikh Rehman of Dewool Ghat Tal. and Dist.- Buldhana is in respect of the alleged violation of human rights by Buldhana Police. The allegations are that on 16.12.2010 in the afternoon some four or five police personnel came to the house of the complainant, inquired about her husband and when she informed them that he is not present in the house, they started not only abusing her but assaulted her mercilessly with wooden piece from a chair broken by them and caused damaged to other household articles and stolen Rs.35,000 kept in the house. She further alleges that as she was pregnant, even with her pleadings and request of neighbour gathered, the police went on beating her mercilessly she also complains that in this regard when she went to police station, she was only sent for medical hospital but no complaint is registered.

Action taken By the Commission.—The Hon'ble Commission has issued summons to the Supdt. of police, Buldhana on 18.10.2013. In response to the notice Sub-divisional Police Officer Smt.Kalpana Barawakar conducted an inquiry including recording of statements of the complainant, her husband and the neighbours. She has also recorded the statement of P.S.I Manoj Kedar and three head constables who are named in the complaint and also two women constables.

The sum and substance of the report is that the presence of police on 16.12.2010 near the house of the complainant is not denied. It is stated that as the police had received reliable information that Shaikh Rehman Shaikh Lokman the husband of the complainant and other were running a gambling business known as Worli-Matka , in order to catch them red handed the police went near the house of said Shaikh Rehman and on seeing them the husband of the complainant and others who were running matka business tried to run away. It is stated that though Shaikh Rehman succeeded in running away few others were caught on the spot and certain material objects like cash, mobile phone matka slips etc were seized and a case in Crime No. 3040/2010 was registered against the husband of the complainant and others. It is also stated that there are number of similar cases filed against not only the husband of the complainant but other family members. It is stated that the raiding party of police took action only on the open place in front of the house and never entered the house of said Shaikh Rehman nor they assaulted the complainant or stole any money. It is stated that because of filing of criminal cases against the complainant husband the complainant has filed the present false complaint.

Decision of the Commission- On detailed enquiry Hon'ble Chairperson held that the concerned police had illegally arrested, detained a pregnant woman and also assaulted her mercilessly for no fault of her except her husband being a matka gambling runner. Thus an innocent person that too a pregnant woman made to suffer physically and mentally and hence the action of the concerned police officer was in violation of human rights. As such the Commission passed the following order :-

The State Govt. should instruct all the police officials to respect the human right of every free citizen and not to indulge in merciless beating.

Even in cases of raids, police should restrain themselves in so far as family members of the alleged criminals, especially when they are not connected with the alleged crime.

For the violation of human rights of Smt.Shayistabi Parvin Shiakh Rehman we award a compensation of Rs.1,00,000/- (Rs. One Lac only) to be paid to the victim Shyistabi Parveen Rehman within four weeks from the date of receipt of this recommendation and report compliance.

13] Suo Motu/Case.-1/2013

(Division Bench)

Date of receipt of Cognizance.-21.09.2013

News In respect of.- "The Times of India Mumbai dated 20th September 2013 reporting that four children sustained burns after hydro-chloric acid splashed on them"

Name of Respondent.- 1. The Regional Transport Office, Mumbai.

2. Commissioner of Police, Mumbai.

3. The Municipal Commissioner, BMC, Mumbai.

Nature of Matter.—This is Suo-Motu case registered on the basis of Newspaper "The Times of India Mumbai dated 20.09.2013 reporting that four children sustained burns after hydro-chloric acid splashed on them while it was been transferred from a tempo at Kandivali to the go-down belonging to an individual.

Action taken By the Commission.—The Hon'ble Commission has issued notices to the RTO, Mumbai, Commissioner of Police, Mumbai and also Commissioner of Brihan Mumbai Municipal Corporation, Mumbai on 21.09.2013. In pursuance of the notices issued to B.M.C, Police & R.T.O detailed reports have been filed by them. The R.T.O has reported that on inquiry it was found that the vehicle which was transporting the said acid belong to an individual and the R.T.O did not find any illegality or irregularity in the documents concerning the vehicle in question.

So far as police are concerned it is reported that immediately after coming to know of the incident, the police have taken action by registering a case against the owner and the driver of the vehicle in crime no. 257/13 under section 285, 338 r/w 34 I.P.C Brihanmumbai Mahanagar Palika Act (394 & 471) and the matter is pending an investigation.

Decision of the Commission.—On detailed enquiry the Commission found the there was total negligence on the part of BMC officers especially licensing department for storage of dangerous materials like corrosive substances/acid, resulting in injuries to innocent children. Hence the Commission passed the following order :—

We direct the BMC to pay a compensation of Rs.10,000 each to the four injured children within four weeks from receipt of this order and report compliance.

14] **Suo Motu/Case-** 4/2013

Date of Cognizance- 30.09.2013

News In respect of - "Indian Express Newspaper report dated 25.09.2013 that rain havoc has caused damages to both people and properties in Nashik Division."

Name of Respondent- The Divisional Revenue Commissioner Nashik, Collector, Nandurbar, Dhule, Jalgaon & Nagar.

Nature of Matter.—This is Suo-Motu case registered on the basis of Newspaper "Indian Express Newspaper report dated 25.09.2013 that rain havoc has caused damages to both people and properties in Nashik Division the present Suo-Motu case is registered by this Commission, in order to find out the actual damages and the relief work undertaken by the Government Machinery".

Action taken By the Commission.—The Hon'ble Commission has issued notices to the Divisional Commissioner, Nashik Division, Nashik and others.

In this regard notices were ordered to the concerned Collectorates and except Nandurbar district all the other districts officials have filed their detailed reports as to the steps taken.

Decision of the Commission.—Hon'ble Chairperson has passed the following order :—

The Govt. Notification CLS/2013/521/ Case No.255/M-J be reconsidered and amended to pay uniform compensation for the loss of each of the small and large cattle's lost during the relevant period due to heavy rain or any natural calamities like lightening as per norms already suggested in all the district in Nasik Division.

The Govt. is recommended to pay compensation of Rs.1,50,000 (Rs.1.5 Lacs) to the family of Smt.Laxmibai Kale of Ozar village on par with victims of similar natural calamity at the earliest.

The Government is directed to pay compensation at the rate of Rs.2000 minimum To Rs.5000 maximum depending upon the quantum of damages for damages to the house to the each of the owners of the house in Nasik District.

The Govt. is directed to pay compensation of Rs.1,50,000 to the family members of victim Smt.Amrut Rakhmaji Waghachoure R/o Ahmednagar District.

The Government is directed to pay compensation of Rs.25,000 each to the owners of the dead cattle's in Ahmednagar District.

CHAPTER 8

FOCUS OF THE COMMISSION

The commission's purview covers the entire range of human rights including both civil and political rights, economic, social and cultural rights. The commission is engaged in promoting and protecting human rights in areas concerning issues as varied as custodial death, rape and torture systematic reform of the police and the prisons improvement in the conditions or remand homes and mental hospitals for the mentally ill, etc.

Keeping in view its wide ranging responsibilities and the expectations for the people of the State Commission proposes to take up the following activities and research:-

- Steps to check custodial deaths, rape and torture.
- Systematic reforms and sensitization programme for police, prisons and other centres of detention officials.
- Elimination of bonded labour and child labour.
- Human Rights of persons affected by HIV/AIDS
- Public Health as a human right issue.
- Rights of senior citizens
- Rights of the vulnerable group such as women and children, minorities, scheduled castes, scheduled tribes.
- Rehabilitation of people displaced by mega projects.
- Rehabilitation and compensation to those affected by major disasters such as cyclones, earthquakes, landslides, and other man-made disasters such as gas leaks, epidemics, riots etc.
- Promotion of human rights literacy and awareness in the educational system and more widely in society including human rights education for the executive and the police.