



Siddharth College of Law

Anand Bhavan, D.N. Road,
Near Bombay High Court,
Fort, Mumbai - 400023 Maharashtra,
India

Third Year L.L.B Student Visit

to



Maharashtra State Human Rights Commission,

9, Hajarimal Somani Marg,
Opp. Chhatrapati Shivaji Maharaj Terminus,
Mumbai - 400001

- **26 September, 2022**
- **29 September, 2022**
- **30 September, 2022**

SIDDHARTH COLLEGE OF LAW



Bharat Ratna Dr. Babasaheb Ambedkar

Founder

M.A., Ph.D. (Columbia), D.Sc. (London), LL.D. (Columbia), D.Litt. (Osmania), Bar at Law

Dr. B. R. Ambedkar was one of the architects of the Indian Constitution and India's first Law Minister in the Cabinet of Jawaharlal Nehru. He rightly said, *"Cultivation of mind should be the ultimate aim of human existence."* Siddharth College of Law was founded in Mumbai in 1956. It is run by the People's Education Society which was formed by Dr. Babasaheb Ambedkar on 8 July 1945. The college is affiliated to the University of Mumbai. The college was formed with a vision to spread legal education amongst all sections of society.

Anandraj Yashwant Ambedkar

Chairman

Grandson of Bharat Ratna Dr. Babasaheb Ambedkar

Siddharth College of Law is very grateful to The Maharashtra State Human Rights Commission, Mumbai for permitting our student's a visit to the Commission and also for taking time out of their busy schedule. We are also thankful to the Commission for offering Pro Bono program to the students.





Ms. Sandhya Dokhe

I/c Principal, Siddharth College of Law

Under the guidance of our Hon. I/c Principal Ms. Sandhya Dokhe the students of Siddharth College of Law visited the Maharashtra State Human Rights Commission, Mumbai on:

26th September, 2022

29th September, 2022

30th September, 2022

A total of 60 students were in attendance for the student visit at the Commission with 20 students attending per batch in three slots. The visit was arranged for students for educational purpose so as to create awareness and knowledge of human rights among students. The students are grateful to the Principal Ma'am for her co-operation and support.

Adv. Sachin Patil

Lecturer, Siddharth College of Law

The visit was the idea of our Respected Lecturer Adv. Sachin Patil who arranged the student visit to the Commission in order to give students an insight of the working of the Commission and its rules and regulations. Adv. Sachin Patil Sir had envisioned the visit as an effective way for students to learn the subject of Human Rights in their final year. He also guided students to enrol for the Commission's *Pro Bono* program of four weeks which would help them learn about the legal, administration and investigation departments in detail and also encourage them to work for the welfare of the society.



Composition of the Commission:

The MSHRC is an Autonomous and Statutory Body comprising of:

Hon'ble. Justice K.K. Tated

Chairperson, Maharashtra State Human Rights Commission



We deem it great honour as law students to not just meet but also be guided by Honourable Justice K.K.Tated Sir on the importance of human rights and the Commission. The impeccable knowledge and teachings of the Honourable Chairperson was an incredible experience for Siddharth College of Law students which helped them gain more interest in the Human Rights subject and also learn to value human rights. Our sincerest thanks for the awe-inspiring session at the Commission.

Hon'ble. Judge M.A. Sayeed

Member, Maharashtra State Human Rights Commission



Siddharth College of Law students are truly humbled by Hon. Justice M.A. Sayeed Sir's numerous, insightful contributions to this lecture. Contributions of such calibre can only come from a true genius like him. Thank you so much Sir for taking time out for us.

Hon'ble. Shri Bhagwant More (IPS)
Member, Maharashtra State Human Rights Commission



Siddharth College of Law students certainly benefited from your breadth of knowledge and depth of expertise. Giving it your time really helped to make it a success. Thank you for the enlightenment you bestowed upon the students.

Dr. Swaroopa Dholam
Registrar, Maharashtra State Human Rights Commission



The Registrar Madam's understanding and compassion for all the students is really admirable. The ability to interact with the students and sustain their interest throughout the lecture is mind-blowing. The students are grateful to you for your collaborative efforts.

Dr. Ravindra Shisve (IPS)
Spl. Inspector General of Police, MSHRC



Sir, the students were thrilled to see you share your many experiences as an expert. They would have loved to hear more had it not been for the lack of time. Indeed, we can't thank you enough for inspiring us. Your teachings are really invaluable and your wisdom is priceless.

Shri Sachin Pandkar
Superintendent of Police, MSHRC



Your presence during Siddharth College of Law Student's Visit definitely enriched the lecture. You are full of knowledge and wisdom. And for this, we remain grateful.

Introduction - Human Rights:

Human rights are the basic rights available to any human being by virtue of his birth in human race. It is inherent in all human beings irrespective of their nationality, religion, language, sex, colour or any other consideration. The Protection of Human Rights Act, 1993 defines Human Rights as: “human rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India”. The Constitution of India guarantees basic human rights to each and every citizen of the country.

Nelson Mandela had stated *“To deny people their human rights is to challenge their very humanity*

Human Rights Day:

Human Rights Day is marked every year by celebrating the anniversary of the Universal Declaration on 10 December.

Human rights include civil and political rights, such as:

- The right to freedom of expression
- The right to freedom of religion or conscience
- The right to property
- The right to freedom of assembly
- The right to privacy
- The right to vote.

Human rights also cover economic and social rights, such as:

- The right to an adequate standard of living
- The right to adequate food, housing, water and sanitation
- The rights you have at work
- The right to education.

Establishment of Maharashtra State Human Rights Commission:

The Maharashtra State Human Rights Commission was established on 6th March, 2001 as per the International Covenants and Protection of Human Rights Act, 1993 for the protection and promotion of human rights. The MSHRC strongly believes in protecting, promoting and enforcing human rights through various sources such as education, social awareness, etc.

Different Wings of the Commission:

The Maharashtra State Human Rights Commission consists of three divisions known as wings:

1. **Administrative Wing:** This wing is headed by an officer of the rank of Secretary to the State Government. He is also the Chief Executive Officer of the Commission.
2. **Legal Wing:** The legal wing is headed by the Registrar. The complaints registered are processed by the legal wing of the Commission.
3. **Investigation Wing:** This wing is headed by an Inspector General of Police on the direction of the Commission to investigate into the complaints of Human Rights Violation.

Functions of the Commission:

The functions of MSHRC as stated in Section 12 of the Protection of the Human Rights Act, 1993 includes enquiry into the complaints of violations of human rights or negligence in the protection of such violation by a public servant.

- It can investigate any complaints related to violation of human rights on receiving a complaint from a victim or any person or suo motu.
- It can visit prisons in the state to investigate the living conditions of the inmates and recommend measures to be taken by the authorities.
- Human Rights awareness is spread through different sources such as media, educational institutes, etc.
- MSHRC can interfere in any judicial process that involves any allegation of violation of human rights.
- MSHRC also studies treaties and international instruments on human rights and makes recommendations for their effective implementations to the government.

Procedure for registering complaints:

- The complaints can be made by sending a complaint letter to the Commission by email or post or submitting it in person at the Commission.
- The complaints letter does not require any court fee stamps and no fees are charge for registering a complaint.
- The complaint can be submitted by the victim or any other person on his/her behalf.
- The complainant can write the complaint in either of the languages that is, English, Hindi or Marathi.
- The complaint against a public servant should be addresses to the Chairperson of the Commission and should provide the following information:

- i. Name and address of the Complainant
- ii. Name and details of the Public Servant against whom the complaint is registered.
- iii. Details of the incident namely, date, time, place and violation of human rights specified.
- iv. Relief prayed for by the complainant.

Working of the Commission on the complaints:

- The complaints are first registered with the Commission and the legal wing processes the complaints.
- The legal wing scrutinizes the complaints and submits a report of whether the complaint is maintainable or non-maintainable to the Chairperson and or Member of the Commission.
- The Chairperson then gives his opinion on maintainability and also orders next course of action.
- If a complaint is not maintainable then an order rejecting the complaint is passed and the complainant is informed accordingly.
- If a complaint is maintainable then,
 - i. a report is called for from the concerned authority.
 - ii. The report received is presented before the Chairperson/ and or / Member. The Chairperson then decides whether future course of action is required or not. If the Chairperson is satisfied with the report and no action needs to be taken, then the case is closed under section 17(1)(b) of the Act and the complainant is informed accordingly.
 - iii. If the any action needs to be taken then the complainant is sent a copy of the report and the rejoinder is called for.
 - iv. The Commission may even forward the case to the Investigation Wing of the Commission for further investigation.
 - v. The case is then kept for hearing and a final order is given accordingly.

Powers of the Commission:

Under the Code of Civil Procedure 1908, the Commission has all the powers of a civil court.

- The Commission can summon witnesses, receive evidence on affidavits, requisition any public record or copy thereof from any court or office.
- The Commission can examine witnesses and/or documents.
- The Commission, if on inquiry finds violation of human rights by the public servant then the Commission may recommend to the concerned government or authority to initiate proceedings against the concerned person.

- The Commission can also ask the concerned government or authority for grant of relief to victim or members of the family as considered necessary by the Commission.
- It can also approach the Supreme Court or High Courts for directions or actions where necessary.
- The Commission can also enter premises where the Commission has a reason to believe that any document relating to the subject matter of inquiry may be found and may seize any such document or take copies there from subject to the provisions of section 100 of the Code of Criminal Procedure, 1973.

Benefits of the Commission to the Society:

- No lawyer is required.
- The complainant can argue his own case or the Commission steps into his shoes to argue for violation of human rights.
- No fees are charged for registration or any proceedings.
- Complaints can be registered in an easy and convenient manner.
- Complaints can be registered on a plain piece of paper. No court fee stamps required.
- Complaints are processed quickly.

Conclusion:

Human rights and freedom ought to be preserved at all costs. Their curtailment degrades human life. The political needs of a country may reshape Human rights, but they should not be completely distorted. Tyranny, regimentation, etc., are inimical of humanity and should be resisted effectively and united. The sanctity of human values, freedom and rights must be preserved and protected. Human Rights Commissions should be established in all the countries to take care of human freedom and rights. In cases of violation of human rights, affected individuals should be properly compensated, and it should be ensured that these do not take place in future.

Violation of human rights, whether by states, terrorists, separatist groups, armed fundamentalists or extremists, is condemnable. Regardless of the motivation, such acts should be condemned categorically in all forms and manifestations, wherever and by whomever they are committed, as acts of aggression aimed at destroying human rights, fundamental freedom and democracy.

These commissions can become effective instruments in percolating the sensitivity to human rights down to the lowest levels of the governments and administrations. The formation of the National Humans Rights Commission in October 1993 in India is commendable and should be followed by other countries.

Students Feedback on the visit:

- We would like to express our heartfelt gratitude to the Commission for giving the students of Siddharth College of Law an opportunity to interact, understand and practically witness the functioning of the Commission. This visit has provided us an opportunity to explore another field of law.
- We would like to thank the Commission for their guidance, knowledge and expertise which will help the students understand the rights of a human and the procedure to fight for one's human rights.
- The students visit provided an insight of the Commission's functions, powers and the procedure for registering complaints on violations of human rights. This knowledge will surely help each and every student in the field of law.
- The Commission with its incredible work and teachings has influenced all the students in a positive way to fight for one's human rights.
- The Human Rights Commission visit was far more educative, interactive, practical and inspiring than our expectations. We fall short of words to describe our contentment.
- We are elated by the fact that we got an opportunity to interact with the jury who are masters of the field.



We sincerely thank Adv. Sachin Patil Sir for this initiative and effort in arranging the visit to the Maharashtra State Human Rights Commission, Mumbai.

Student Coordinators: Sharmeen Lambay
Rakesh Patil







Special thanks to T.Y.L.L.B students for making this educational visit a success with their presence and interest to learn.

- ❖ Sushma Patil
- ❖ Sayali Khadye
- ❖ Navanath Padalkar
- ❖ Pooja Shah
- ❖ Gajanan Sable
- ❖ Sandipta Jadhav
- ❖ Rahul Sinkar
- ❖ Shubham Jadhav
- ❖ Shivani Thite
- ❖ Preeti Negi
- ❖ Kiran Jadhav
- ❖ Girish Katkar
- ❖ Rupesh Jagtap
- ❖ Vijayalakshmi Dulakhe
- ❖ Narotham Doss
- ❖ Sameer Khamkar
- ❖ Ganpat Fale
- ❖ Omkar Kakade
- ❖ Sahil Kadam
- ❖ Mayur Kothawade
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- ❖ Vijay Kerlekar
- ❖ Melvin Francis
- ❖ Arifa Tadvi
- ❖ Sahil Pawar
- ❖ Subodh Rajam

Regards,
Sharmeen Lambay
Rakesh Patil
(Student Coordinators)



Thank You Maharashtra State Human Rights Commission for the Student Visit at your Commission.

-T.Y.L.L.B

Siddharth College of Law