

2011-2012



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION



ELEVENTH ANNUAL REPORT

(1st April 2011 – 31st March 2012)

ANNUAL REPORT 2011-2012

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MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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PREFACE

Although the expression "human rights" emerged the Second World War, its concept is as old as the ancient doctrine of "natural rights" founded on natural law. Ever since the beginning of the civilized life, it was noticed and came to be asserted that there were certain rights such as right to personal liberty and property which were superior to rights created by human authorities and were superior to rights created by human authorities and were of universal application to men of all ages and these rights could not be violated by the authorities of the State.

The expression 'Human Rights' cover every aspect of human dignity, Right to live with dignity includes all the finer graces of human civilization. Human rights in practice have been redefined to encompass every aspect of dignified human existence and to make every human being an equal member of the human family. The goal is still very far, but the road to it has been marked.

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.

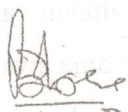
The World conference on Human Rights held in 1993 in Vienna stated in

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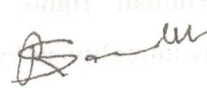
the Declaration that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms.

Thus, taking these views into consideration, On 28th September, 1993, the President of India promulgated an Ordinance which established a National Commission of Human Rights. Thereafter, a Bill of human rights was passed in the Lok Sabha on December 18, 1993 to replace the ordinance earlier promulgated by the President. This Bill received the assent of the President on January 8, 1994 and was published in the Gazette of India. Thus the Protection of Human Rights Act (No. 10 of 1994) came into force on the 28th day of September 1993.

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 I

INTRODUCTION

Preamble of the Protection of Human Rights Act, 1993 :

The Preamble of the Act makes it clear that it is an Act to provide for the Constitution of National Human Rights Commission; Commission in States and Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto.

Definition of 'Human Rights' :

Section 2(d) of the Act defines 'human rights' as 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.

1.1 Maharashtra State Human Rights Commission is a Statutory Body constituted with an aim and intention to protect human rights of people. It was established on 6th March 2001 under the provisions of the Protection of Human Rights Act, 1993. Its foundation is based on the "Paris Principles" laid down in the meeting of representatives of National Institutions held in Paris in October, 1991 and endorsed by the United Nations Commission on Human Rights on 3rd March 1992 and by the United Nations General Assembly on 20th December 1993.

1.2 This is the Eleventh Annual report of the Commission. This Annual Report of Maharashtra State Human Rights Commission is for the period April, 2011 to March, 2012. The Commission commenced its operation in 2001, since then it is functioning to achieve its goal to uphold and protect the basic human rights. The Commission has been given necessary and adequate powers of investigation, inquiry, judicial remedy for the complaints received by the Commission, for the violation of the human rights. The Commission has been taking initiative by taking *Suo-motu* cases to come forward in the aid of the people whose human rights have been infringed by public servants.

1.3 The Commission has a holistic approach and follows the principles of prevention, protection and promotion of human rights. It endeavours to prevent violation of human rights by Government Officials / Public Servants.

1.4 The Commission helps the aggrieved to resolve their difficulties from the infringement of violation of human rights by the public servants.

1.5 The Commission takes up various activities in protection and promotion of human rights. It is duty bound to ensure that justice is done to the needy. It is committed towards the people keeping in view its responsibilities and the expectations from the subjects of the State. It ensures to take measures for various violations of human rights viz custodial violence, torture, death and rape. It monitors and checks the guidelines suggested for the arrests, by giving surprise jail visits, reforms in police custody and checking whether the trials have been conducted for the under trial prisoners.

1.6 The Commission ensures its efficacy by asserting its power to inquire, *suo-mote* or on a petition presented to it by a victim or any person on his behalf, by intervening in any proceeding involving any allegation of violation of human rights pending before a Court with the approval of such Court, by visiting any jail or any other institution under the control of the State Government, where persons are detained or lodged for the purposes of treatment, reformation or protection, to study the living conditions of the inmates and make recommendations thereon and by spreading human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publication, media, seminars and other available means.

1.7 From the nature of the complaints received and handled, it is evident that the scope, volume and boundaries of the Commission has increased manifold. Awareness about the Commission's activities, working and remedial measures have become widespread, causing a rise in the number of aggrieved approaching the Commission.

1.8 The Commission operates through its important wings:—

- The Administrative wing
- The Investigative wing
- The Research wing
- The Legal wing
- The Accounts wing

The commission had Justice Shri. Kshitij R. Vyas as Chairperson upto 22nd February 2012. Justice Shri. V. G. Munshi worked as Member till he retired on 19th February 2012. Shri T. Singaravel worked as Member till he retired on 25th October 2011. The complaint resolving mechanism was not in process after 22nd February 2012.

CHAPTER II

CASES HANDLED BY COMMISSION

2.1 The Commission is striving to resolve the complaints received at its office, it also takes *Suo-motu* cognizance of the cases and initiate action on it.

2.2 Cases decided during the Year-

The Commission has progressed its activities by resolution of cases for Violation of human rights. From the cases received it is obvious that the subjects have faith, confidence and awareness in the Commission's remedial measures. The Commission had received the cases on various aspects of violation of human rights by the Public servants working in the State of Maharashtra.

Statistical Data :

In the current year i.e. 2011-2012, the Commission received 5610 new cases. A Comparative study of the cases received in the previous years is given below :

Year (1)	Number of complaints received (2)	Number of complaints disposed (3)
2009-2010	6034	7224 (includes disposal of pending cases)
2010-2011	5634	5492
2011-2012	5610	3707

It can be seen from the above that the number of complaints has reduced in comparison to those in the year 2009-10, the number of cases received in 2010-11 and 2011-12 are almost same. This cannot be attributed to the reason that the ratio of violation of human rights has gone down but to the reason that at least people are becoming aware of their natural rights and getting aware, taking measures against violation of their human rights.

Cases dismissed in limine:

Year (1)	Cases dismissed (2)
2009-10	4498
2010-11	3966
2011-12	3182

Nature of Complaints :

Nature of complaints received by the Commission can be classified into two categories viz:- Those which are Entertainable and ones which are Non-Entertainable.

Analytical Study of the 5610 cases received by the Commission can be classified into various categories as under.

Cases Entertainable by the Commission as per the Procedure Regulation :—

1. Complaints against the police force - These complaints mostly include, misuse of powers by the police officers and other designated staff. Complaints were mainly in the nature of failure & resistance to register the complaints, false implications, illegal detention, Custodial torture, etc. **1646 matters**

2. Complaints against Local Self- governing bodies: The Category includes complaints against Gram Panchayats, Panchayat Samitis, Zilla Parishads, Municipal Councils and Municipal Corporations **35 matters**

3. Against other Governmental Departments: Includes complaints against other departments like the Home Department, Public Works Department, Public Health Department, Social Welfare Department etc.

1201 matters.

4. Complaints regarding discrimination on the basis of caste gender /religion etc.
..... 1 matter

Not Entertainable by the Commission as per the Procedure Regulation :—

1. Complaints regarding service matters **327 matters.**
2. Complaints regarding land disputes, property rights, civil & family matters, private matters **2327 matters.**
3. Complaints against Banks etc. **69 matters.**
4. Corruption cases..... **4 matters.**

The Data provided above, clearly indicates that the complaints against the police forces are maximum. In spite of guidelines given by Supreme Court in the **D. K. Basu vs. State of West Bengal case**, grave Violations of human rights continue to occur.

Custodial death cases :

During the year 2011-12 there were 232 Custodial death cases reported to the Commission from the state authorities. The break up was as follows:

12 police custody deaths, 68 deaths in jail custody, 1 death in encounter, 69 deaths in beggars home, 70 deaths in child homes, 7 deaths in women homes and 5 deaths in mentally deficient children homes.

1. Case No. : 1/2011-12/1751

Name of the Complainant :

Suo motu MSHRC

Name of the Respondent :

1. Additional Chief Secretary, Home Department, Mantralaya, Mumbai.
2. The Commissioner of Police, Mumbai.

Date of Order :

2nd October 2011.

Quorum :

1. Justice, Shri. Khitij Vyas, Hon'ble Chairperson.
2. Justice, Shri. V. G. Munshi, Hon'ble Member.

Nature of Complaint :

MSHRC had taken *suo-motu* cognizance of news appeared in newspaper 'Mumbai Mirror' dated 7th May 2011, regarding 'It's R for Robbers not R for Rights', where Mumbai Police had decided that all suspects were to wear T-shirts with initials of the Crime they had been accused of.

Action taken by the Commission:

Notices were issued and report was called from the concerned authority. According to the report the news published in Mumbai Mirror was misleading and not true.

Decision of the Commission :

Due to intervention of the SHRC proper action by the appropriate authority was taken in *suo-motu* case. The Media should be responsible and careful while publishing the news and avoid publishing false articles.

2. **Case No. : 2/2011-12/2591**

Name of the Complainant :

Suo-motu MSHRC

Name of the Respondent :

1. The Commissioner, BMC, Mumbai.
2. The Principal, BMC School, Mohili Village, Andheri (E.).

Date of Order :

12th December 2011.

Quorum :

Justice Kshitij Vyas, Hon'ble Chairperson.

Justice V. G. Munshi, Honble Member.

Nature of Complaint :

MSHRC had taken *suo motu* cognizance of news appeared in newspaper 'Mumbai Mirror' dated 22nd July 2011 regarding (No lights, no water at BMC School'. The students had to study in dark as the Authority had not paid the bills. Drinking water was in an unhygienic condition.

Action taken by the Commission :

Notices were issued and report was called from the concerned authority. Accordingly on receipt of notice they had paid all the bills and electricity supply was restored.

Decision of the Commission :

Due to intervention of the SHRC proper action by the appropriate authority was taken in *suo-motu* case. The Authority should take necessary steps for the education and welfare of students and see that no such incident was repeated in future.

3. **Case No. : SM 3/2011-12**

Name of the Complainant :

Suo motu MSHRC

Name of the Respondent:

1. The principal Secretary, Revenue and Forest Department, Mantralaya.
2. The Chief Conservative of Forest, Thane (E.).
3. The Chief Conservative of Forest, Yavatmal.

Date of Order :

20th December 2011.

Quorum :

Justice Shri. Kshitij R. Vyas, Chairperson.

Justice V G Munshi, Member.

Nature of Complaint :

Complaint is against the Revenue and Forest Department of Maharashtra for introducing such a strenuous physical task as a test of recruitment for the post of Forest Guard as per G.R. dated 30th July 2011, which led to the loss of a young man's life, based on the news item published in the Newspaper "Mumbai Mirror" dated 13th September 2011 and "Lokmat" dated 14th September 2011.

Action Taken by the Commission :

A report was called from the respondents related to the Forest Department after taking *suo motu* cognizance of the case.

Decision :

The Commission has strongly recommended that the forest department shall review the Government Resolution dt. so" July, 2011 regarding walking test for the recruitment of the Forest guard and adopt a more practical test. The Commission has not recommended further compensation to the legal heirs of the deceased Balaji Narsingra Tirmanwar as already a compensation of Rs. 2 lakhs by the State Government has been made. However, the right to make a further claim of the said legal heirs in the appropriate forum is not precluded by the Commission. And any decision subsequent to the order pertaining to the matter of recruitment is to be placed on record with the Commission. Compliance has been made by Forest Department and report received by the Commission.

4. Case No. : CD 237/2009-10**Name of the Complainant :****Name of the Respondent:**

Superintendent of Prison, Yerwada, Pune

Date of Order :

07th February 2012.

Quorum :

Justice Shri Kshitij R. Vyas, Chairperson

Nature of Complaint :

This case was transferred from National Human Rights Commission. This case pertains to custodial death of under trail prisoner Chintya Valvi. He was transferred from Thane Central Prison to Yerwada Central Prison.

Action taken by the Commission:

At the time of hearing respondent was present. The Commission after perusing the case papers on records found that the prisoner had committed suicide by hanging himself with the rope. In this case the prisoner bringing rope, tying it on the tree and hangs himself at his will are eye catching. The entire exercise of preparation and committing the final act must have taken considerable time. Without being noticed by any staff of the jail, appears to be very strange and unnatural which shows utter carelessness and negligence on the part of the jail authorities to have proper vigil on the movements of the prisoner.

Decision of the Commission :

The Commission feels that the kin and dependent of the deceased are entitled to be compensated for the negligence shown by the jail staff of Yerwada Central Prison, Pune, in not preventing the unfortunate incident. The Commission recommends Secretary, Home Dept., to direct appropriate departmental inquiry against concern staff members of the lapse and negligence shown by them in preventing the incident and also to pay Rs. 5 lacs by way of compensation to the dependent of the deceased.

Action taken on recommendation by the Government :

In pursuance to the recommendation the Commission received a letter dated : 02.05.2013 from Home Department requesting the Commission to review its order as the compensation of Rs. 5 lacs was recommended without hearing the respondent.

This matter is to be decided by the new Commission as a review case.

5. Case No. : 4197/2010-11

Name of the Complainant :

Sarang Mahajan

Name of the Respondent :

Superintendent District Prison, Nashik

Date of Order :

8th December 2011.

Quorum :

Justice Shri Kshitij R. Vyas, Chairperson

Nature of Complaint :

The complainant in her complaint has alleged that her husband died due to the negligence on the part of the jail authorities to give him proper treatment while he was in Nashik Jail. She has prayed for proper enquiry for the cause of his death and appropriate action be taken against the negligent person and to do needful.

Action taken by the Commission :

The Commission issued summons to the Medical Officer of Nasik Central Prison. After perusal of the records the Commission noticed that the husband of the complainant was treated in the Nashik Central Prison in the very routine and casual manner. It is a case of no treatment much less proper treatment.

Decision of the Commission :

The Commission recommends the State Government to initiate appropriate inquiry against concern medical officers and take appropriate action and also to pay Rs.7 lacs or the amount spent by her for medical expenses by producing the bills before the concerned department of the state government, whichever is less.

Action taken on recommendation by the Government :

The state government has not responded to the recommendation despite reminders.

D. K. Basu Vs. State of West Bengal

Respect for human rights lies at the heart of good governance. In a democratic society, it is the responsibility of the State to protect and promote human rights. All State institutions whether they are the police department, the army, the judiciary or civil administration have a duty to respect human rights, prevent violations human rights, and take active steps for the promotion of these rights.

While discharging the duty, actions of the police conflict with human rights. Police officers are pressured to get quick results, often with unofficial guarantees that they may use any means possible to accomplish the task at hand. However, the police as protectors of the law have both a legal duty and a moral obligation to uphold human rights standards and act strictly in accordance with the law and in the spirit of our Constitution.

“Custodial violence, including torture and death in the lock-ups, strikes a blow at the rule of law, which demands that the powers of the, executive should not only be derived from law but also that the same should be limited by law. Transparency of action and accountability perhaps are two possible safeguards which Court must insist upon.”

More Stringent measures and severe steps need to be taken in this area to protect and prevent violation of human rights by police and jail authorities.

In view of the increasing incidence of violence and torture in custody, the Supreme Court of India has laid down 11 specific requirements and procedures, in **D. K. Basu vs. State of West**

Bengal (AIR 1997 SC 610) directing police and other agencies to follow while arresting, detaining and interrogating any person. There are 11 Guidelines :—

The Supreme Court has over the years, explained and elaborated the scope of Fundamental Rights. They have strongly opposed intrusions upon them by agents of the State, by asserting that the rights and dignity of individuals must always be upheld. The Court has laid down certain directives for law enforcement. These directives deal with various aspects of police work at the station house or cutting edge level, such as registration of a case; conduct of an investigation; carrying out of an arrest; treatment of an arrested person; grant of bail; questioning of a suspect; and protection of the rights of women, poor and the disadvantaged.

These requirements are in addition to other rights and rules, such as :

- The right to be informed at the time of arrest of the offence for which the person is being arrested.
- The right to be presented before a magistrate within 24 hours of the arrest.
- The right to not be ill-treated or tortured during arrest or in custody.
- Confessions made in police custody cannot be used as evidence against the accused.
- A boy under 15 years of age and women cannot be called to the police station only for questioning.

The Constitution of India, which is the basic law of the country, provides protection to all persons from ill treatment and torture by the police and other state agencies.

The right to life and personal liberty is enshrined in Article 21 of the Constitution of India. It provides to right to live with human dignity and guarantees against torture or assault by the State or its functionaries.

Article 22 of the Constitution provides protection against the arrest and illegal detention of prisoners, these constitutional safeguards and provisions seek and endeavour to protect the personal liberty, dignity and basic human right of the victim.

Vishakha V. State of Rajasthan, AIR 1997 SC 3011

Another area which needs to be focused is violence and harassment against women. Causes and remedy needs to be analysed as the number is rising daily. The Executives are thriving to empower women on one hand but simultaneously fail to curb, control the violence against women which take place in various forms like rape, female infanticide, child labour, women trafficking, child trafficking for sex work etc.

There is always a gender bias and Women still continue to suffer at workplace inspite of their abilities and capabilities, there are various incidences, some reported and others unreported for sexual harassment at workplace.

In this landmark judgement, the Supreme Court set out guidelines relating to sexual harassment of women at the workplace and declared the guidelines as constituting the 'law of the land'. Women are much more likely to be victims of sexual harassment precisely because they lack power, are in a more vulnerable and insecure position, lack self- confidence, or have been socially conditioned to suffer in silence. The Hon'ble Supreme Court has laid down guidelines and norms to be observed to prevent sexual harassment of working women.

It has been laid down in the above-mentioned judgement that it is the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or implication) as :—

- (a) Physical contact and advances ;
- (b) Demand or request for sexual favours ;
- (c) Sexually inclined remarks ;
- (d) Showing pornography ;
- (e) Any other unwelcome physical, verbal or non- verbal conduct of sexual nature.

Olga Tellis and others vs. Bombay Municipal Corporation and ors (MANU/SC/0039/1985)

This case was based on the right to livelihood. Since the dwellers were being deprived of their livelihood, the state was under an obligation to provide adequate alternate accommodation.

Innumerable Cases decided by Supreme Court for violation of human rights are cited below :—

- In ***Joginder Kumar vs. State of Punjab***, involved the right against unlawful detention.
- Right against prison torture and Solitary confinement was dealt by Supreme Court in ***Sunil Batra vs. Delhi Administration***.
- Right to Speedy trial in ***Hussainara Khatoon vs. State of Bihar***
- Right of the Prisoner to interview with the lawyer was dealt by Hon'ble Supreme Court. In ***Francis Corallie vs. Delhi Administration***.

CHAPTER III

HUMAN RIGHTS EDUCATION AND AWARENESS

The United Nations General Assembly has proclaimed Human Rights Education as central to the achievement of the rights enshrined in the Universal Declaration of Human Rights (UDHR)

"The General Assembly proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms ..."

The Commission on ongoing basis continues to work for promotion, education and awareness of Human Rights. The Commission conducts educational and training programmes viz.

1. Internship programme conducted once in a year.
2. Attachment programme runs throughout the year. During the year there were 47 students as attachment as well as for internship programme.

Besides the above, the Commission accepts the visits of various colleges and gives a brief outline of the working of various wings of the Commission, the complaints receipt mechanism, identification of entertainable and non-entertainable cases and the scrutiny of cases on the basis of the nature of the complaint.

In addition to the above the Commission also conducts various workshops for creating awareness in rural areas, district places, villages, etc. The awareness programmes are mostly based on the puppet shows, street plays, by mechanical aids, in order to achieve maximum awareness with the resources available with the Commission.

The Commission also encourages, training and guides various students who have taken up, ensuing Social Service as a Career. It assigns various activities to such students and takes timely reports for the projects assigned. These programmes are flexible and allow a student to take up a project simultaneously while doing the studies. This enables and helps the Students overall development in the field, awareness in the field, improves the temperament and lastly fortifies him to face difficult situations ahead.

The Commission also works with the help of Students to promote the awareness in the Slum areas, where the violation of human rights is maximum, due to lack of education and illiteracy

The Commission also invites various colleges to its office and explains its working to them. Wherever the officials of the Commission are invited for delivering guest lecturers in educational institutions and other places it accepts the same voluntarily. The Commission also creates awareness through various Non Governmental organisations and also handles the cases brought to it by such organisations.

The Commission also conducts various human rights awareness programmes in Prisons, Remand homes, Women homes, child care homes, mentally - ill homes and old age homes.

CELEBRATION OF WORLD HUMAN RIGHTS DAY :

World Human Rights Day was celebrated in the Commission on 10th December 2011. A Conference was organized on 'Development and Governance' at Police Gymkhana, Mumbai. The former Chairpersons and Members of the Commission attended the Conference.

Three Principal Secretaries/Secretaries made presentations from the Government side. From the other side development scientists and authorities from development, economic, social work, government and anti corruption and legal practitioner made their presentations.

There were 13 high level functionaries who spoke and made their presentations on the topic. The speakers were as given below :—

- (i) Presentation on 'Development and Governance' by Shri Sudhir Thakare (IAS), Secretary, Rural Development Department.
- (ii) Presentation on 'Administrative reform in Maharashtra' by Shri N. Y. Jantre (IAS), Secretary, A.R. & O & M.
- (iii) Presentation on 'Transforming Public System Governance: A way forward' by Dr. S. Chandrashekhar, Indira Gandhi Institute of Development Research.
- (iv) Presentation on 'Governance In Income Tax Department' by Shri Swatantar Kumar, Chief Commissioner, Income Tax.
- (v) Presentation on 'Road to Good Governance: Confronting Phenomena of Corruption' by Dr. N. Bhaskara Rao, Chairman, CMS, New Delhi.
- (vi) Presentation on 'Planning Process' by Shri S. J. Kunte, Principal Secretary, Planning Department.
- (vii) Presentation on 'Human Rights Based Development: Role of Human Rights Institutions' by Prof. Arvind Tiwari, Dean, Tata Institute of Social Sciences.
- (viii) Presentation on 'Governance and the Rule of Law' by Shri Satish Shahani, D.G.P. (retd.).
- (ix) Presentation on 'Issues in Urban Governance in Small & Medium Towns in Maharashtra' by Prof. Ratoola Kundu, Tata Institute of Social Sciences.
- (x) Presentation on 'Institutional System of Control for Good Governance' by Shri S. Chakravarthy, D.G.P. (retd.).
- (xi) Presentation on 'Issues on Child Malnutrition' by Adv. Gayatri Singh.
- (xii) Presentation on 'Development and Issues of Land Acquisition' by Senior Counsel Shri Sunip Sen.
- (xiii) Presentation on 'Types and Measures to tighten corruption in India' by Shri Anuj Goyal, ICAI, New Delhi.

In pursuance to the Conference the Commission had prepared one Questionnaire to check the Development Indicators and Service Delivery in the various Government Departments. The questionnaire was based on the four major points as under :—

- (i) General information on Development Packages, Stakeholders and Targets,
- (ii) Procedure for Selection of Beneficiaries,
- (iii) Transfer of Benefits to Stakeholders
- (iv) The Process of Monitoring and Evaluation.

This questionnaire was sent to all the departments of the Government of Maharashtra in Mantralaya.

SEMINARS/CONFERENCES :

Section 12 (h) of the Protection of Human Rights Act, 1993, envisages spread of Human Rights Awareness through various means like publications, media and seminars. Maharashtra State Human Rights Commission alongwith the National Human Rights Commission, New Delhi, had organized a seminar on 23rd and 24th of February 2012 in Mumbai at 'New Zealand Hostel, Aarey Colony, Dairy Development Dept., Government of Maharashtra, Goregoan (East), Mumbai 400 063. For this a questionnaire and literature were provided to the targeted colleges four months earlier to the participants who spread human rights literacy and recorded their experiences on human rights violations. The participants were from the law and social work colleges from all over the Maharashtra. 22 colleges participated in this seminar. There were a total of 109 participants. The professors and students made their presentations and also gave the different types of violations encountered by them in their areas.

The seminar was inaugurated by the Hon'ble Chairperson of MSHRC, Justice Shri. Kshitij R. Vyas. The Welcome speech and concept of the seminar was given by the Secretary of the Commission, Shri Mafiul Hussain. Thereafter case studies from the MSHRC were presented by Shri R. D. Shirsath - Assistant Registrar and Shri G. Ravishankar - Superintendent of MSHRC. Shri Mafiul Hussain, Secretary made two presentation on 'Introduction to Human Rights: Historical Perspective and other related issues' and 'Development & Governance as Human Rights'. Shri Shreedhar S. Vagal, Spl. IGP of MSHRC gave the speech on the issue related to 'Custodial Violence & Human Rights'. Research Officer of the Commission Dr. Jayashree Patil introduced the working of the Commission to the participating colleges. She also delivered speech on 'Human Rights of the Girl Child and Women' with special emphasize on modern methods to select the gender of the child through sonography.

A one day Consultation on "Universal Periodic Review of the United Nations for the Western Region was organized by NHRC and Rajasthan SHRC in Jaipur on 26th July 2011. Shri Mafiul Hussain, Secretary of the Commission had participated in the seminar.

On 30th September 2011 NHRC had organized a seminar In New Delhi on 'Bonded Labour'. On behalf of the Commission, Shri Mafiul Hussain, Secretary, had participated.

On 4th and 5th February 2012, the Tata Institute of Social Sciences had organized a seminar on 'Human Rights in Prison Management' in collaboration with the National Human Rights Commission and Institute for Correctional Administration, Chandigarh. Hon'ble Chairperson Justice Kshitij Vyas had inaugurated the seminar on 4th February 2012. Shri Mafiul Hussain, Secretary of the Commission was the Chief Guest for the Valedictory function on 5th February 2012

Website of the Commission :

The Commission had achieved a milestone by re-launching its website in September, 2011, the website being **www.mshrc.gov.in** The website of the Commission has been a step forward in increasing the outreach and accessibility of the Commission amongst the masses. Since its launch, the website has received tremendous response from the public; also, efforts are being made to upload all data relating to ongoing as well as disposed cases of the Commission on this Website.

CHAPTER IV

ADMINISTRATIVE AND LOGISTIC SUPPORT

The Government of Maharashtra *vide* its G. R. No. HRC 1099/378/Pol-14, dated 15th January 2000 established the State Human Rights Commission. Commission became operational when the Hon'ble Governor of Maharashtra issued warrants of appointments of Chairperson and Members. Accordingly the Chairperson and Members assumed their office in the Commission.

Staff.—The staff of the Commission continued to be distributed among different wings namely, Administration Wing, Accounts Wing, Investigation Wing, Legal Wing and the Research Wing.

Premises.—The Government of Maharashtra in its G.R. No. HRC- 1099/378/Pol. 14 Maharashtra State Human Rights Commission's headquarter shall be at Mumbai. As per GR No. G.A./11.01/ C.N. 15/2001/22, dated 20th June 2002, the Government allotted the Commission premises admeasuring 2380 sq. ft. situated in the campus of Administrative Staff College Building, 9, Hazarimal Somani Marg, Opp. CST, Mumbai 400 001. These premises were earlier occupied by State Finance Commission. The Commission is functioning in the same premises.

Resources.—During the year 2011-2012, the State Government made available a grant of Rs. 2 crores 34 lakhs 42 thousand against which the total expenditure was Rs. 2 crores, 34 lakhs, 22 thousand.

ANNEXURE- A

The Supreme Court has laid down the following 11 requirements to be followed in all cases of arrest or detention :—

- (1) The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee insist be recorded in a register.
- (2) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by atleast one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter signed by the arrestee and shall contain the time and date of arrest.
- (3) A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.
- (4) The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.
- (5) The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.
- (6) An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.

- (7) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her bed, must be recorded at that time. The "Inspection Memo" must be signed both by the arrestee and the police officer affecting the arrest and its copy provided to the arrestee.
- (8) The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory. Director, Health Services should prepare such a panel for all Tehsils and Districts as well.
- (9) Copies of all the documents including the memo of arrest, referred to above, should be sent to the illaqa Magistrate for his record.
- (10) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.
- (11) A police control room should be provided at all district and State Headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on conspicuous notice board.