

2012-2013



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION



TWELFTH ANNUAL REPORT

(1st April 2012 – 31st March 2013)

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MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001
Tel. : 2203 4233 • Fax : 2209 1804

PREFACE

In the period of this Annual Report, there were no Hon'ble Chairperson and any Hon'ble Member in this Commission. Therefore, there was no disposal of any case or nay order passed, in any case pending or received in the Commission during period of this Annual Report. No visits were given to the Jail and Police Station for implementation of 11 guidelines of Hon'ble Supreme Court in D.K. Basu's Case.

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 Twelfth Annual Report of the Maharashtra State Human Rights Commission, covering the period 1st April 2012 to 31st March 2013

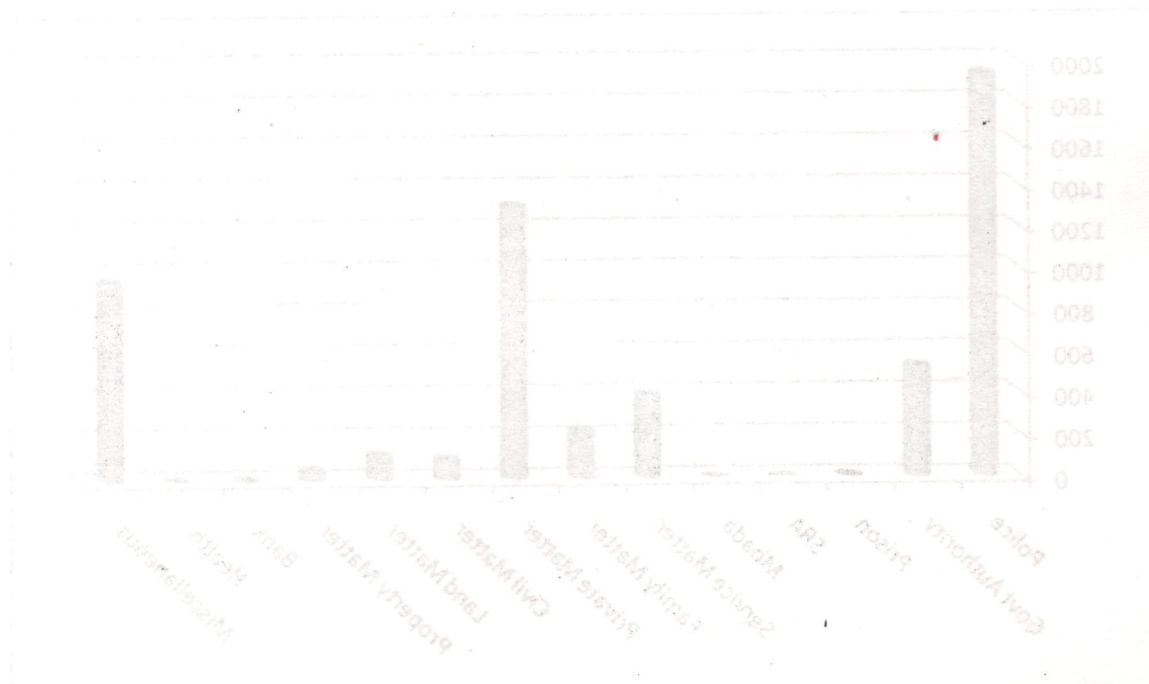
The Maharashtra State Human Rights Commission was established on 6th March 2001 by the State of Maharashtra, as per Protection of Human Rights Act, 1993.

COMPOSITION

As per protection of Human Rights Act, 1993, the Maharashtra State Human Rights Commission consist of Hon'ble Chairperson and two Members.

1.2. Hon'ble Member Shri. T. Singaravel retired from the post on 25th October 2011. The Hon'ble Chairperson Justice Khitij R. Vyas had resigned from the post on 22nd February 2012. Hon'ble Member Justice V.G. Munshi retired on 19th February 2012. Since then there were no Hon'ble Chairperson and Members acting in the Commission and the posts were vacant.

1.3. The Secretary of the Commission Shri Mafiul Hussain continued to serve as a Secretary in Maharashtra State Human Rights Commission in this period.



CHAPTER 2

COMPLAINTS RECEIVED BY THE MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

2.1. Following is the report of cases received in Maharashtra State Human rights Commission data up to the year 31st March 2013:

Year	Earlier pendency	Fresh received	Total cases in a given year	Dismissed in limine	Disposed after report / hearing	Total disposed of in a given year	Pending cases at the end of a year
2012-13	4947	5680	10627	Nil	Nil	Nil	10627

In the current year Commission received 5680 Cases.

2.2. Nature of the Complaints

(i) Complaints against police.—These Complaints mostly includes complaints alleging abuse of power by police force, failure to register offence, false implications, illegal detention, corruptions....etc. (1945)

(ii) Against Gove Authority.—This Category includes complaints against Zilha Parishad, Panchayat Samiti etc. (530)

(iii) Against Prison- (07)

(iv) Against S.R.A. (06)

(v) Against Mhada (01)

(vi) Service Matter - (399)

(vii) Family Matter- (233)

(viii) Private Matter- (1318)

(ix) Civil Matter - (102)

(x) Land Matter - (122)

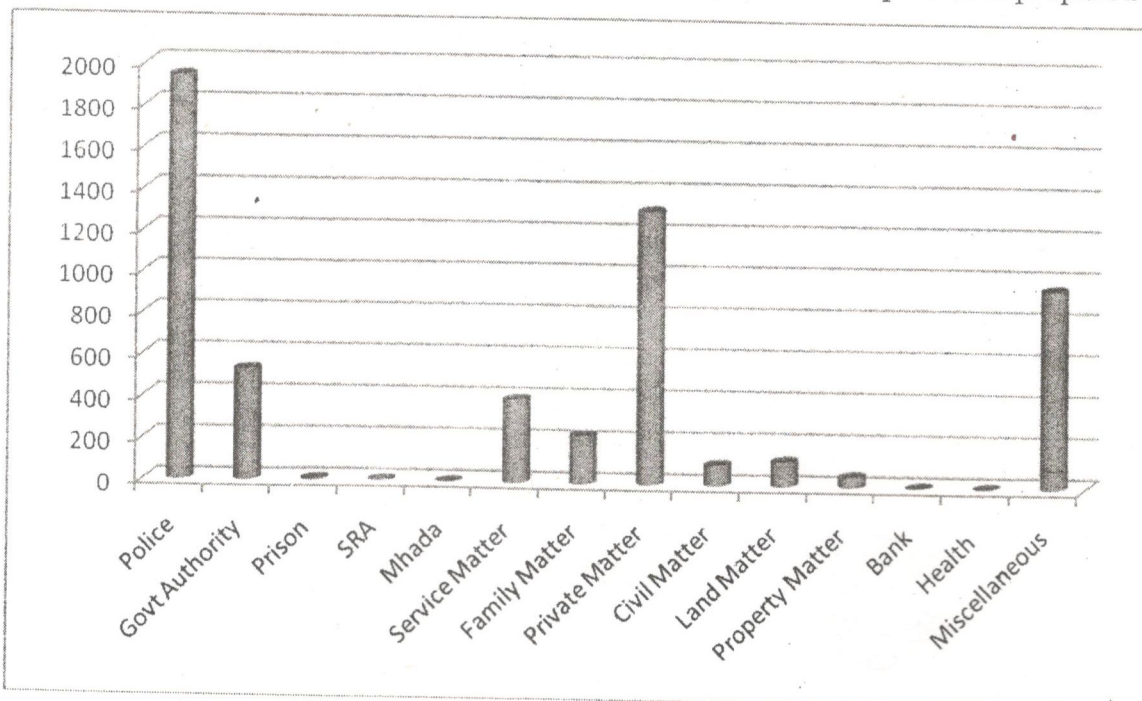
(xi) Property Mater - (53)

(xii) Against Bank - (03)

(xiii) Medical Matter - (02)

(ix) Miscellaneous Matter - (959)

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



2.3. Custodial Death Cases

Commission received total 269 intimation of Custodial Death Cases from various authorities, which category as follows:-

- (i) Death in Police Custody – 18
- (ii) Death in Jail - 80
- (iii) Death in Encounter – 10
- (iv) Death in Beggars Home – 64
- (v) Death in Child Home – 88
- (vi) Death in Women's Home – 08
- (vii) Death in MDC Home – 10

CHAPTER 3

PROMOTION OF HUMAN RIGHTS EDUCATION & AWARENESS

3.1. For the promotion of human rights education and awareness the Secretary of the Commission Shri Mafiul Hussain had arranged the following programme:-

(1) Human Rights Day:

A function was held in the Commission premises on **10th December, 2012, World Human Rights Day**, whereby eminent speakers *viz.* Justice S. B. Mhase, President, Maharashtra State Consumer Dispute Redressal Commission, Shri Sudhir Thakare, Chairman, Maharashtra Public Service Commission, Father Dr. Frazer Mascarenhas, Principal St. Xaviers College, spoke on various types of human rights violations faced by the people especially women.

(2) Human Rights Awareness Program:

A two day Seminar on Human Rights Education through Training and Education of Students was organized in 21st and 22nd February, 2013 at New Zealand Hostel, Mumbai. For this a questionnaire and literature were provided to the Law and Social Work Colleges of Maharashtra four months earlier to enable the participants to spread human rights literacy in schools in their area and the participants presented their record their experiences on human rights violations. There were 95 participants from 25 Law and Social Work Colleges from all over Maharashtra.

(3) Other Visits/Lectures/Awareness Program attended by Shri Mafiul Hussain:

(i) Was keynote speaker in seminar on 'Human Rights: Women and Marginalized' organized by SNDT University on 10.12.2012; (ii) Attended the function of Mumbai University N.S.S residential camp organized by VIVA Trust in Virar on 02.02.2013. (iii) Represented MSHRC in meeting of NHRC with SHRCs held on 27th July, 2012 in New Delhi. (iv) Attended seminar at Vigyan Bhavan, New Delhi, on Human Rights Education on 14th December, 2012 organized by NHRC; (v) Visited Commonwealth Human Rights Initiative on 03.01.2013 an NGO in New Delhi working on Human Right, (vi) Attended Conference on 'Right to Food' on 04.01.2013 organized by NHRC; (vii) Attended open Hearing on Atrocities on Schedule Castes in the State of Maharashtra on 28.01.2013 organized by NHRC in Nagpur. (viii) Went to Nagpur on 07.06.2012 and paid visit to CP Office, Nagpur and Vice Chancellor Rashtrasant Tukadoji Maharaj Nagpur University for Human Rights issue.

CHAPTER 4

FINANCE AND BUDGET

4.1. In this year Commission received the total Grant-in-aid of Rs.2,35,46,000 from the State Government of Maharashtra. Out of which this Commission has incurred expenses of Rs.1,95,92,155 in various items. The remaining balance amount of Grant-in-aid Rs.39,53,845 has been remitted to the Government treasury.

2. Human Rights are inalienable rights to which a person is entitled 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.

3. Human Rights, as a concept, trace its origins to Magna Carta 1215 AD, English Bill of Rights 1689 and Declaration of the Rights of Man and of the Citizen.

4. However it was only in the aftermath of the Second World War and the atrocities committed in the Holocaust, that nations witnessed mass suffering and war casualties. The United Nations ultimately culminated into the adoption of the Universal Declaration of Human Rights (UDHR) in 1948.

5. Though the Constitution of India has a part solely dedicated to Fundamental Rights, Commission and other State Human Rights Commission a statutory basis to perform functions.

6. The Act is based on "Paris Principles" laid down in the meeting of representatives of different member nations held in Paris in October 1991 and endorsed by the United Nations Commission on Human Rights on 3rd March 1993 and by the United Nations General Assembly on 20th December 1993.

7. The Commission ever since, has endeavoured to prevent violations of Human Rights by public servants. It has a holistic approach and follows three principles: Prevention, Protection and Promotion.

8. It helps people to resolve the situation where their rights have been infringement of rights by public servants or negligence towards the protection of human rights.

9. The Commission ensures its efficacy by asserting its power to inquire, receive and enquire into any petition presented to it by a victim or any person on his/her behalf, by intervening in any proceedings involving any allegation of violation of human rights pending before a court with 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 and examine the living conditions of the inmates and make recommendations thereon, and for spreading human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, radio, seminars, and other available means.

10. The Commission may take up different activities keeping in view its responsibility towards the expectation of the people of the State, e.g.

- It may take steps to check violence, rape, torture and death in custody.
- It may initiate proper reforms in police lock ups, prisons and other centres of detention.

11. The Commission is headed by a two-member body consisting of:-

- Chairperson—The Chairperson of the SHRC must be a former Chief Justice of a High Court;
- One Member who is, or has been, a Judge of a High Court or District Judge in the State with a minimum of seven years experience as District Judge;

- One Member to be appointed from amongst persons having knowledge of or practical experience in matters relating to human rights.

12. The Commission for official purposes is divided under the following wings, namely:-

- Administrative Wing
- Accounts Wing
- Investigation Wing
- Legal Wing

CHAPTER 5

Importance of Human Rights

1. Maharashtra State Human Rights Commission (MSHRC) is a statutory body which was established under on 6th March, 2001, under section 22 of the Protection of Human Rights Act 1993. Since its inception, the Commission has strived to protect and uphold the human rights of citizens.

2. '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.

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