

2019-2020



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION



19 TH ANNUAL REPORT

FROM 1ST APRIL 2019 TO 31ST MARCH 2020

MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

19TH ANNUAL REPORT

April, 2019-March, 2020

Draft annual report 2019-20

Preface

“It is purpose of government to see that not only the legitimate interests of the few are protected but the welfare and rights of the many are conserved.”

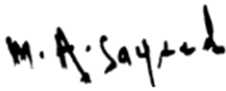
- Franklin D. Roosevelt

The Commission is pleased to present its 19th Annual Report for the period 01.04.2019 to 31.03.2020.

Human rights are commonly understood as inalienable fundamental rights and inherent in all the human beings. Regardless of nations, locations, language, religion, ethnic origin, sex, caste, creed etc. human rights are universal in nature. As per the United Nations Conferences and Conventions and as emphasized in the Universal Declaration of Human Rights, it is the duty of the State to promote and protect all Human Rights regardless of the political, economic and cultural system prevalent in the State. Accordingly, the Protection of Human Rights Act, 1993 came into existence in India.

Though the object of the Act was limited in the sense, the Human Rights Commissions could enquire into the violation of human rights only by public servants and though the Commission could make only recommendatory orders, the Maharashtra State Human Rights

Commission with its limited powers and jurisdiction has been looking into the complaints of victims of human rights violation by public servants either on complaints received or even *suo moto*. The efforts of the Commission to bring awareness in the State of Maharashtra has resulted in large number of cases registered and enquired into. With its limited grant and infrastructure, the Commission has been attending the grievances and complaints regarding the human rights violations. Maharashtra State Human Rights Commission's endeavour is to improve the status of human rights in the State and promote the culture of Human rights protection for the welfare of society at large. The efforts of Commission are reflected in detail in the present report.



(M A Sayeed)
Acting Chairperson/Member.



(Tukaram Mundhe, IAS)
Secretary.

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CHAPTER I - INTRODUCTION

Human rights are moral principles or norms that describe certain standards of human behaviour, and are regularly protected as legal rights in International Law. They are commonly understood as inalienable fundamental rights "to which a person is inherently entitled simply because she or he is a human being", and which are "inherent in all human beings" regardless of their nation, location, language, religion, ethnic origin or any other status. They are applicable everywhere and at every time in the sense of being universal, and they are egalitarian in the sense of being the same for everyone. They are regarded as requiring empathy and the rule of law and imposing an obligation on persons to respect the human rights of others.

Although ideas of rights and liberty have existed in some form for much of human history but the earlier conceptions do not closely resemble the modern idea of human rights. The modern sense of human rights can be traced to Renaissance Europe and the Protestant Reformation, alongside the disappearance of the feudalism and religious conservatism that dominated the middle Ages.

The Geneva Conventions came into being between 1864 and 1949 as a result of efforts by Henry Dunant, the founder of the International Committee of the Red Cross. The conventions safeguard the human rights of individuals involved in armed conflict, and build on the Hague Conventions of 1899 and 1907. This was an attempt of international community's first attempt to formalise the laws of war and war crimes in the nascent body of secular international law. The conventions were revised as a result of World War II and readopted by the international community in 1949.

Post World War II world led to increased concern for social and legal protection of human rights as fundamental freedoms. The foundation of the United Nations and the provisions of the United Nations Charter provided the basis for a comprehensive system of International Law and practice for the protection of human rights.

The principle of universality of human rights is the cornerstone of International Human Rights Law. This principle, as first emphasized in the Universal Declaration on Human Rights (UDHR) in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.

Article 1 of the UDHR clearly states that, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". Indian Constitutional framers has also incorporated UDHR provisions in the Constitution of India as fundamental rights. The Indian Parliament passed **The Protection of Human Rights Act, 1993**. The Act provides safeguard against violation of human rights. This Act has provisions to establish the National and State Human

Rights Commission as well Human Rights Court at the District level. **The Maharashtra Human Rights Commission** was established on the 6th March, 2001 as per the International Covenant and Protection of Human Rights Act, 1993, for the protection of Human Rights in the State of Maharashtra.

COMPOSITION OF THE COMMISSION

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

- A Chairperson who has been a Chief Justice of a High Court; Justice of High Court.
- One Member who is, or has been, a Judge of a High Court or District Court 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.

FUNCTIONS OF THE COMMISSION

The main function of the Commission is to keep watch and enquire into violation of Human Rights by the Public Servant.

As provided in Section 12 of the Act the Commission shall perform all or any of the following functions namely:

(a) Inquiry, suo moto or on a petition presented to it by a victim or any person on his behalf or on a direction or order of any Court, into complaint of

- Violation of human rights or abetment thereof; or
- Negligence in the prevention of such violation by a Public Servant;

(b) Intervene in any proceeding involving any allegation of violation of Human Rights pending before a Court with the approval of such Court;

(c) Visit, notwithstanding anything contained in any other law for the time being in force, any Jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations there on to the Government;

(d) Review the safeguards provided by or under the Constitution or any law for time being in force for the Protection of Human Rights and recommend measure for their effective implementation;

(e) Review the factors, including acts of terrorism that inhibit the enjoyment of Human Rights and recommend appropriate remedial measures;

(f) Study treaties and other International Instruments on Human Rights and make recommendations for their effective implementation;

(g) Undertake and promote research in the field of Human Rights;

(h) Spread Human Rights Literacy among various sections of Society and promote awareness of the safeguards available for the protection of these rights through publication in the media, seminars and other available means;

(i) Encourage the efforts of Non-Governmental Organizations (NGOs) and Institutions working in the field of Human Rights;

(j) Such other functions as it may consider necessary for the Protection of Human Rights.

PROCEDURE OF DEALING WITH COMPLAINTS OR SUO-MOTO ACTION

1. The complaint may be written in Marathi, Hindi or English language by any victim of Human Rights violation or any other person on his/her behalf, to be presented in person or by Post or online.
2. No fee is charged on the complainant. No court fee stamps are required. No need to engage the lawyer.
3. The complaint against any Public Servant required is to be addressed to the Chairperson of the Commission and should mention the following information:
 - The Complainant's full name
 - Postal address of the complainant
 - Telephone Number/Email Address
 - Date and Place of incident
 - Time of incident
 - Specify details of violation of Human Rights
 - Complaint against which Public Servant/ Government Department/Government Organization/ Government Authority
 - Whether the matter is pending in any Courts, National Human Rights Commission, New Delhi, Tribunals or any other Statutory forums
 - The relief prayed for.

ADVANTAGES OF APPROACHING THE COMMISSION

Institutional
Autonomy and
Independence

Easy
Approachability

No fees charged

Less
cumbersome
procedure

Speedy Justice

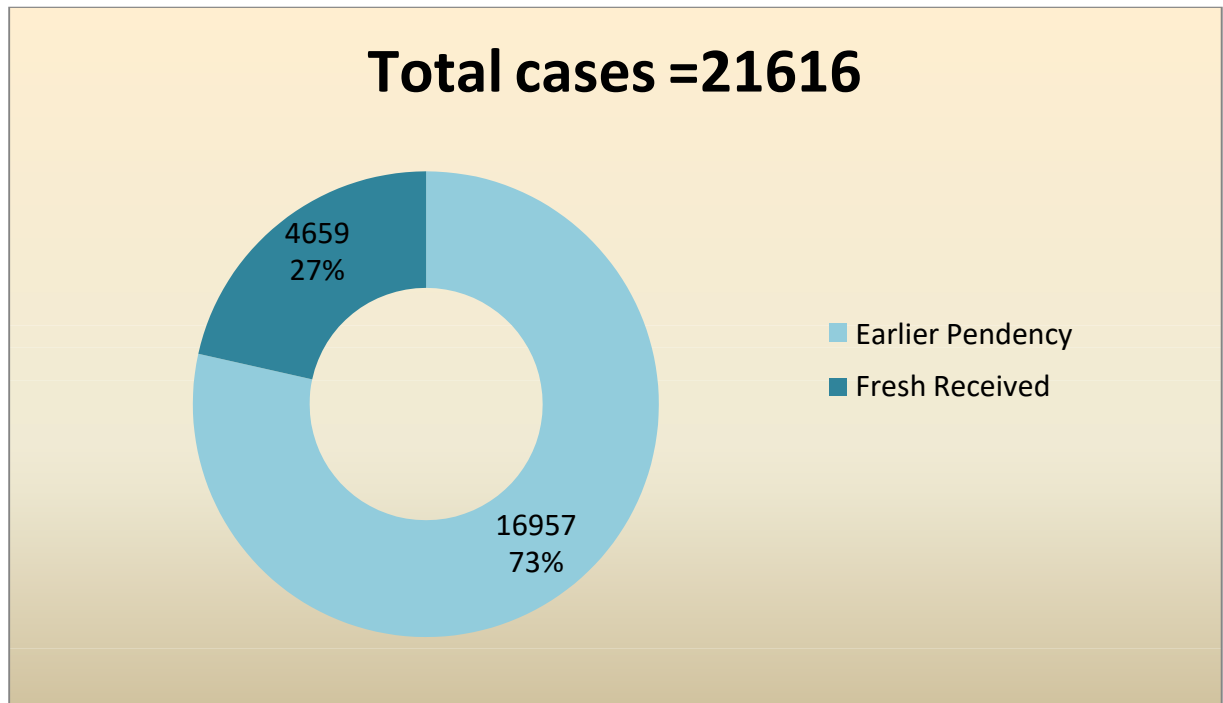
No assistance of
professional
lawyer required

CHAPTER II – COMPLAINTS HANDLED BY THE COMMISSION

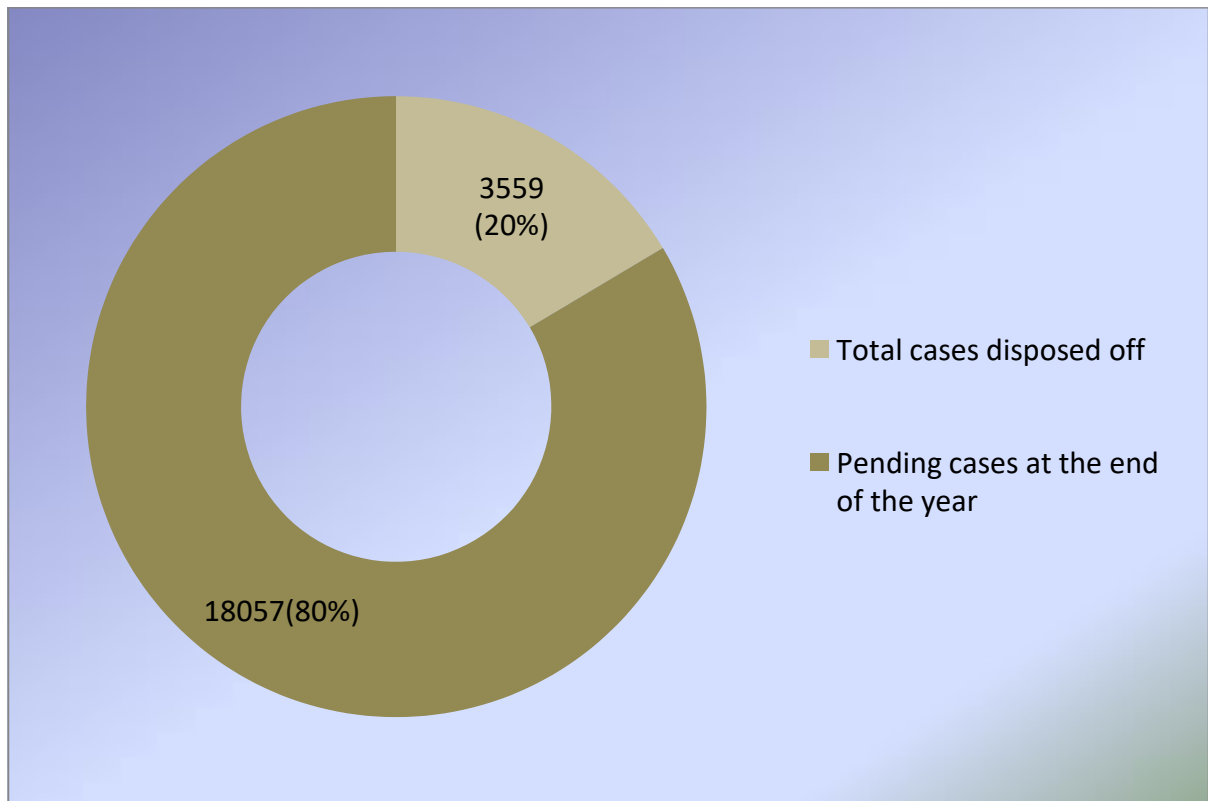
From 1st January, 2019 to 31st December, 2019, the Commission received a total number of **4659** complaints. The following chart is showing the details about the fresh complaints received, pendency as well as the number of cases disposed of.

Statistical Chart of the Cases from 1-1-2019 to 31-12-2019

Earlier Pendency / Opening Balance	New Receipts / Complaints	Cumulative complaints during this period	Total disposal of during the year	Total Cases of Relief / Recommendation	Pending cases at the end of this period
16957	4659	21616	3559	57	18057



Total Relief Given = 57



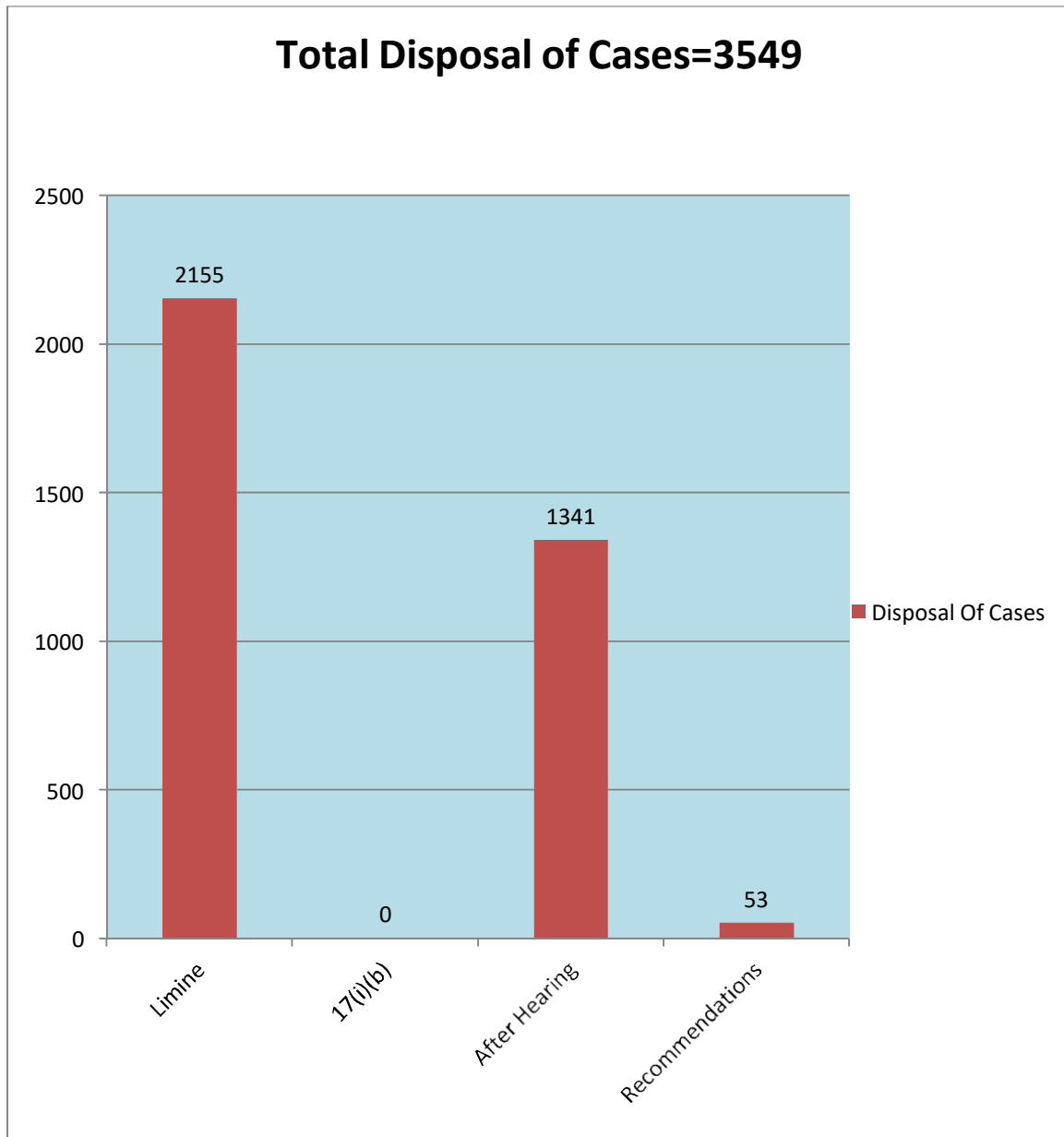
*Other Government Depts. include complaints against Agriculture, Education, Finance, Home, Housing, Labour, Forest, Health, Tribal, Environment, Electricity, and Social Welfare Departments etc.

*Miscellaneous complaints include complaints against Government bodies, corporations, family disputes, recovery agents, loans etc.

Total Complaints = 4659

Total Disposal of Court No. 2 from January 2019 to 31st December 2019

Period	Limine	17 (i)(b)	After Hearing	Recommendations	Total
January 2019 to December 2019	2155	0	1341	53	3549



**CHAPTER III – VISITS BY THE CHAIRPERSON AND THE HON’BLE MEMBERS
OR INVESTIGATION TEAM**

Details regarding Official Visits to Jails and Police Stations from 1st April 2019 to 31st March 2020:-

Sr. No.	Date of Visit	Place of Visit
1.	19.12.2019	In case no. 2736/20/2019 as per direction of Commission Police Inspector visited Taloja Central Prison, Navi Mumbai
2.	09.03.2020	On 08.03.2020 as per news in Mumbai Mirror visited Airthar Road Central Prison, Mumbai.

The Seminar, Conferences and other important events attended by the Hon’ble members of Commission between 1st April 2019 to 31st March 2020:-

Internship & Training:

Visits by Institution:

<u>Sr. No.</u>	<u>Date of Visit</u>	<u>Name of Institution</u>	<u>Participants</u>
1.	17.12.2019	Azad Maidan Police Station	25, Law Students
2.	17.12.2019	Chief Metropolitan Magistrate Mumbai	25, Law Students
3.	18.12.2019	Slum Area Apanalaya	25, Law Students
4.	19.12.2019	Children’s Aid Society Mankhurd	25, Law Students
5.	20.12.2019	Arthur Road Jail Mumbai	25, Law Students
6.	21.12.2019	Mental Hospital Thane	25, Law Students
7.	26.08.2019	Harkishandas Hospital	05 LLM Students
8.	29.08.2019	Media House	05 LLM Students
9.	03.09.2019	Police Complaint Authority	05 LLM Students
10.	05.09.2019	Slum/Government Office, Matunga	05 LLM Students
11.	09.09.2019	Thane Jail	05 LLM Students
12.	11.09.2019	Byculla Jail	05 LLM Students
13.	13.09.2019	High Court Bombay	05 LLM Students
14.	13.09.2019	Prerna NGO Kamathipura	05 LLM Students

Internship:

Internship programme is conducted twice in a year during winter and summer to the Law student. These students come from various law colleges/universities all over the countries.

<u>Sr. No.</u>	<u>Period</u>	<u>Programme</u>	<u>No. of Participants</u>
1.	01.07.2019 to 30.07.2019	Summer Internship	20
2.	01.12.2019 to 31.12.2019	Winter Internship	25

Field Work Placement of LLM Students:

<u>Sr. No.</u>	<u>Period</u>	<u>Programme</u>	<u>No. of Participants</u>
1.	21.08.2019 to 20.09.2019	LLM Students Field in MSHRC	05

Sr. No.	Case No	Video Conferencing Hearing with Prisons
1	3773/2017	Nashik Central Prison
2	6735/2018	Nashik Central Prison
3	694/2018	Mumbai Central Prison
4	152/2019	Mumbai Central Prison
5	6046/2018	Mumbai Central Prison / Thane Central Prison
6	2736/13/20/2019	Mumbai Central Prison
7	216/13/30/2019	Thane Central Prison
8	1247/13/30/2019	Thane Central Prison
9	2288/13/30/2019	Thane Central Prison

10	6336/2018	Chandrapur District Prison
11	2036/13/14/2019	Kolhapur Central Prison / Yerwada Central Prison
12	6145/2018	Yerwada Central Prison
13	5962/2018	Nagpur Central Prison
14	3007/13/17/2019	Nagpur Central Prison
15	3010/13/17/2019	Nagpur Central Prison

Internship & Training:

Visits by Institutions:

<u>Sr. No.</u>	<u>Date of Visit</u>	<u>Name of Institution</u>	<u>Participants</u>
1.	13.01.2017	Hurt Foundation, Mumbai	26, PG Diploma in Human Rights Students
2.	23.03.2017	Government Law College, Mumbai	47 Law Students

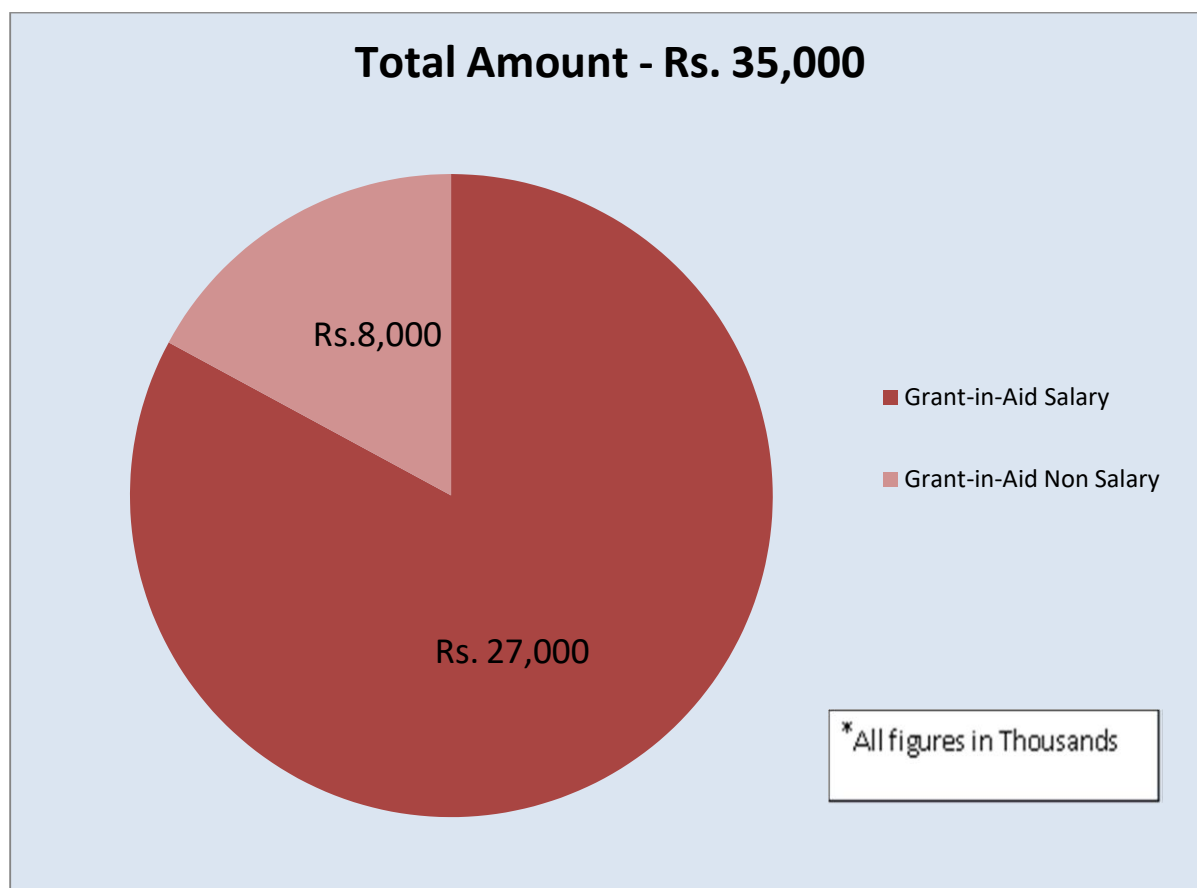
Internship:

Internship programme is conducted twice in a year during winter and summer to the Law student. These students come from various law colleges/universities all over the countries.

<u>Sr. No.</u>	<u>Period</u>	<u>Programme</u>	<u>No. of Participants</u>
1.	01.06.2016 to 30.06.2016	Summer Internship	14
2.	01.12.2016 to 30.12.2016	Winter Internship	13

CHAPTER IV – RESOURCES**Funds Received from the Government for the financial year 2019-2020**

	Rupees (in Thousands)
Grant-in-Aid Salary	27,000
Grant-in-Aid Non Salary	8,000
Total	35,000



CHAPTER V – ILLUSTRATIVE CASES

- 1. Case Number:** 1087/2016
- Name of the Complainant:** Shushant Baban Dongare
- Name of the respondent:** The Commissioner of police
Navi Mumbai.
- Date of orders:** 27th December 2019.
- Quorum:** M .A. Sayeed,
Acting Chairperson/Member.

Nature of Complaint:

It is stated that, incident of assault, cognizable case, even then police registered NC instead of registering the cognizable offence on complainant's report.

Action Taken By the Commission:

After going through the complaint the commission called inquiry report from the investigation wing of the commission.

Decision of the Commission:

After consideration of entire material the commission is of the view that there has been lapse on the part of the then incharge PI of concerned Police Station in not registering a cognizable offence on complainant report. The commission, therefore, made the following recommendations:--

- A) A regular FIR under relevant penal sections be registered at the behest of the complainant against his assailant and further steps in accordance with law be taken by the concerned police station, by issuing necessary directions to the superintendent of police of the Dist.
- B) Commissioner of police, Navi Mumbai is directed to consider proposal for seeking explanation from the alleged defaulting police officer and initiate appropriate disciplinary action in accordance with rules by directing the concerned DY. Commissioner of Police to do the needful.

2. Case Number: **MAS/4201/2017**

Name of the Complainant: Bilal Khan
Hareram C Raut & Ors

Name of the respondent: The Secretary, Revenue & Forest
Department,
Mantralaya, Mumbai

Date of orders: 30th December, 2019

Quorum: M. A. Sayeed,
Acting Chairperson/Member.

Nature of Complaint:

It is stated that rehabilitation of the residents of Ambedkar Nagar, Cuffe Parade, Mumbai, alleged to be illegally evicted by the Respondents.

Action Taken By the Commission:

In pursuance of notice reply filed by Respondents, documents on record. Hearing completed.

Decision of the Commission:

Taking into consideration all material of record, Commission deem it proper to make following recommendation:

- a. **Chief Secretary State Of Maharashtra to constitute a committee of experts, comprising of Senior Officer from Slum Rehabilitation Authority, MHADA, Forest and Revenue Department to examine and formulate a concrete project for rehabilitation of the slum dwellers Ambedkar Nagar, Cuffe Parade, Mumbai about 1500 in number as per the list annexed with the complaint and submit its recommendations for necessary approval by the Government, within three months from the date of receipt of this order.**
- b. **The committee so constitutes would have all the powers of examining the records of the claim of the aforesaid slum dwellers, examine them or representative if necessary, scrutinize the documents of their claim and adjudicate their eligibility and then make recommendations for their rehabilitation.**
- c. **The entire process of completion of inquiry by the committee should be on priority basis and be completed within the time**

framed fixed by this Commission and report compliance for further necessary compliance.

3. Case Number: MAS/1405/2017

Name of the Complainant: Shewta harshad Doshi.

Name of the respondent: Dy. Commissioner of police,
Zone – II, Mumbai.

Date of orders: 30th December 2019.

Quorum: M .A. Sayeed,
Acting Chairperson/ Member.

Nature of Complaint:

Complainant happens to be legal fraternity practicing as Advocate in Mumbai. His sister sustain injuries due to physical attack, public fetched them to Nair Hospital. Wherein MLC registered, police under obligation to registered a proper FIR, instead found there is no substance in the report of complainant, casual approach of police, without any basis come to conclusion that there is no substance and no action taken.

Action Taken By the Commission:

In pursuance of notice reply filed by Respondents. Called documents from the concern Hospital. Hearing completed.

Decision of the Commission:

Taking into consideration all material of record, Commission deem it proper to make following recommendation:

- a. **Office of Commissioner of police, Mumbai to direct the DCP, Zone –II, Mumbai to register an FIR on the strength of the reports lodged by the complainant on 02.02.2017 against the two erring lady Police Officials Women Police Constable No. 081306 Kum. Shilpa Mahadev Vinchu and Women Police Constable No. 091376 Ms. Aradheya Parab, attached with Malabar Hill Police Station under the relevant IPC Section and proceed further in accordance with the guidelines laid down by Supreme Court in the case of re: Lalita Kumari, supra above .**
- b. **Office of commissioner of police, Mumbai to consider initiation of departmental inquiry in accordance with the disciplinary rules against the erring lady police officials.**

- c. Office of Commissioner of police Mumbai to direct the then incharge Police Officers of Malbar Hill Police Station to pay compensation of Rs. 50000/- each to the complainant Ms. Shewta Harshad Doshi and Ms. Tejal Harshad Doshi for violation of their human rights for having failed to record an FIR and proceed in accordance with provisions contained in 154 CrPC. Payment to be made within six weeks from date of receipt of this order else to pay an interest of 12.5%p.a on the principal amount from date of receipt of order till its realization.**
- d. Commissioner of Police, Mumbai to modulate and develop in house guidelines for a proper work culture training and orientation of the police force consistent with basic human values so as to infuse the force with basic human values and made sensitive to the Constitutional ethos.**

- 4. Case Number:** MAS/2276/2017
- Name of the Complainant:** Aruna P Chavan & Vandana A Devkate.
- Name of the respondent:** The Principal Secretary,
Public Health Department,
Mantralaya, Mumbai.
- Date of orders:** 27th December, 2019.
- Quorum:** M .A. Sayeed,
Acting Chairperson/ Member.

Nature of Complaint:

It is stated that Government policy of family planning operation was organized at PHC Billora, Taluka Pusad, District Yavatmal on 18/01/2017, conducted by Junior Medical officer without authority or sanction instead of Taluka Health officer, casual approach, three ladies develop complication, resulting demise of one lady patients and two where shifted to Civil Hospital, treated and recovered post operational problem.

Action Taken By the Commission:

In pursuance of notice reply filed by Respondents. Rejoinders and documents on record. Hearing completed.

Decision of the Commission:

Taking into consideration all material of record, Commission deem it proper to make following recommendation:

- a. **Director of Health, Mumbai, to direct the erring Medical Officer Taluka Health Officer Dr. Chandrashekar Bongade and Medical Officer Dr. Swapnil Satpute to pay jointly and severally an amount of Rs. 2,50,000/- (Rupees Two Lacs Fifty Thousand Only) each Total Rs. 5 lacs (Five Lacs Only) to the complainants Smt. Aruna Pradeep Chavan and Smt. Vandana A Devkate jointly and severally as compensation for violation of their human rights within six weeks from the receipt of the order and in default to pay an interest of Rs. 12% p.a. on the awarded amount till its actual realization.**

- b. Director of PHD, Mumbai in coordination with the office of the Principal Secretary, Health, Mumbai to conduct sensitization and awareness programme amongst its team of medical officers, interns, ministerial staff working under them on the delicate, important issue of health care vis-à-vis, human rights as observed in the foregoing paragraphs.**
- c. The Medical fraternity at all levels should be made aware and updated about the Rules of protocol, discipline by primarily focusing on treating a patient with humanity respect and in accordance with the medical Rules and Regulations. Compliance of these directions to be made within six weeks from the date of receipt of the order and report be made to this Commission, in accordance with the provisions u/s. 18(3) of the Protection of Human Rights Act 1993 and Regulations 21 to 24 of the Maharashtra Human Rights Commission, (Protection), Regulations, 2001.**

5 . Case Number: **MAS-Suo-Motu /60/13/16/2019**

Name of the Complainant: Suo-Motu Cognizans taken of News paper Indian Express.
(Doctor suspended, Superintendent Transferred)

Name of the respondent: Municipal Commissioner,
MCGM, Mumbai.

Dean ,
Trauma Hospital, Mumbai.

Date of orders: 27th January, 2020

Quorum: M .A. Sayeed,
Acting Chairperson/Member.

Nature of Complaint:

Suo-moto cognizance taken by the commission as per news reporting Indian Express dated 30/12/2019 “ Seven patients having suffered serious infection after under going cataract operation, in which four patients lost their vision completely.

Action Taken By the Commission:

Suo-moto Cognizance taken. In pursuance of notice reply filed by Respondents. Hearing completed

Decision of the Commission:

Taking into consideration all material of record, Commission deem it proper to make following recommendation:

- a. **Dr. Arun Chudhari, Asst. Honorary & Head of the unit ophthalmic dept of trauma case, Dr. bava & Dean of Cooper Hopital, Dr. Mohamed sabir, Dr. Kaysgal kachar, staff nurses Smt. Veena Kshirsage, Smt. Dipti Khedekar, Smt. Samruddhi Salunke, dresser, Shri Ashok Kamble do Pay Jointly & Severly compensation of Rs. 5,00,000/-(Rs. Five Lakhs only) each to the four patients Shri Gautam Gavhane, Smt. Sangeeta Rajbhar, Shri Rafiq Khan & Smt. Fatima Bee who have lost their vision completely for violation of their human rights while the other two patients Smt. Seeta Sing & Smt. Beludevi Khadka**

compensation of Rs.1,00,000/- (Rs. One Lakh Only) each for having undergone trauma & violation of their human right .

- b. Office of Ld Municipal Commissioner, MCGM to recover the aforesaid compensation amount from the erring officers & officials & credit the same in the saving bank account of the victim directly, after due verification & identification as per Rules.**
- c. The order of payment of compensation to be complied within 6 weeks from date of receipt of this order or the concerned officers & officials failing which they shall be liable to pay an interest of 12 p.a. on it right from date of order till its full realization.**
- d. The investigation of the crimes registered with the Jogeshwari Police Station be expedited & compliance be reported to this Commission by the officer of Ld. DCP, Zone-X, Mumbai.**
- e. Departmental enquiries against the erring officer & officials be conducted on priority basis & compliance be reported to this Commission.**
- f. The recommendation made in the enquiry reports of the Ld Municipal Commissioner as well as the expert team of the J J Hospital be implemented with reference to discipline & streamline the functioning & performance of such units.**
- g. Periodical awareness & Sensitization Programmes at all levels be conducted from time to time so as to avoid repetition of such mishaps in future.**

6. Case Number: MAS/2944/2017

Name of the Complainant: Adv. Prakash K Aher

Name of the respondent: Spl. Inspector General of Police,
Nashik.

The Collector, Ahmednagar.

The Superintendent of Police,
Ahmednagar.

Date of orders: 14th January, 2020

Quorum: M .A. Sayeed,
Acting Chairperson / Member.

Nature of Complaint:

This complaint is filed by member of Legal Fraternity practicing in Sangamner Taluka for marginalized class of society. Rival political party launched public protest by taking out procession with complainant's photograph adorned with garland of footwears. Sangamner police not taken any action.

Action Taken By the Commission:

Suo-moto Cognizance taken. In pursuance of notice reply filed by Respondents. Hearing completed

Decision of the Commission:

Taking into consideration all material of record, Commission deem it proper to make following recommendation:

- A. Office of Director General of Police, Mumbai be please to circulate copy of the judgment of Patna High Court in re : M.Singh and others, AIR 1986 Patna 324, in particular para 53 which imposes an obligation on an investigating agency to complete investigation within a reasonable period and that too within the framework of the Rules and Regulations as contained and provided in procedural enactment – Cr PC 1973.**
- B. A periodical sensitization and awareness sessions, particularly at the entry level of the Police Officers in this regard be organized, in which emphasis and focus should be on the duties,**

responsibilities and obligation which a police officer owes toward public in general, with further focus on imbibing the procedural laws so as to avoid wrath of facing action from competent forums.

7. Case Number: MAS/994/2016

Name of the Complainant: Dr Yogesh Dube

Name of the respondent: The Collector, Nagpur

The Collector, Nashik

Date of orders: 30th, November, 2019

Quorum: M .A. Sayeed,
Acting Chairperson / Member.

Nature of Complaint:

The complaint is filed by Dr Yogesh Dube regarding the pathetic condition of rikshwa pullers operating in Vidharbha division & in some part of Nashik Division. Complaint regarding no mechanism for social security life & health insurance etc.

Action Taken By the Commission:

After considering the complaint, facts of the case & Article 21 of Constitution deem it proper to make following recommendation:

- A. Office of the Chief Secretary of the State of Maharashtra is directed to constitute a committee of experts, to examine viability of launching Guidelines and Regulations for the persons pursuing the profession of rickshaw pullers ensuring system of social security, life and health insurance; issuing of licences, replacement with e-rickshaws with battery operated system; ensuring rendering of education to their children, welfare schemes, pension scheme for old aged or disabled person, thereby, protecting the vulnerable marginalized section of the society.**

8. Case Number: MAS/1360/2017

Name of the Complainant: Mohd. Yasin Mohd Shakil Shaikh

Name of the respondent: Addl. Commissioner of Police,
Crime Branch, Pune

Date of orders: 30th December, 2019

Quorum: M .A. Sayeed,
Acting Chairperson / Member.

Nature of Complaint:

It is complainant's case that he has invested some amount with Ashish Raju Hundekar who promised him huge returns on it but as usual took him for ride. Complainant approached police station for registering FIR, received phone of lady officer, Crime Branch, Pune infact was wife of Shri Hundekar. Arbitrary & partisan action by police incharge with complainant.

Action Taken By the Commission:

Notice issued. In pursuance of notice reply filed by Respondents. Hearing completed

Decision of the Commission:

Taking into consideration all material of record, Commission deem it proper to make following recommendation:

- A. Commissioner of Police, Crime Branch, Pune City to call upon API, Smt Sheetal Dayanand Bhalekar to pay compensation of Rs. 50,000/- (Rupees Fifty Thousand Only) to the complainant Shri Mohd. Yasin Mohd. Shakeel Shaikh for blantly violating his human rights by misuse of her office and power. Payment to be made within six weeks from date of receipt of this order else to pay an interest of 12.5% p.a. on the principal amount from date of receipt of order till its full realization. In the event of default amount to be recovered from her monthly salary in equal instalments by the waithdrawing and disbursing Authority.**
- B. Director General of Police, State of Maharashtra to modulate and develop in house guidelines for a proper work culture, training and orientation of the Police force consistent with basic human values, so as to infuse the force with basic human values and made sensitive to the Constitutional ethos.**

9. Case Number: MAS/4169/2014

Name of the Complainant: Bhushan J Jaiswal

Name of the respondent: Principal District & Session Judge,
Aurangabad
Superintendent of Police, Aurangabad

Date of orders: 11th March, 2020

Quorum: M .A. Sayeed,
Acting Chairperson / Member.

Nature of Complaint:

It complainant case that patrolling police team (Anti Dacoity Cell) at Aurangabad barged into hotel of complainant at about 11p.m. on 29.09.2014 & of having subjected him to physical & mental torture.

Action Taken By the Commission:

Notice issued. In pursuance of notice reply filed by Respondents. Hearing completed

Decision of the Commission:

Taking into consideration all material of record, Commission deem it proper to make following recommendation:

- A. Office of Addl Chief Secretary (Home Department), Mantralaya, Mumbai do examine the viability of initiating disciplinary action against the erring police officer and official for having misused power and duties in contravention of procedural law.**
- B. Office of Addl Chief Secretary, (Home Department), Mantralaya, Mumbai do recommend office of the Principal District and Session Judge, Aurangabad to issue necessary directions to the concerned Magistrate for initiation of prosecution against the erring police officer and officials in accordance with the mandate of law.**
- C. Office of Addl Chief Secretary (Home) Mantralaya, Mumbai be pleased to direct the erring police officer and officials to pay a compensation of Rs. 1 Lac each (Total Rupees Four Lacs) to the complainant as a compensation for violation of his human rights within six weeks from the date of receipt of the order.**

10. Case Number: **MAS/Suo-Motu Case No. 59/2018**

Name of the Complainant: Suo-Moto

Name of the respondent: Municipal Commissioner,
Thane Municipal Corporation, Thane

Superintendent of Police, Thane (Rural)

Editor, Samana Marathi News paper

Executive Engineer, MSEB, Thane

Asma Dos Mohammad Balwar

M/s. Solution Advertising, Thane

Date of orders: 8th April, 2019

Quorum: M .A. Sayeed,
Acting Chairperson / Member.

Nature of Complaint:

Suo-Moto note reported news in Marathi News Paper "Pudhari" dated 19.10.2018 about an unfortunate incident of passenger waiting at the bus stop getting electroplated & died on the spot, the competent authorities not accepting their responsibility or liability of the incident even admitting the unfortunate mishap.

Action Taken By the Commission:

Notice issued. In pursuance of notice reply filed by Respondents. Hearing completed

Decision of the Commission:

Taking into consideration all material of record, Commission deem it proper to make following recommendation:

- A. Director, MSEDCL, Mumbai to formulate necessary guidelines for the supervision, implementation of the provisions contained in Section 50 & 53 of the Electricity Act, 2003 and Rules 6 & 7 of the Electricity Act, 2003 by the Chief Electrical Inspector and Electrical Inspector of the Divisions throughout State of**

Maharashtra particularly with emphasize on strict vigilance in controlling and nabbing the culprits of theft of electricity so as to avoid reoccurrence of such unfortunate incidence in future.

- B. Director, MSEDCL, Mumbai to pay compensation of Rs. 10,00,000/- which is being awarded for the detail reasons in the forgoing para s as admittedly compensation of Rs 4 alcs is already paid to the legal heirs of the deceased. (Rupees Ten Lakhs Each Only) total amounting to Rs. 14,00,000/- (Rupees Fourteen Lakhs Only) to the legal heirs of the widow of the deceased due to the negligence of the concerned authorities within six weeks from the receipt of this order.**
- C. The widow and the legal heirs of the deceased would be at liberty to seek redressal of their grievance against M/s. Solution Advertising Agency by approaching competent Civil Court, subject to law of limitations.**

CHAPTER VI – COMPLIANCE AND DENIAL OF RECOMMENDATIONS BY THE GOVERNMENT

Order Date	Recommendations	Compliance Report / letters received
08.03.2016	Compensation of Rs.50,000/- to be paid to the legal representatives of the deceased by the State	Received letter dated: 24.04.2017 from Addl. SP, Akola stating that the police has initiated action against the complainants as per rules. It is also stated that the complainants are having criminal mindset and as such it would not be proper to pay compensatory amount of Rs.50,000/-. (2) Received copy of letter dated: 01.02.2019 from SP, Akola alongwith payment receipt of Rs.50,000/- paid to the legal representative of the deceased.
14.03.2017	ACS, Home to pay compensation of Rs.1,00,000/- to the complainant	Received letter dated: 31.10.2018 alongwith GR regarding sanction of compensatory amount to the complainants. (2) Received letter dated: 26.03.2019 alongwith the payment receipt of compensatory amount paid to the complainants.
28.11.2016	Home & Health Dept. to pay jointly and severally an amount of Rs.15,00,000/- to Shri Subramaniam Swami father of the deceased as an interim compensation	Received letter dated: 13.09.2017 from Health Dept., regarding sanction Rs.7.50 lacs (50%) compensation amount to the father of the deceased. (2) Received letter dated: 08.04.2019 from SP, Pune (Rural) alongwith payment receipt of the compensatory amount of Rs.1,00,000/- (instead of Rs.7,50,000) paid to the father of the deceased
08.11.2017	State to pay compensatory amount of Rs.10,000/- to the complainant	Receive GR dated: 31.01.2019 from Home Dept., regarding sanction of Rs.10,000/- to the complainant. (2) Received letter dated: 12.04.2019 from Home Dept. alongwith the payment receipt of the compensatory amount paid to the complainant.

07.09.2018	ACS, Home to pay compensation of Rs.25,000/- to the complainant	Received GR dated: 11.02.2019 from Home Dept. regarding sanction of Rs.25,000/- to the complainant (2) Received copy of letter dated: 20.06.2019 from ACP, South Division addressed to Jt. Secretary, Home Dept. alongwith proof of payment of compensatory amount paid to the complainant
21.01.2017	State to pay Rs.50,000/- to the complainant as compensation	Received letter dated: 14.03.2018 from Home Dept., requesting for reconsideration of the compensatory amount of Rs.50,000/- (2) Received letter dated: 11.11.2019 alongwith the receipt of payment of compensatory amount made to the complainant of Rs.50,000/-
07.05.2019	Residents of the locality to be provided with all the basic amenities/necessities of day to day life.	Received letter dated: 26.11.2019 a/w. report depicting the services provided in the said premises.
12.12.2018	BMC to enquire into the health hazard of the residents and award monetary compensation accordingly	Received letter dated: 09.08.2019 a/w. report from Health dept depicting the steps taken by them as directed by the Commission as well as letter from the complainants stating that they are satisfied with the services given by the MCGM and don't have any complaint.
30.07.2019	Complainant to pay fine of Rs.5,000/- to SP, Nandurbar	Received letter dated: 28.09.2019 from SP, Nandurbar a/w. copy of receipt of fine paid by the complainant of Rs.5,000/-
18.11.2016	State to pay an amount of Rs.5,00,000/- as an interim compensation to complainant	1) Received letter dated: 31.10.2018 alongwith GR regarding sanction of Rs.50,000/- instead of Rs.5,00,000/- (2) Received letter dated: 13.02.2019 from Home Dept., alongwith payment proof of compensatory amount paid to the complainant

Denial :-

Order Date	Recommendations	Denial Report
12.07.2017	State to pay compensation of Rs.50,000/- to the complainant	Received copy of forwarding letter from CP, Thane regarding compliance of the directions of the Commission. (2) Received letter dated: 02.12.2017 from Home Dept., stating that necessary directions are issued to CP Thane for filing Review Application. (3) Received letter dated:07.02.2019 from Home Dept., regarding denial of the payment of compensatory amount to the complainant.
18.08.2017	ACS, Home to pay compensation of Rs.50,000/- to the complainant	Received letter dated: 17.01.2019 from Home Dept. regarding denial of the payment of the compensatory amount to the complainant.