

2014-2015



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION



14TH ANNUAL REPORT

FROM 1ST APRIL 2014 TO 31ST MARCH 2015



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

14TH ANNUAL REPORT

April, 2014-March, 2015

“To Deny people their human rights is to challenge their very humanity”

- Nelson Mandela

Protection of human rights is a universal concern. The UNO, UNCHR and the Human Rights Commissions in India established under Protection of Human Rights Act, 1993 are making efforts to address the grievances of the citizens regarding violation of human rights by the public servants. Under the Act, the Human Rights Commission is empowered to enquire into and make recommendations to the State Government in respect of violations of human rights by the public servants. In spite of inadequacy of infrastructure, staff and even a Hon'ble Member, the Commission has made efforts to work towards the goal entrusted to it. The Commission is aware of the huge pendency and as such the vision was to complete all the old pending cases within next couple of years.

We are glad to present the 14th Annual Report for the year 2014 – 15 for placing before the Legislative Assembly in accordance with the Section 28 of the Protection of Human Rights Act, 1993.



(Bhagwantrao D More)
Member



(Justice S R Bannurmath)
Chairperson

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CHAPTER I - INTRODUCTION

Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. These are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.

The world found **United Nations** on October 24, 1948. Just after the establishment of United Nations Organization, United Nations General Assembly had adopted the **Universal Declaration of Human Rights (UDHR)** on 10th December 1948. This was the historic step regarding Human Rights taken by the UN General Assembly. The world had lost millions of human life during two Great War and saw bloodshed. These documents provide the safe guards against the human rights violation. Article 1 of the UDHR clearly said, "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". Our Constitution framers had also incorporated UDHR provisions in the **Constitution of India** as **Fundamental Rights**. The Indian Parliament passed **The Protection of Human Rights Act, 1993**. This Act provides safeguard against violation of human rights and has a provision to establish the National and State Human Rights Commission as well human rights court on 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.

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;
- 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 publications 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.

HOW CAN THE COMPLAINTS BE MADE?

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.
2. No fee is charged on the complaint. No court fee stamps are required. No need to engage the lawyer.
3. The complainant against any Public Servant is required 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.

FOCUS OF THE COMMISSION

The Commission endeavours to reach out to the people of the State and ensure Protection and Promotion of Human Rights, a mandate in the Act, covering a wide range of following issues:

- Review the factors, that inhibit the enjoyment of Human Rights and recommend appropriate remedial measures.
- Illegal detention and bonded labour
- Keeping Check over violation of Human Rights in Custodial Homes\Institutions
- Women and children
- Rights of physically and mentally handicapped
- Training of law student and NGOs on Human Rights
- Right to shelter
- Health and environment
- Senior citizen
- Implementation of various schemes of the State Government
- Spread Human Rights Awareness amongst the member of the society.

ADVANTAGES OF APPROACHING THE COMMISSION

Institutional
Autonomy and
Independence

Easy
Approachability

No fees charged

Less
cumbersome
procedure

Speedy Justice

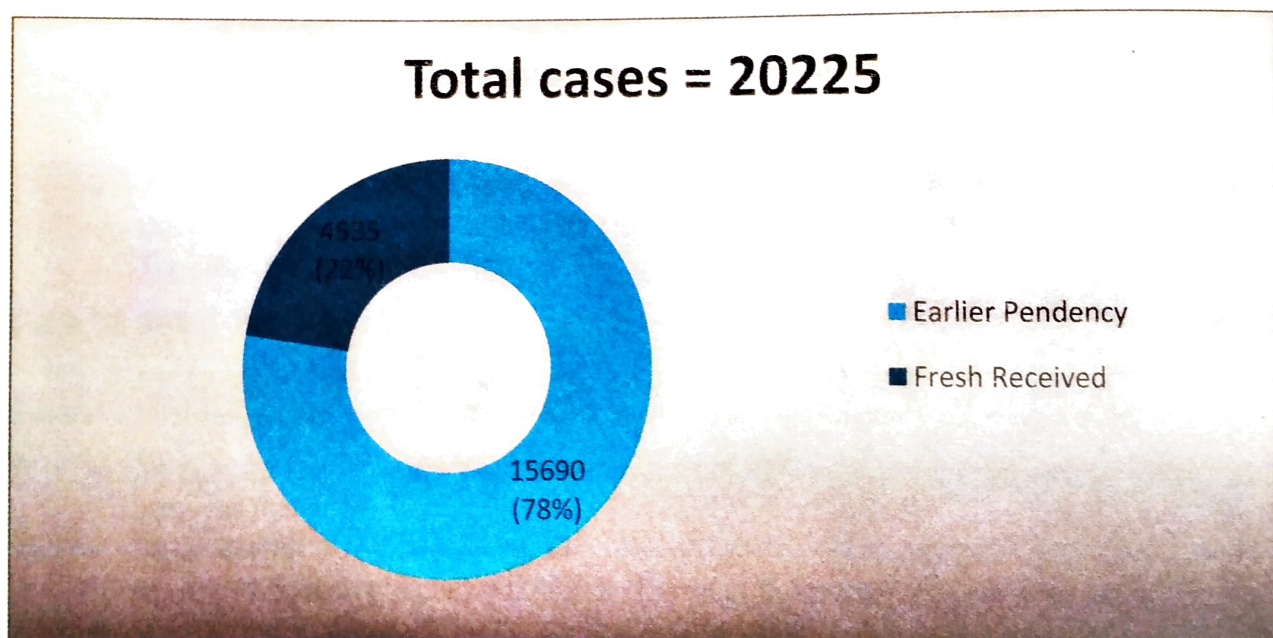
No assistance
of professional
lawyer required

CHAPTER II – COMPLAINTS HANDLED BY THE COMMISSION

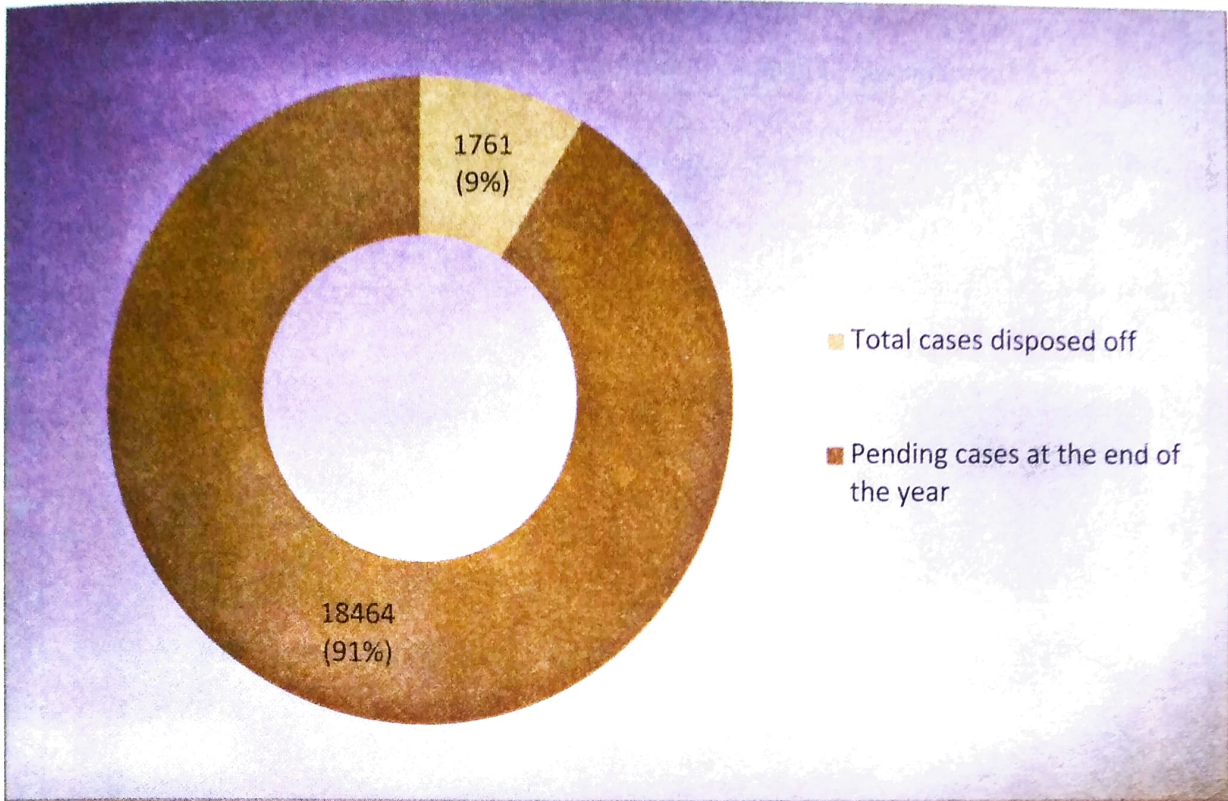
From 1st April, 2014 to 31st December, 2014, the Commission received a total number of 4535 complaints. A large number of cases received were not entertained by the Commission as they were not maintainable and/or outside the purview of the Commission, as per Regulation 12 of the Maharashtra State Human Rights Commission (Procedure) Regulation 2011. This indicates lack of adequate awareness about the powers and functions of the Commission. Steps are being taken to bring awareness amongst public by arranging lectures to promote awareness about the Commission and its functions. 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 1-4-2014 to 31-12-2014

Earlier Pendency	Fresh Received	Total Cases during this period	Total disposed of during this year	Total Relief given	Pending cases at the end of this period
15690	4535	20225	1761	15	18464



Total Relief Given = 15



Nature of Complaints

Against the Police Force – These complaints mostly included complaints alleging abuse of power by the police force, failure to register offence, illegal detention etc. = **1140 matters**

Against other Government Departments = **41 matters**

Complaints regarding violation of human rights of prisoners = **35 matters**

Complaints against Judiciary = **18 matters**

Complaints against Private Individuals = **37 matters**

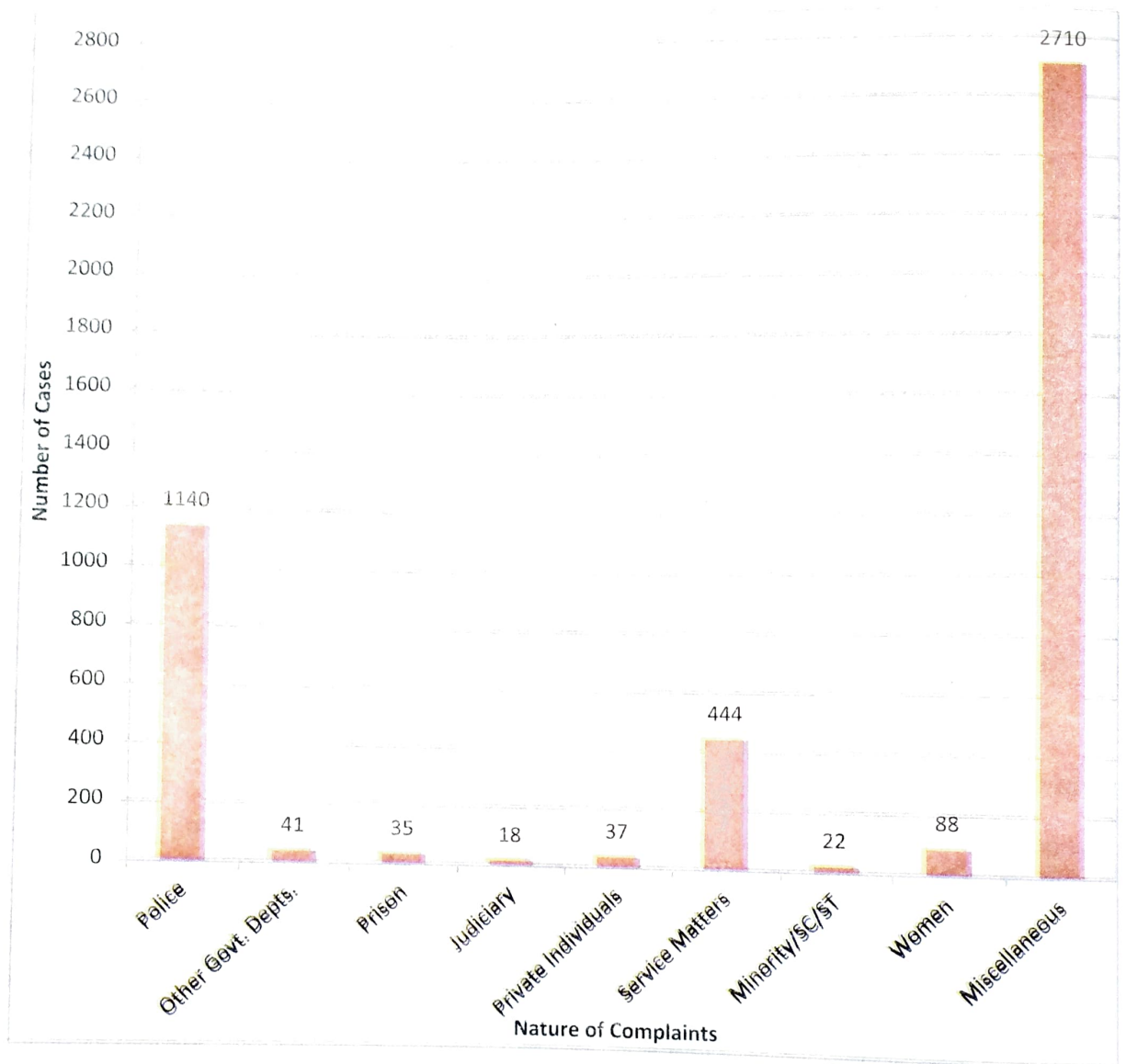
Complaints regarding Service Matters = **444 matters**

Complaints regarding atrocities to SC/ST or other minorities = **22 matters**

Complaints regarding violence and injustice to women = **88 matters**

Other Miscellaneous Complaints = **2710 matters**

Nature of Complaints

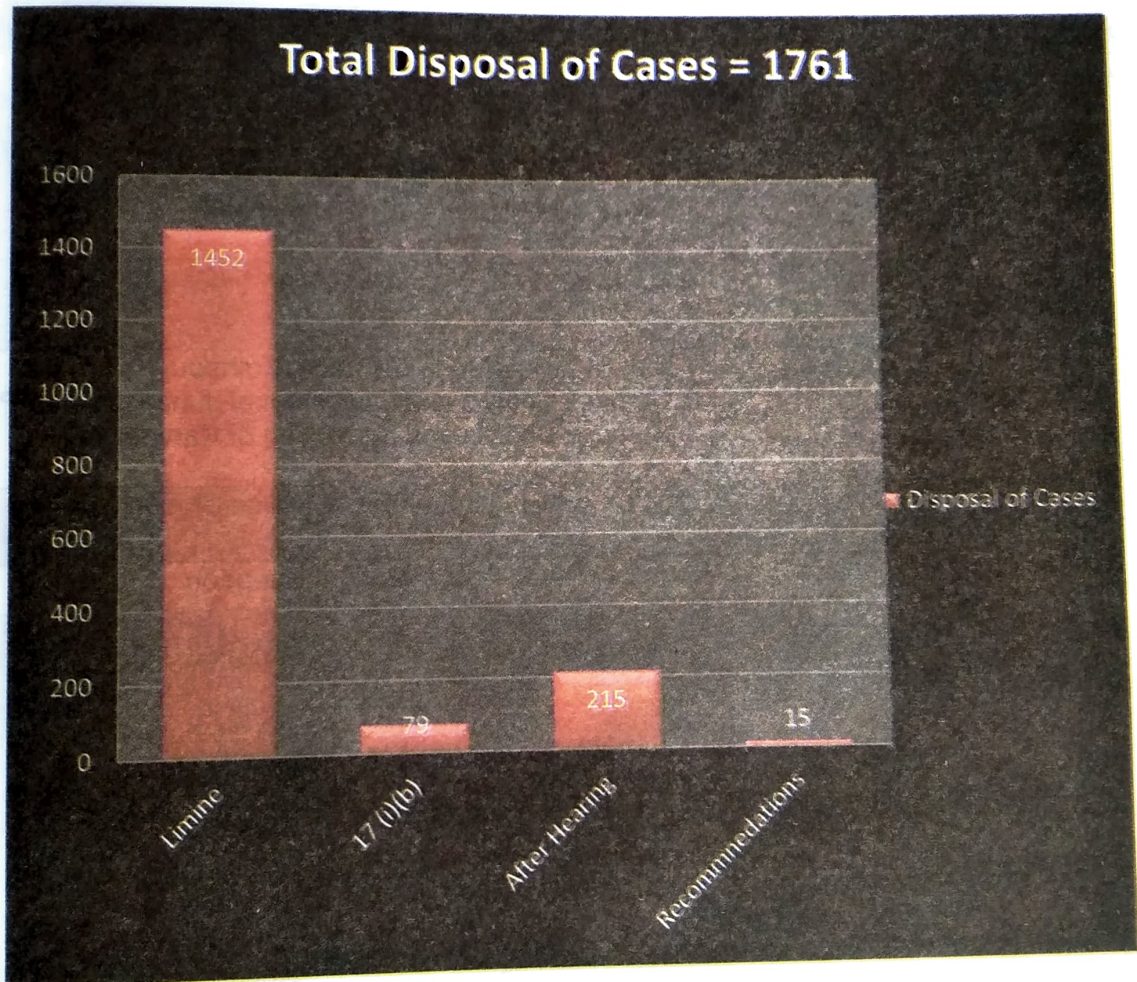


- * Government Depts. include complaints against Agriculture, Forest, Health, Tribal, Environment, Food, Revenue Department etc.
- * Miscellaneous include complaints against Government bodies, banks, corporations, family dispute, recovery agents, loans etc.

Total Complaints = 4535

Total Disposal of Court 1, 2 & 3 from April 2014 to December 2014

Period	Limine	17 (i)(b)	After Hearing	Recommendations	Total
April 2014 to December 2014	1452	79	215	15	1761



CHAPTER III – VISITS BY THE HON'BLE CHAIRPERSON AND THE HON'BLE MEMBERS

Details regarding Official Visits to Jails and Police Stations from 1st April 2014 to 31st March 2015:-

Sr. No.	Date of Visit	Place of Visit	Purpose of Visit
1.	14.05.2014	Kolhapur	Interaction with Supdt. Of Police, Asst. Commissioner of Police, Supdt. Of District Prison and Addl. Jailor of Kalamba Central Prison.
2.	07.06.2014	Nasik	Surprise visit to Sinner Police Station, Nasik Rural.
3.	13.06.2014	Pune	Surprise Checks and Inspection of Vishrambagh PS, Faraskhana PS.
4.	14.06.2014	Kolhapur	1. Meeting with Supdt. of Police, Kolhapur 2. Surprise Checks and Inspection of Juna Rajwada PS 3. Surprise Checks and Inspection of Karveer PS
5.	26.06.2014	Akola	Visit to Civil Lines and Kotwali Police Station at Akola
6.	27.06.2014	Buldhana	Surprise visit to Police Station, Shegaon
7.	02.07.2014	Pune	Surprise visit to Dehu Rd. Police Station, Pune (Rural)
8.	03.07.2014	Pune	Surprise visit to LoniKalbhor Police Station, Pune (Rural)
9.	18.07.2014	Nasik	Surprise visit to Igatpuri Police Station
10.	19.07.2014	Ahmednagar	Surprise visit to Rajur Police Station
11.	29.01.2015	Sangli	Surprise Checks and Inspection made to Sangli District Prison
12.	30.01.2015	Kolhapur	Surprise Checks and Inspection made to Kolhapur District Prison
13.	15.03.2015	Ahmednagar	Surprise Checks and Inspection made to Rahuri and MIDC Police Station
14.	27.03.2015	Thane	Surprise Checks and Inspection made to Thane Central Prison

The Seminar, Conferences and other important events attended by the Hon'ble members of Commission between 1st April 2014 to 31st March 2015:-

Sr. No.	Date of Events	Place of Event	Purpose
1.	08.06.2014	Ahmadnagar	Sensitization Programme at Rahata, Ahmednagar
2.	08.08.2014	Mumbai	Inauguration Programme of YuvakBiradri, an NGO working for Youth Development Programme in Rural Areas
3.	15.09.2014	Delhi	Seminar at India Habitat Centre arranged by NHRC, New Delhi at Maple Hall to discuss the problems of mentally ill persons and feasibility of fountain house model of USA establishing in Maharashtra.
4.	17.09.2014	Mumbai	Discussion at MSHRC, Mumbai with Dr. Allan Doyle- Director Education & Cyrus Napolitano- Member, Fountain House, New York, Dr. Tapas Kumar Ray – SEVAC, D. RativaSengupta– Chief Psychologist, SEVAC, Dr. RajendraShirsat – Dean, Thane Mental Hospital, Mr. NitinShivde – Social Worker, Thane Mental Hospital, Ms. Shubhada Mehtra – Clinical Psychologist, TISS, Mumbai, Mr.SatyajitMohanty – Neptune Foundation, Mumbai, on Rehabilitation of mentally ill persons.
5.	27.09.2014 to 28.09.2014	Haryana	The State Human Rights Conclave organised by Haryana Human Rights Commission
6.	01.11.2014	Pune	Moot Court Competition at BhartiyaVidyapeeth, Pune
7.	13.11.2014	Delhi	National Seminar on Prison Reforms organised by NHRC
8	3/2/2015	Mumbai	Meeting held in the premises of MSHRC with Chairperson of Haryana and Andhra Pradesh Human Rights Commission to discuss regarding some human rights issues (infrastructure, power to get the orders enforced etc.)
9	21/2/2015	Mumbai	Interaction with the students of LalaLajpat Rai College regarding Awareness on Human Rights.
10	28/2/2015	Mumbai	Interaction with the students of Mithibai Law College regarding Awareness on Human Rights.
11	13/3/2015	Mumbai	Interaction with Advocates of Ratnagiri at Y.B. Chavan

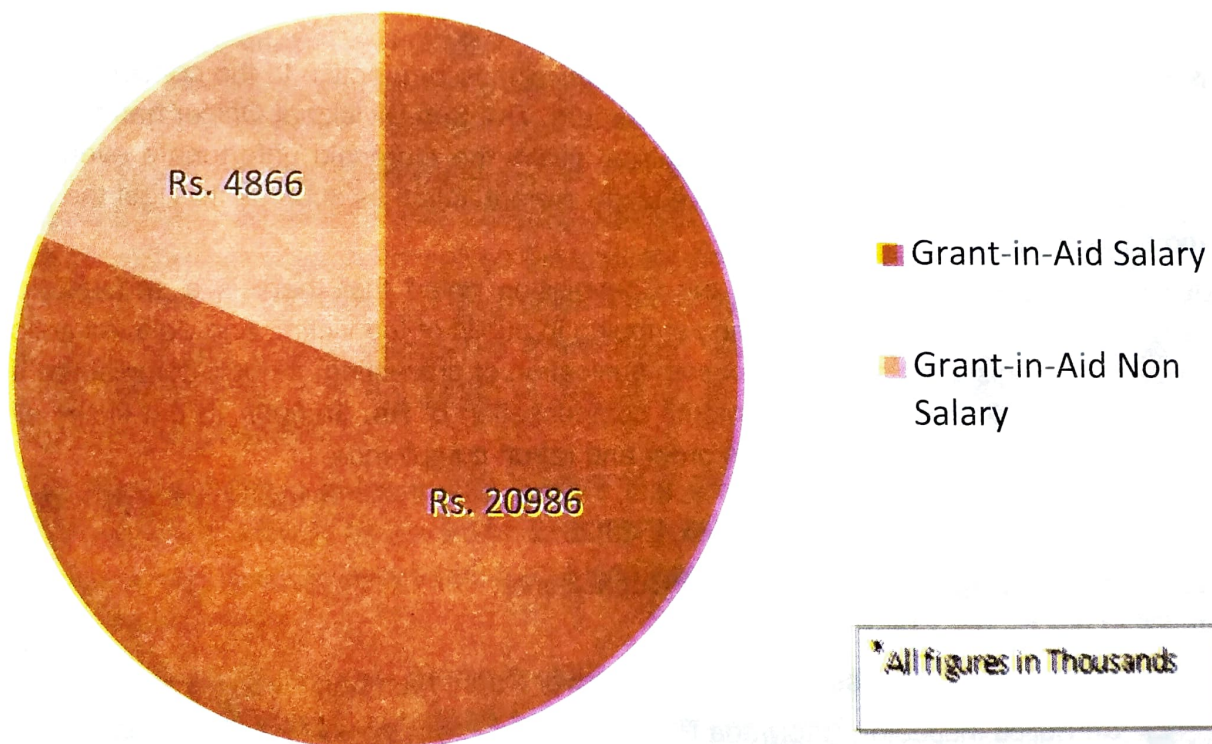
			Centre regarding Awareness on Human Rights.
12	14/3/2015	Ahmednagar	International Inter Disciplinary Conference on "Terrorism a Challenge before Human Rights" at Sangamner College.
13	20/3/2015	Haryana	Workshop on Sensitization of Human Rights and Good Governance at Grass Root level at Rewari organised by Haryana Human Rights Commission.
14	28/3/2015	Thane	Annual Day Function of VPM Thane Law College.

CHAPTER IV – RESOURCES

Funds Received from the Government for the financial year 2014-2015

	Rupees (in Thousands)
Grant-in-Aid Salary	20986
Grant-in-Aid Non Salary	4866
Total	25852

Total Amount - Rs. 25852



CHAPTER V – ILLUSTRATIVE CASES

1. **Case No. – 17/2013**

Suo-Moto Complaint

Name of the Respondent: -

- a) The Collector, Raigad
- b) The Superintendent of Police, Raigad

Date of Order: - 2nd April 2014

Nature of Complaint:- This case was registered Suo Moto on the basis of a Newspaper report dated 26.12.2013 in Marathi Daily Newspaper 'Sakal' reporting that a widow who was outcasted by the villagers at Khajani, Tal. Roha, Dist. Raigad and that in the night of 23.12.2013 the said woman along with her relatives were not only assaulted by some people who are politically enemical to her but also outraged her modesty and violated her human rights by stripping her naked in the public. It was reported that though she had lodged a complaint with the Roha Police Station in respect of the out casting no action was taken by the Roha Police, as the Police Patil (Head of the Village) was also involved in this incident.

Action taken by the Commission:- The Commission issued notice to the concerned Police and Collector, Raigad to submit a report in this regard. The Sub Divisional Officer has filed a detailed report inter-alia informing that due to political rivalry the aforesaid unfortunate event had taken place, but submitted that the Police have taken prompt action as soon as they got the information about the incident.

Decision of the Commission:- As the Commission noted that there is a serious violation of human rights by way of outcasting and stripping in public of the victim, and delayed action by the Police in not registering a case of ex-communication of outcasting, though complained by victim. The State was directed to pay an interim compensation of **Rs. 50,000/-** to the victim within four weeks from the date of receipt of this order and report compliance.

2. **Case No. – 22/2013-14 (Suo Moto) with 4529/2013-14**

Name of the Complainant: - Suryakant Gopal Surve

Name of the Respondent: -

- 1) The Deputy Commissioner of Police, Lower Parel, Mumbai;
- 2) Sr. Police Inspector, Bhoiwada PS, Mumbai;
- 3) Police Constable, Bhoiwada PS, Mumbai

Date of Order: - 10th April 2014

Nature of Complaint:- This complaint was based on a newspaper report in 'Maharashtra Times' dated 18.02.2014 reporting that one Shri Suryakant Surve was illegally detained, and mercilessly assaulted by a Police Constable Sachin Shahaji Ghatge on 14.02.2014, the present suo-moto case is registered by the Commission. Thereafter, Shri Suryakant Surve himself had filed another complaint to the Commission regarding the same incident, claiming the merciless beating by the Police for no fault of his and thereby violation of his human rights and especially the violations of guidelines issued by the Supreme Court of India, NHRC and this Commission.

Action taken by the Commission:-Due to serious nature of the allegations, the Commission called for the report and the concerned authority filed a report denying the allegations made in the complaint.

Decision of the Commission:-In the light of the peculiar circumstances as noted earlier, as due to the merciless assault on the victim complainant by the Police Constable Sachin Ghatge resulting in severe injury to his ear possible with deprivation or reduction in hearing capacity and injury to his thumb which is basically needed by him to play percussion instruments and though these injuries may be healed and he will return back as a normal person but the mental agony pain he had suffered due to the assault leaving a mark on his mind necessitated the Commission to direct the State Government to pay an interim compensation of **Rs. 1,50,000/- (Rs. 1.5 lacs)** within four weeks from the date of the receipt of this order and report back the compliance within six weeks thereof.

3. **Case No. – 4550/2011-12**

Name of the Complainant: - Smt. Surekha Jagtap

Name of the Respondent: - The Superintendent of Police, Pune

Date of Order: - 5th May 2014

Nature of Complaint:-This complaint was related to the serious case of lapses, negligence on the part of the police machinery to take appropriate action against the accused in respect of alleged crime of abduction, rape and theft of the complainant's daughter.

Action taken by the Commission:-The Commission noted its displeasure for the apathy showed by the concerned Police Officers. The Commission was also of the view that in spite of clear directions and opportunity given the concern police as they have failed to put up its version, the matter had to be decided on the available material.

Decision of the Commission:-The Commission was of the view that this is a clear case of human rights violation of the victim of the crime. In regard of that the Commission made the following recommendations:

- a) The State Government shall ensure that whenever a complaint of cognizable crime is reported, without lapse of any time the stationhouse officer shall register the case, draw FIR and take up investigation and file charge sheet within minimum reasonable required time.
- b) Since inspite of the direction of the Commission issued on 05.03.2014 as no action appears to have been taken against the erring police Head Constable an inference can be drawn that so far no action has been taken and as such direction is issued to immediately take action against the said erring police official.
- c) In view of the clear findings of the Commission regarding the violation of Human Rights of the complainant and the unnecessary harassment caused to her, right from the day of the lodging of missing complaint till date, the Commission feels it necessary to order interim compensation of **Rs. 1,00,000/- (Rs. One Lac)** to be paid to her within 4 weeks from the date of receipt of this order and report compliance.

4. **Case No. – 3454/2011-12**

Name of the Complainant: - Mohd. Rais Khan

Name of the Respondent: -

- 1) The Commissioner of Police, Mumbai
- 2) The Dy. Commissioner of Police, Zone- V, Worli, Mumbai
- 3) The Sr. Police Inspector, Dharavi PS, Mumbai

Date of Order: - 22nd May 2014

Nature of Complaint:-The complaint was related to unnecessary harassment and assault by Police of Dharavi Police Station. It is alleged that on 29.09.2011 in the midnight two Police Constables along with an officer and two individuals by name Zaheer Gaus Mohammad and Riyaz came to his house, took him to the Police Station and there he was assaulted mercilessly. It was further alleged that he was abused mercilessly and made to sit in a corner and was also threatened that unless he settled the dispute between, as Zaheer had connections with the criminal don Dawood in Saudi Arabia, he would be taken care of even by implicating in murder cases.

Action taken by the Commission:-Due to serious nature of the allegations, the Commission called for the report and the concerned authority filed a report denying the allegations made in the complaint.

Decision of the Commission:-After a detailed enquiry, the Commission made the following recommendations:

- a) The State especially the Home Department, the Director General of Police and the Superior Officers like Commissioner of Police, Superintendent of Police and their immediate superior officers not only must follow the guidelines issued in D.K. Basu Case and other recommendations of the NHRC and State Commissions but also should make all the efforts to sensitize the lower level officers like PI, API, PSI, ASI, Constable etc... regarding protecting human rights of the citizens and it is high time regular sensitization programmes to be conducted in this regard. It was made clear that the MSHRC will always be available for the guidance in this regard.
- b) The State Government has to sensitize its superior officers regarding submissions of the reports whenever called for by the Commission. In the sense whenever such reports are called it is the responsible superior officers like Dy. Commissioner of Police, Asst. Commissioner of Police, Superintendent of Police, Dy. Superintendent of Police who have to conduct independent inquiry in respect of the allegations of the violation of human rights complained to the Commission and submit their independent opinion without just reproducing what they concern PI or Constable says.
- c) In the peculiar facts and the circumstances of the case the Commission awards an interim compensation of **Rs.10,000** to be paid to the complainant within 4 weeks from the receipt of this order and submit the compliance report within four weeks from thereof.

5. **Case No. – 394/2011-12**

Name of the Complainant: - Madhukar Baburao Devkate

Name of the Respondent: - The Superintendent of Police, Beed

Date of Order: - 27th May 2014

Nature of Complaint:-This case was registered on a complaint dated 24.03.2011 by one Madhukar Baburao Devkate alleging assault on him by the then PSI Shri. A.O. Pathan of Rural Police Station, Beed. It is alleged that the complainant was running a Hotel and at about 11.00 p.m. in the night the said PSI came and assaulted him on the ground that the said Hotel owner is not paying him any money and running the Hotel late in the night.

Action taken by the Commission:-Commission issued notice calling for report from the concerned authority and directed the SP to make fresh inquiry regarding injuries caused to the deceased and the immediate MLC entry showing history of injuries due to assault.

Decision of the Commission:-After the detailed enquiry, the Commission found that there is a gross violation of human rights of the victim. Hence, the Commission passed the following recommendations:

- a) That the State Government should ensure to sensitize the Police Officers about the protection of Human Rights of citizens by strictly complying with the directions issued by the Hon'ble Supreme Court in D.K. Basu and other cases.
- b) Keeping in mind the nature of injuries and the fact that the victim has died due to his sickness unconnected with the assault after long time of the incident the Commission did not propose to award any compensation.

6. **Case No. – 3528/2007-08**

Name of the Complainant: - Prem Kumar Batham

Name of the Respondent: - The Dy. Commissioner of Police; The Sr. Police Inspector & The Police Inspector, Mumbai

Date of Order: - 7th July 2014

Nature of Complaint:-This complaint was filed against Shri Suresh Patil the then Police Inspector of Bhoiwada Police Station alleging false implications, illegal arrest and detention and violations of the guidelines issued by the Hon'ble Supreme Court in D.K. Basu Case.

Action taken by the Commission:-The Commission issued the notice and reply was filed by the concerned Police denying these allegations of collusion, illegal arrest and violations of D.K. Basu guidelines.

Decision of the Commission:-In the light of detailed enquiry, the Commission made the following recommendations:

- a) The State Government / Home Department to initiate appropriate action against Shri. Suresh Patil – Police Inspector for his biased action of non-registration of complaint of Shri.Rajkumar and his brother dated 18.09.2006 and refused to take action against the persons named in the said complaint.
- b) For the serious violation of rights of the complainants a compensation of **Rs. 75,000/-** to be paid to the complainant.The State is entitled to recover the same from the Shri. SureshPatil – Police Inspector.
- c) The compensation shall be paid in eight weeks from the date of receipt of this recommendation and action taken report to be filed in two weeks thereafter

7. **Case No. – 5/2014**

Suo- Moto Complaint

Name of the Respondent: -

1. The Commissioner, Women & Child Welfare Department, Pune.
2. The Secretary, Women & Child Welfare Department, Mantralaya, Mumbai
3. The Children Aid Society, Mumbai

Date of Order: - 15th July 2014

Nature of Complaint:-MSHRC had taken a suo moto cognizance based on the newspaper report in 'Maharashtra Times' regarding inadequate health care facility with only one permanent Doctor at five institutions in Mankhurd area for nearly 800 children.

Action taken by the Commission:-Notices were issued and a report was called from the concerned authorities by the Commission. A detailed report has been filed stating that in these five institutions the total sanctioned strength of children is about 1500 and 715 children are presently residing. It was stated that at the MDC Home there is one full time Medical Officer, three nurses, one compounder, a visiting dentist, visiting psychiatrist, visiting pathologist are available and except one institution in all other some beds have been provided in the clinic. It was stated that an ambulance is also available to take the sick children to nearby Hospital if necessary and though clinics are established in each of these institutions, common staff as noted above was taking care as and when necessary especially taking into the consideration the fact they all are situated close by. Only in Chembur Children Home there was no separate clinic but as it is also nearer to MDC Home the children are attended at the clinic of MDC Home.

Decision of the Commission:-On detailed enquiry, the Commission made the following recommendations:-

- a) The State Women and Child Welfare Department shall furnish detailed data in six weeks as to number of such child welfare institutions in each district of State of Maharashtra about the sanctioned strength, present strength (boys and girls separately) and the medical facilities available to them as on date;
- b) The State shall provide independent and separate staff at least minimum of one medical officer, one resident nurse, one day care nurse and compounder to each of these clinics in the five institutions of Mankhurd mentioned above;
- c) Apart from the medical staff it would be necessary to maintain the cleanliness and as such necessary cleaning staff for the clinics has to be provided;
- d) The necessary equipment and furniture like bed, refrigerator etc. has to be provided to each of these clinics;
- e) The State shall make immediate arrangement of establishing a clinic with sufficient staff at Chembur Children Home, apart from the other requirements as indicated above.

8. **Case No. – 2373/2011-12**

Name of the Complainant: Tukaram Gavai

Name of the Respondent: -

- 1) Secretary, Energy Dept,
- (2) Supdt Eng. MSEDCL Buldhana

Date of Order: 14.07.2014

Recommendations: 1) MSEDCL to regularly check the theft of electricity by illegal and unauthorized connections, (2) MSEDCL to pay Rs.1 lac as interim compensation to the complainant.

9. **Case No - 3504/2011-12**

Name of the Complainant:Dossa Hanif

Name of the Respondent: Dy. CP Zone X (Home Department)

Date of Order: 13.11.2014

Recommendations - Necessary disciplinary action to be taken against PSI Parab for his default.

10. **Case No** - 1365/2011-12

Name of the Complainant: Chhaya Koli

Name of the Respondent: ACS, GAD

Date of Order: 21.11.2014

Recommendations - 1) Necessary action should be taken after enquiry as to why the office of the SRPF Group 8, Goregaon failed to comply with all the formalities which were required to be done while including the name of Smt. Chhaya Koli as a candidate to be considered on compassionate ground.

(2) ACS, Home Dept. to give directions to the concerned controlling officer to take necessary action against the erring personnel.

CHAPTER VI – COMPLIANCE AND DENIAL OF RECOMMENDATIONS BY THE GOVERNMENT

Order Date	Recommendations	Compliance Report/letters received
11.12.2013	Tahsildar to complete the inquiry after giving an opportunity to the complainant and communicate the same to the Commission	1) Received report dated: 30.04.2014 from Tahsildar, Savner. It is stated in the report that after due inquiry it was revealed that the decision taken by the Gram Sabha regarding removing the name of the complainant from BPL list was correct.
21.01.2014	1) State & Home should issue proper guidelines for the police in the light of the guidelines issued by the Apex Court in D. K. Basu and other cases. (2) State to pay Rs.50,000/- as compensation to the complainant.	1) ISSUING OF GUIDELINES OF D. K. BASU COMMITTEE: Not Complied 2) COMPENSATION OF RS.50,000/- (1) Received fax dated: 19.03.2014 from SP, Beed stating that the letter for sanctioning the amount of Rs.50,000/- is being given to the Home Dept. (2) Received copy of letter dated: 18.07.2014 from SP, Beed addressed to ACS, Home Dept. regarding releasing the compensation amount of Rs.50,000/- at the earliest. 3) Received letter dated:13.08.2014 alongwith GR dated:03.07.2014 from Home Department sanctioning the compensatory amount of Rs.50,000/- to the complainant. (4) Received copy of letter dated:24.09.2014 from SP, Beed addressed to SP Jalna for making recovery of Rs.50,000/- from API Shri Gawhane.
18.11.2013 & 08.01.2014	1) Pay compensation of Rs.1.5 lacs to the family of Smt. Laxmibai Kale. 2) Pay compensation of Rs.2,000/- to Rs.5,000/- for the damages of the house in Nashik District. 3) Pay compensation of Rs.1.5 lacs to the family members of Smt. AmrutWaghahoure. 4) Pay compensation of Rs.25,000/- to the owners of dead castles in Ahmednagar district.	1) Received copy of forwarding letter of Div. Com. Nashik in which it is stated that the compliance report on the suggestions made to Ahmednagar Dist. to be forwarded to the Commission at the earliest. 2) Received copy of letters dated: 03.02.2014 written to Rev. & Forest Dept. by Div. Comm. Nashik in which necessary directions from the State government are sought for. 3) Received copy of letter dated: 21.07.2014 from Div. Comm. Nashik written to Relief & Reh, Dept. for seeking necessary

		directions (4) Received compliance report from Rev. & Forest Dept. stating the compensation given to the persons affected due to natural calamities.
29.04.2014	1) Up to dated arrears of pension to be paid to the complainant. (2) Commissioner, BMC to hold proper enquiry and take appropriate action against the concerned officials (3) BMC to pay Rs.50,000/as compensation to the complainant apart from the pension arrears	1) Received letter dated: 11.08.2014 from Chief Engi. Solid Waste Management, BMC in which it is stated that the arrears of Rs.2,43,175/- has been deposited in the Family Pension Account of the complainant and compensatory amount of Rs.50,000/- is being transferred on 08.07.2014 vide ECS.

Order Date	Recommendations	Denial Report
28.11.2013	State to look into the matter afresh and inflict proper and adequate punishment against the police officers	1) Received report dated: 16.08.2014 from Dy.CP Zone 10 stating that since the Hon'ble High Court has already passed an order for inquiry in Cr. no.1006/2012 and wherein due inquiry and necessary punishment is given to the police personnel, hence again making an inquiry in the same matter is against the natural justice.

