

2017-2018

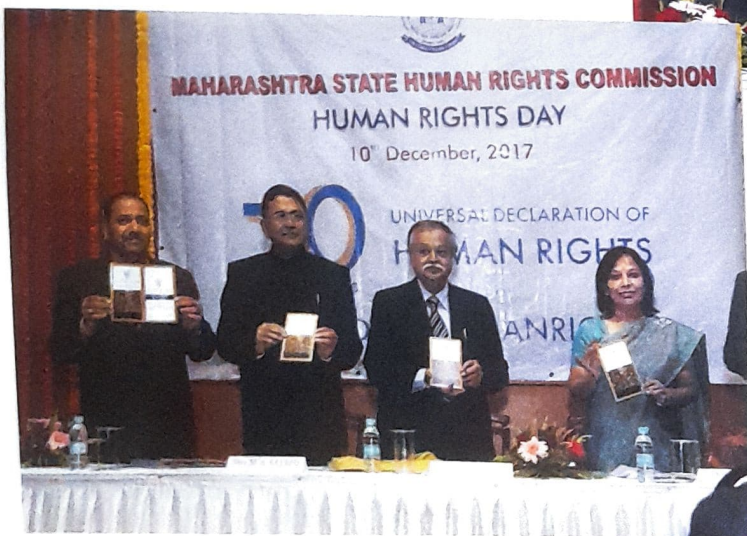


MAHARASHTRA STATE HUMAN RIGHT COMMISSION



17 TH ANNUAL REPORT

FROM 1ST APRIL 2017 TO 31ST MARCH 2018



MAHARASHTRA STATE
HUMAN RIGHTS COMMISSION

SEVENTEENTH ANNUAL REPORT
(1st APRIL 2017 - 31st MARCH 2018)

Preface

" To deny people their human rights is to challenge their very humanity"

- Nelson Mandela

OR

"There can be no peace without development, no development without peace and no lasting peace or sustainable development without respect for human rights and the rule of law."

- UN Dy. Secretary General Jan Elisson

The Commission is pleased to present its 17th Annual Report for the period 01.04.2017 to 31.03.2018. This year the Human Rights Day on 10th December marked the 70th anniversary of the adoption of Universal Declaration of Human Rights (UDHR) by the General Assembly of United Nations in 1948. The UDHR, drafted by representatives of diverse legal and cultural backgrounds from all regions of the world sets out universal values and a common standard of achievement for all peoples and all nations. It establishes the equal dignity and worth of every person and empowers us all. These principles are as relevant today as they were in 1948. We need to stand up for our own rights and those of others.

The Maharashtra State Human Rights Commission has been dealing with the complaints of the human rights violations within its limited powers and resources. The massive awareness campaigns taken in the past has led to progressive increase in the inflow of the complaints, which the Commission has been attending. Besides, in order to increase its research in the area, Commission has entered into Memorandum of Understanding with two premier Institutes namely Tata Institute of Social Sciences (TISS) and National Law University, Mumbai (NLUM).

This year in January, the Commission bid farewell to its Chairperson Hon'ble Justice S. R. Bannurmath who retired on January 23rd, 2018. The

post yet to be filled up is being held by Shri Bhagwantrao D. More as additional charge.

The efforts of the Commission are reflected in detail in the present report.



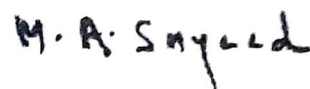
(Justice S R Bannurmath)

Chairperson



(Bhagwantrao D More)

Member



(M A Sayeed)

Member

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CHAPTER I - INTRODUCTION

There is no precise definition of Human Rights. The Oxford Power Dictionary (1993) defines Human rights as the 'basic freedom that all people should have'. The Human Rights basically emerge out of human needs and capabilities. In a simple language, Human Rights are meant for human beings to satisfy their basic needs. Human Rights are basic to humanity. They apply to all people everywhere. Today, violation of Human Rights is seriously taken note of by international bodies and by champions of democracy. It is in this backdrop that most countries have setup their own independent National Human Rights Commissions. Human Rights are those rights which are fundamental for living and for normal human existence. They are based on the concept that every man and woman, irrespective of caste, creed, colour, race and nationality is born with certain fundamental rights such as, right to live, speech, freedom, justice, etc. These rights are, therefore, enshrined in the constitution of the countries. In order, that these basic rights are maintained and adhered to by the nations of the world, United Nations Organization adopted a Charter of Human Rights soon after its formation. The Universal Declaration of Human Rights (UDHR), which UN adopted on 10th December 1948 enumerates some of these basic rights of people. These are rights to live, liberty and security of person, right to freedom of speech, judicial remedy, freedom of movement, right to take part in the governance of one's country, etc. The second types of rights are economic and social rights. These are the right to work, right to live with dignity, right to rest and leisure, right to education, equal pay for equal work, right to equality, etc. From the ancient days India has been committed to the ideals and doctrine of Human Rights. In conformity with the UDHR, the Constitution of India, in Part III, provides for Fundamental Rights ensuring equality, justice and freedom to all citizens of India. The Part IV captioned 'Directive Principles of State Policy' also ensure Socio-economic justice and rights. India's fight for freedom from the clutches of the British rulers was also viewed as a struggle for Human Rights. Our six fundamental rights comprise both individual rights and social rights but emphasis has been put on individual's right to equality of opportunity for all including those belonging to the weaker and disadvantaged section of the Society in the nature of 'Protective discrimination'. The Human Rights Act, 1993 has created National Human Rights Commission and State Human Rights Commission. The Maharashtra State Human Rights Commission was established in year 2001 and since then it is thriving to secure the Human Rights of the people of Maharashtra. This year the Commission has signed a Memorandum of Understanding with Tata Institute of Social Sciences(TISS) and Maharashtra National Law University (MNLU) to promote research in the field and work for the cause 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 Servants.

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

- (a) Inquiry, *suo motu* 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 lodge for purpose of treatment, reformation or protection, for the study of the living condition 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 recommendation for their effective implementation;
- (g) Undertake and promote research in the field of Human Rights;
- (h) Spread Human Rights Literacy among various section Society and promote awareness of the safeguards available for the Protection of these rights through publication, 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 complainant. No court fee stamps are required. No need to engage the lawyer.
3. The complaint against any Public Servant 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:

- Social aspects
- Illegal detention and bonded labour
- Women and children
- Rights of physically and mentally handicapped
- Training of law student and NGO's 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:-

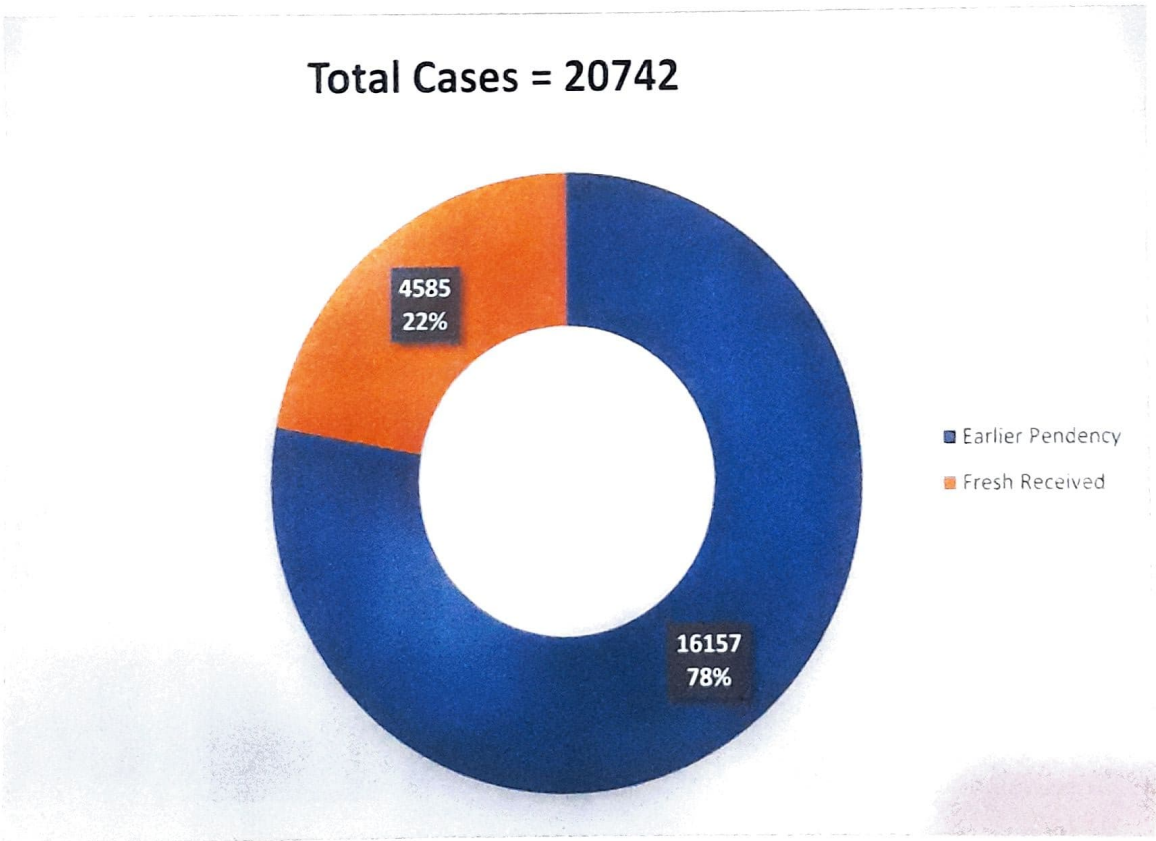
Institutional Autonomy and Independence	Easy Approachability	No fees charged
Less cumbersome procedure	Speedy Justice	No assistance of professional lawyer required

CHAPTER II – COMPLAINTS HANDLED BY THE COMMISSION

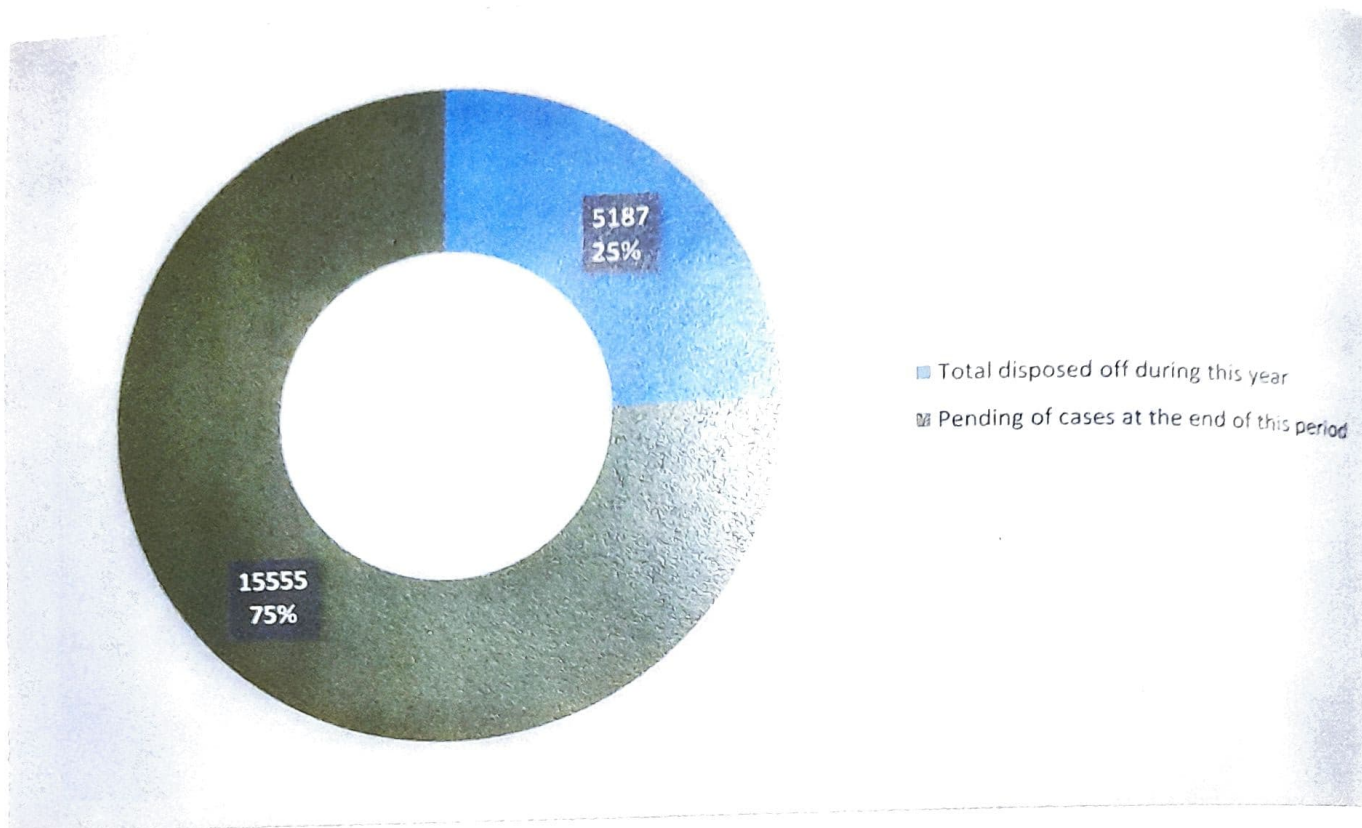
From 1st January, 2017 to 31st December, 2017, the Commission received a total number of 4585 complaints. The following chart is showing the details about the fresh complaints received, pendency as well as the number of cases disposed off.

Statistical details of the Cases from 1-1-2017 to 31-12-2017

Earlier Pendency	Fresh Received	Total Cases during this period	Total disposed off during this year	Total Relief given	Pending of cases at the end of this period
16157	4585	20742	5187	68	15555



Total Relief Given = 68



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. = **1303 matters**

Against Other Government Departments = **78 matters**

Complaints regarding violation of human rights of prisoners = **72 matters**

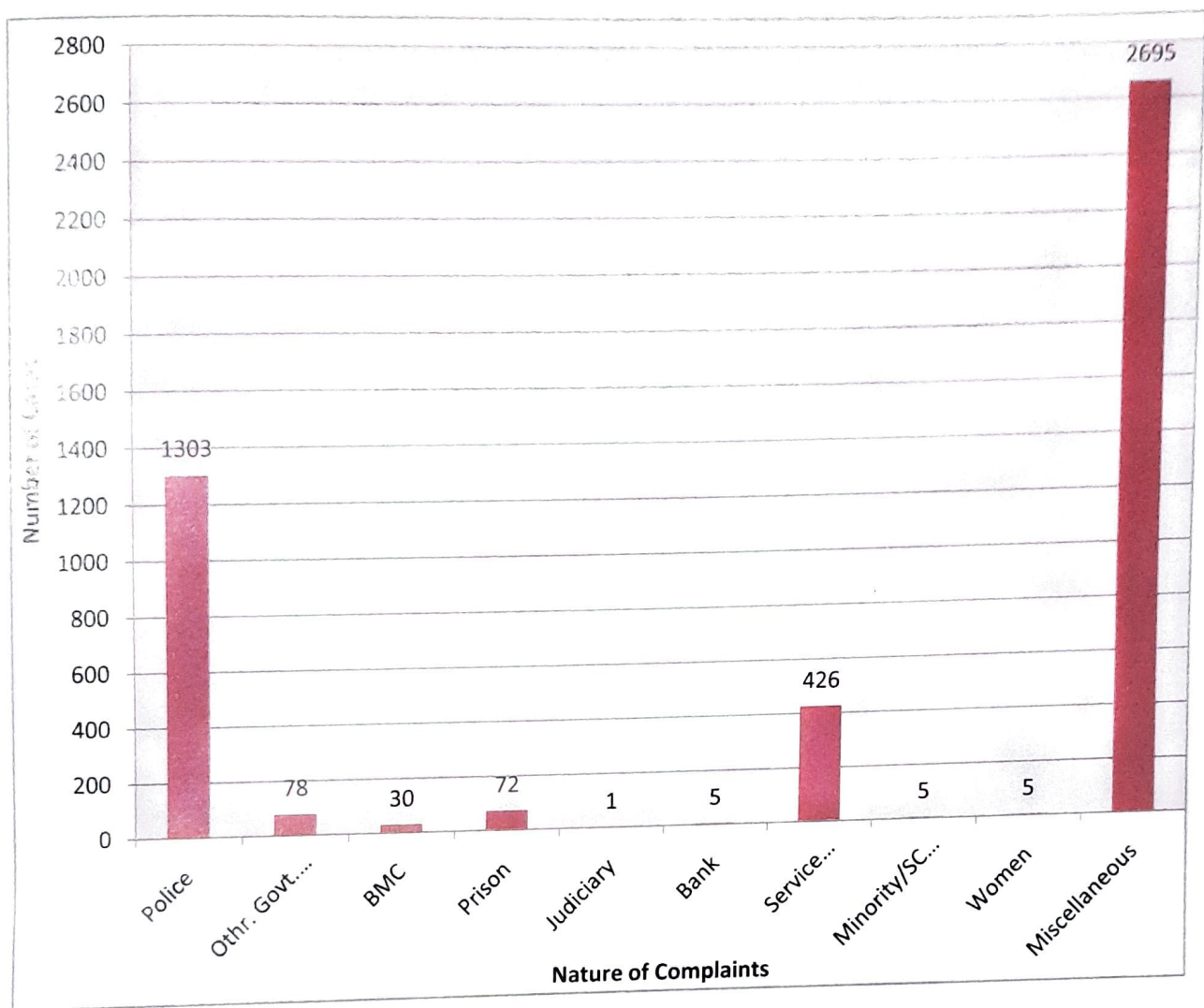
Complaints against Judiciary = **1 matter**

Complaints against Bank = **5 matters**

Complaints regarding Service Matters = **426 matters**

Complaints regarding atrocities to SC/ST or other minorities = **5 matters**

Other Miscellaneous Complaints = **2695 matters**



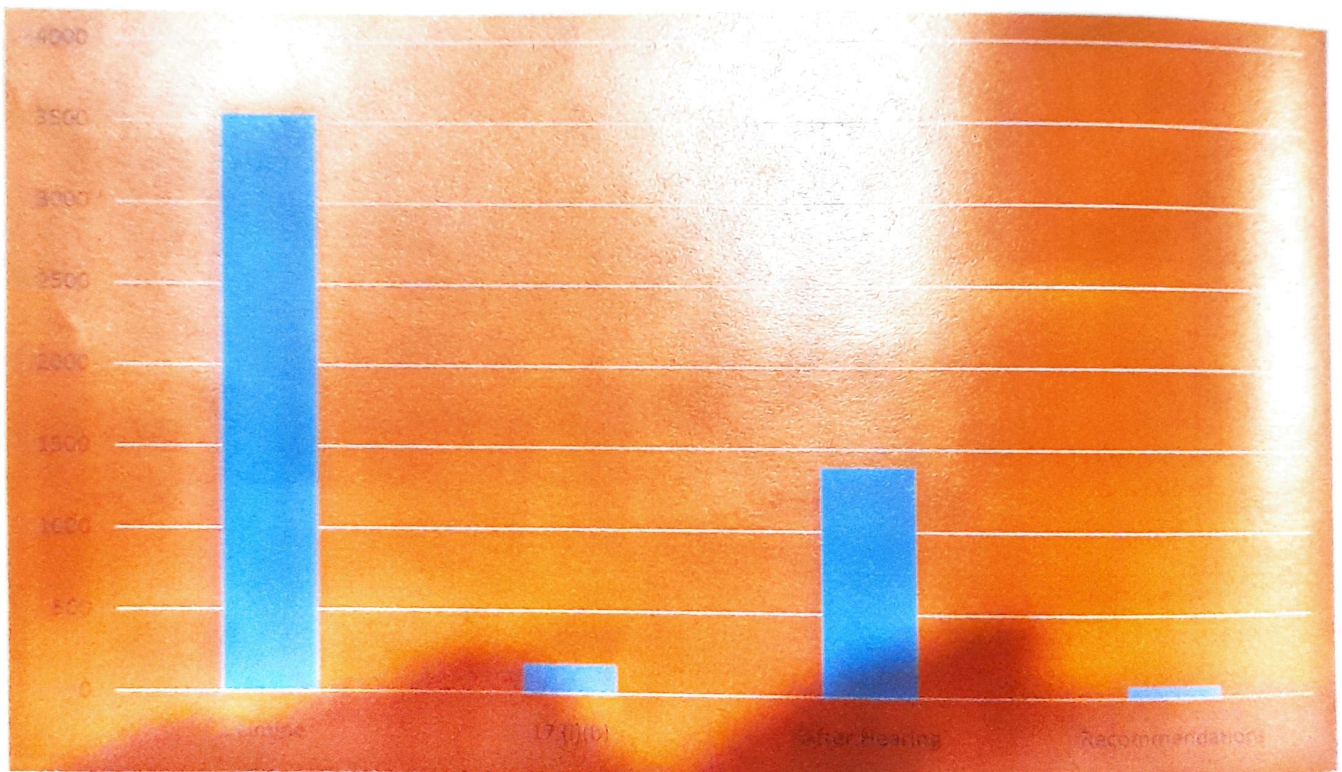
* Other Government Depts. include complaints against Agriculture, Education, Finance, Home, Housing, Labour, Forest, Health, Tribal, Environment, Electricity, and Social Welfare Departments etc.

** Miscellaneous include complaints against Government bodies, corporations, BEST, civil matters, family matters etc.

Total Complaints = 4585

Total Disposal of Court 1, 2 & 3 from January 2017 to December 2017

Period	Limine	17 (i)(b)	After Hearing	Recommendations	Total
January 2017 to December 2017	3689	174	1392	68	5255



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 2017 to 31st March December 2018 :-

Sr. No.	Date of Visit	Place of Visit
1.	27/05/2017	Visapur Open Jail, Ahmednagar
2.	10/06/2017	Wadod Bazar Police Station, Aurangabad
3.	20/06/2017	District Probation Unit Kolhapur
4.	03/07/2017	Paithan Open Jail, Aurangabad
5.	02/08/2017	Lonikand Police Station, Pune
6.	19/08/2017	Murud Police Station, Raigad
7.	11/09/2017	Snehalaya, Ahmednagar
8.	01/10/2017	Cancer Hospital, Pune
9.	07/10/2017	Care India Cancer Hospital, Pune
10.	08/10/2017	Khed Police Station, Pune Rural
11.	28/08/217	Saswad Police Station, Pune
12.	15/03/2018	Chinchani Wangi Police Station, Sangli

The Seminar, Conferences and other important events attended by the Hon'ble Members of Commission between 1st April, 2017 to 31st March, 2017:-

Sr. No.	Date of Visit	Place of Visit	Purpose of Visit
1.	23.04.2017	Mumbai	Attended Medico Legal Conference by Core India Institute of Legal Medicine
2.	22.06.2017 & 23.06.2017	Pune	Workshop on prison manuals and Human Rights at YASHADA
3.	03.07.2017	Mumbai	Seminar at Maharashtra National Law University
4.	05.07.2017	Pune	Lecture on prison manuals and Human Rights at YASHADA
5.	10.07.2017	Mumbai	Attended seminar on Human Rights Fundamental Rights and Policing at Maharashtra National Law University
6.	9.09.2017	Aurangabad	Attend Yuvak Biradari Programme at Ellora
7.	23.09.2017	Mumbai	Lecture on Independence of Judiciary and Judicial Reforms
8.	24.09.2017	Mumbai	Attended Moot Court Competition at Apte Law College
9.	28.09.2017	Nanded	Seminar on Human Rights Policing at Shivaji Law College, Kandhar, Nanded

Internship & Training :

Visits by Institutions :

Sr. No.	Date of Visit	Name of Institution	Participants
1.	17/04/2017	Vivekanand Education Society	20, PG Diploma in Human Rights Student
2.	03/11/2017	K. C. Law College	25, Law Students
3.	03/02/2018	Hurt Foundation	26, PG Diploma in Human Rights Student

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.

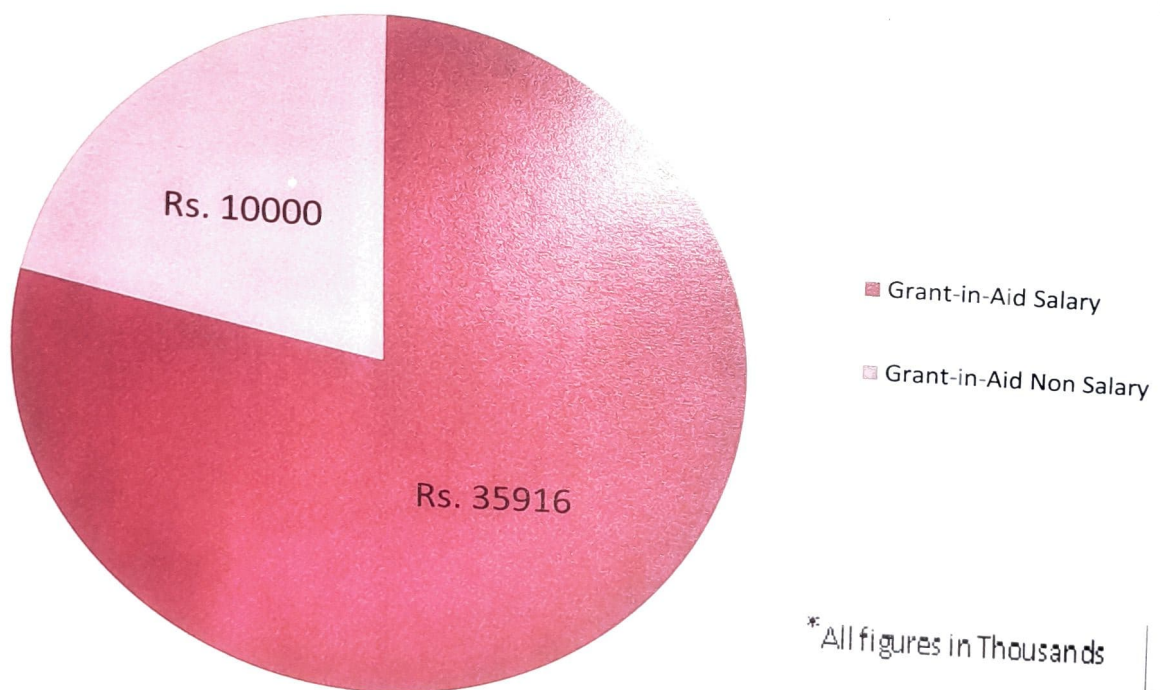
<u>Sr. No.</u>	<u>Period</u>	<u>Programme</u>	<u>No. of Participants</u>
1.	1/06/2017 to 30/06/2017	Summer Internship	30
2.	28/11/2017 to 22/12/2017	Winter Internship	15

CHAPTER IV – RESOURCES

Funds Received from the Government in 2017-18

	Rupees (in Thousands)
Grant-in-Aid Salary	35916
Grant-in-Aid Non Salary	10000
Total	45916

Total Amount - Rs. 45916



CHAPTER V – ILLUSTRATIVE CASES

1. **Case No.** – 1549/2016 c/w, 1551/2016

Name of the Complainant: - Deepika Sanjay Chavan and Vijay Kisanrao Wagh

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

Date of Order: - 5th April 2017

Quorum:-

Justice Shri S.R. Bannurmath, Hon'ble Chairperson

Nature of Complaint:-

The first complaint was by Smt. Deepika Sanjay Chauhan – MLA, Baglan, Nashik regarding the brutal assault by the police officials on one Shri Vijayraj Kisan Wagh, owner of UPKAR Hotel near Satana Bus Stop. In this regard the victim Shri. Vijay Wagh also approached the Commission and had lodged a complaint and as such connected case is registered. Since the subject matter in both the cases is one and the same, both the matters are clubbed together and taken up for consideration.

Action taken by the Commission:-

The complainant along with his complaint filed the medical report, photographs of the injuries received by him and also footage of CCTV near his hotel and alleged spot of incident. Considering the material produced by the complainant, the Commission called for the report from the Superintendent of Police, Nasik.

Decision of the Commission:-

The Commission finds there is a serious violation of human rights of Shri Vijayraj Wagh committed by Police Inspector Shri. Pail and some of the staffs like Head Constable Shri Anil Ahire, Police Constable Bhaskar B. Sawane, Police Constable Smt. Shital Gaikwad and many more as seen in the CCTV footage and reported by Superintendent of Police. As such the Commission deems it proper to make following recommendations:--

- a) The State / Home Department shall hold inquiry and take immediate severe departmental action against the officials involved in the assault.
- b) Initiate departmental action against Shri Ankush Shinde – Superintendent of Police, Nasik for furnishing incomplete/contradictory report to the Commission as well as apathy shown in not attending the Commission hearing on the dates notified.
- c) Taking into consideration the brutality of the assault the Commission deems it proper to award an interim compensation of **Rs. 1 Lacs** to the victim Shri Vijayraj Kisan Wagh which shall be paid by the State within four weeks from the date of receipt of the order.

2. **Case No.** - 4084/2016

Name of the Complainant: - Jinal Vencil Miranda

Name of the Respondent: -

- 1) The Inspector General of Police (Prisons), Pune
- 2) The Superintendent of Police (Prison), Nasik

Date of Order: - 7th April 2017

Quorum:-

1. Justice Shri S.R. Bannurmath, Hon'ble Chairperson
2. Justice Shri M.A. Sayeed, Hon'ble Member

Nature of Complaint:-

This complaint by Mrs. Jinal Vencil Miranda was in respect of the alleged brutal assault by the Jail Authorities on her husband Vencil Roy Miranda who is serving life imprisonment in Nashik Road Central Prison.

Action taken by the Commission:-

The report from the Superintendent of Jail was also called for by the Commission. On 01.01.2017 the Superintendent of Police, MSHRC visited the Prison and after holding inquiry, a detailed report along with documents is submitted to the Commission. On 07.02.2017 report from the Inspector General of Prison, Pune is also received.

After going through the records as the Commission found truth in the allegations of assault and thus, this is a clear case of violation of human rights by them.

Decision of the Commission:-

After careful consideration of the entire material on record, the Commission holds that there is a serious violation of human rights of the victim Shri. Vencil Roy Miranda and as such makes following recommendations:

- a) The State and Inspector General of Prisons are directed to sensitize all the prison officials regarding the protection of human rights of the prisoners in their custody by strict implementation of various guidelines issued by the Hon'ble Supreme Court and National and State Human Right Commissions.
- b) The State and Inspector General of Prisons are directed to take serious disciplinary action against the concerned Prison officials responsible for the assault on the victim Vencil Miranda.
- c) The State is directed to transfer the prisoner Vencil Miranda to any other prison forthwith.
- d) The State to award an compensation of **Rs. 25000/-** to the victim within four weeks from the date of receipt of order.

3. **Case No.** – 791/2016

Name of the Complainant: - Subhas Bandu Zagde

Name of the Respondent: -

- 1) The Director General of Police (Prisons), Mumbai
- 2) The Deputy Superintendent of Police, Anti-Corruption Bureau, Mumbai

Date of Order: - 27th April 2017

Quorum:-

Justice Shri S.R. Bannurmah, Hon'ble Chairperson

Nature of Complaint:-

This was the case of violation of human rights of one public servant by another public servant. It was alleged that that based on the false complaint against him, he was forcibly and illegally detained by Shri. Kalgutkar – Dy. SP Anti-Corruption Bureau who misused his power without following the proper procedure.

Action taken by the Commission:-

After going through the complaint the Commission deemed it proper to call for the report from the Director General, Anti-Corruption Bureau, Mumbai. A detailed report after inquiry was filed by the Anti-Corruption Bureau.

Decision of the Commission:-

After consideration of entire material the Commission is of the view that the said Shri Kalgutkar – Dy. Superintendent of Police of ACB a public servant has violated the human rights of the complainant Shri. Zagade. The Commission, therefore, made the following recommendations:--

- a) The State Government is directed to hold an enquiry and to take appropriate disciplinary action against Shri. Kalgutkar, Dy. SP of Anti-Corruption Bureau for the violation of human rights.
- b) Since the human rights of the complainant are violated by a public servant, the Commission deems it proper to award an interim compensation of **Rs. 1,00,000/-** to be paid by the State within four weeks from the date of receipt of order. It is made clear that after payment of compensation it is open for the State to recover the same from said Shri. Kalgutkar, Dy. SP of Anti-Corruption Bureau.
- c)

4. **Case No.** – 3299/2013-14

Name of the Complainant: - Madhukar Kavduji Itankar

Name of the Respondent: -

- 1) The Deputy Commissioner of Police (Prisons), Nagpur
- 2) The Senior Police Inspector, Nagpur

Date of Order: - 24th May 2017

Quorum:-

Justice Shri S.R. Bannurmath, Hon'ble Chairperson

Nature of Complaint:-

The present complaint was in respect of alleged illegal actions including illegal detention and assault of the complainant's minor son named Venkatesh, by the Police Officials of Ramtek Police Station, Nagpur.

Action taken by the Commission:-

A report from the Commissioner of Police, Nagpur was called for and a detailed report was filed by the Dy. Commissioner of Police, Zone – 3, Nagpur, denying the allegations.

Decision of the Commission:-

The Commission was of the view that the concerned Police Officials have not only violated the human rights of Venkatesh the minor son of the complainant but also tried to cover it up with unacceptable statements and records.

After giving due consideration to the entire facts scenario Commission was of the view that there was a serious violation of human rights of a minor Shri. Venkatesh, the State is directed to pay an interim compensation of **Rs.50,000/-** to the complainant / victim within four weeks from the date of receipt of the order and report compliance within four weeks thereafter.

5. **Case No.** – 2328/2012-13

Name of the Complainant: - Salamat Ali Jahid Shaikh

Name of the Respondent: - The Deputy Commissioner of Police, Mumbai

Date of Order: - 31st May 2017

Quorum:-

Justice Shri S.R. Bannurmath, Hon'ble Chairperson

Nature of Complaint:-

This complaint by Salamat Ali of Dharavi was against Police Officials of Dharavi Police Station alleging illegal arrest and detention in lockup.

Action taken by the Commission:-

In this regard report from Dy. Commissioner of Police, Zone V was called for and same was received by the Commission.

After going through the entire report and proceedings the Commission is of the view that either out of over enthusiasm or possible collusion, the concerned Police have misused the power under Section 151 Cr PC in the present case. Thus, the detention even for less than 24 hours becomes violation of human rights of the complainant.

Decision of the Commission:-

In view of the above finding the Commission directs the State to pay an interim compensation of Rs. 10,000/- to the complainant in four weeks from date of receipt of the order and report and compliance in two weeks thereafter.

e. Case No. -- 1638/2012-13

Name of the Complainant: - Shaikh Mobin Shaikh Samed

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

Date of Order: - 8th June 2017

Quorum:-

Justice Shri S.R. Bannurmath, Hon'ble Chairperson

Nature of Complaint:-

This complaint filed by Shri. Shaikh Mobin Samad of Nandura, Dist. Buldhana was in respect of the alleged ill treatment and assault by the Police Constable Shri. Munjal, Nandura Police Station. It is further alleged that the Police Constable also registered a false criminal case against the complainant.

Action taken by the Commission:-

In this regard report from the Superintendent of Police, Buldhana was called for and a detailed report has been filed denying all the allegations. It is stated that it was the complainant himself who was obstructing the Police in doing their duty and as such as he became violent and abusive on the complaint of the said Constable a criminal case is lodged in Crime No. 50/2012 for the offence u/s 343, 351, 332, 294 r/w. 34 IPC and Sec. 158 of Mumbai Police Act.

Decision of the Commission:-

After going through the entire records, the Commission made the following recommendations:--

- a. The Director General of Police is directed to inquire into the negligence/apathy on the part of the concerned Police Officials in not taking action against the Police Constable Shri Munjal as per the order dated 19.06.2012 passed by JMFC, Nandura and take appropriate steps.

- b. Since the Commission finds that there is a violation of human rights of the complainant the Commission deems to award a compensation of **Rs. 10,000/-** to be paid by the State within four weeks from the receipt of the order and report compliance of the recommendations with four weeks thereafter.

7. **Case No. – 2435/2013-14**

Name of the Complainant: - Shri. Pukhraj Suvalal Singhvi

Name of the Respondent: - The Deputy Commissioner of Police, Kalyan (W)

Date of Order: - 12th July 2017

Quorum:-

Justice Shri S.R. Bannurmath, Hon'ble Chairperson

Nature of Complaint:-

This complaint was in relation to the alleged irregularities and illegal conduct of the police while investigating the property offences involving the recoveries of the alleged stolen jewellery and ornaments from the complainant's shop.

Action taken by the Commission:-

The Commission called for the record from the concerned public official. The Commission has received many complaints in this regard alleging irregularities and non-compliance or non-adhering by the police officials to circulars issued by the Bombay High Court.

• **Decision of the Commission:-**

Taking into consideration all the aspects the Commission deems it proper to make following recommendations:

The State and the DGP are directed to see the strict compliance of the circular 41/2009 dated 24.07.2009 in the cases of investigation and process of recovery of the stolen jewellery and other articles from the jeweller and dealers so that the unnecessary harassment to them and also possible corruption is avoided.

Since the Commission has found that though the complainant was arrested between 1550 – 1700 hrs., as the arrest register shows his actual arrest at 2300 hrs., there is no explanation forthcoming as to where the complainant was there for at least 4 hours prior to the entry. Hence the Commission deems it proper to direct the State to pay an interim compensation of **Rs.50,000/-** within four weeks from the date of receipt of the order and also report compliance thereof within six weeks thereafter.

8. **Case No.** – 177/2012-13 (Division Bench)

Name of the Complainant: - Suo Motu Case

Name of the Deceased –Julfar or RafiqKamu Shaikh

Name of the Intimating Authority: -

- 1) The Dy. Commissioner of Police, Crime Branch, Mumbai
- 2) The Joint Director, CBI, Bandra

Date of Order: - 12th June 2017

Quorum:

1. Justice Shri S.R. Bannurmath, Hon'ble Chairperson
2. Justice Shri M.A. Sayeed, Hon'ble Member

Nature of Complaint:-

On receipt of the report of death of Zulfar @ RafiqKamu Shaikh aged 35 years while in the custody of Dharavi Police Station, the present case is registered.

Action taken by the Commission:-

The reports from the CBI are called for by the Commission and the same is submitted by the concerned police authority.

Decision of the Commission:-

Based on the facts and circumstances of the case, the Commission made the following recommendations:

- a. The Director General of Police is directed to sensitize all the Police Officers in the State regarding protection of Human Rights of the persons arrested and kept in the police lock up.
- b. The State is directed to follow the directions of the Hon'ble Supreme Court in the Sube Singh's Case to the letter and spirit in the sense immediate steps of entrusting of the investigation to the CBI is mandatory.
- c. Since the CBI has investigated and matter is pending before the Court the Commission does not intend to direct the DGP to initiate any disciplinary action against the defaulting officers, however, the Commission deems it proper to direct the State to pay an interim compensation of Rs. 1 Lacs to be paid to the legal heirs of the deceased within six weeks from the date of receipt of this order and submit compliance report thereafter after four weeks.

9. Case No. 4124/2007-08

Name of the Complainant:- Ganpat Koli

Name of the Respondent:- Supt. of Police, Jalgaon(Rural)

Date of Order:- 9th June, 2017

Quorum:- Justice Mr. M.A.Sayeed, Hon'ble Member

Nature of Complaint:-

Complainant is father of deceased Gajanan Koli. On 22/09/2007 son of complainant was called out of house by his two cousins Damodar and Subhash. In the late evening complainant came to know that his son died by drowning in nala. The deceased was best swimmer. His death was suspicious. The complainant registered complaint of Murder by suspecting on his two nephews. Police did not carried out proper investigation and registered accidental death.

Action taken by the Commission:-

The reports and case papers were called from the police Inspector Mukti Nagar Division. Reports was also called from Dy. SP Mukti Nagar Division. The commission considered the FIR registered by the complainant U/S 154 Cr.Pc alleging homicidal death of his son and raised question as to why investigation was not carried out in that direction. The Commission was not satisfied by the answer given by the I.O. and respondent. The Commission answered relied in the post mortem report which created doubt about police inquiry.

Decision of the Commission:-

The Commission issued direction to the Addl. Chief Secretary, Home Department, Mantralaya, Mumbai to pay compensation Rs. 15,00,000/- to the complainant. The Commission issue direction to Spl. IGP, Nashik division to examine entire records, registered FIR against alleged culprits and investigate the matter according to the Rules and Procedure of Cr.Pc.

10. Case No. 5713/2007-08

Name of the Complainant:- Uttam M Khare

Name of the Respondent:- Dy. Commissioner of Police, Zone VI, Mumbai:-71 and others

Date of Order:- 28th October, 2017

Quorum:- Justice Mr. M.A.Sayeed, Hon'ble Member

Nature of Complaint:-

Complainant is father of deceased lady who was admitted on 29/10/2007 at Bhabha Hospital Kurla, Mumbai for first delivery. The concerned doctors of said hospital did not provide her proper treatment and care. When she was on the verge of death she was referred to Rajawadi Hospital, where she and the child was declared death before arrival. The doctors of Rajawadi Hospital inform the complainant that the cause of death his daughter and her child was the callous and carelessness on the part of K.B. Bhabha Hospital Doctors.

Action taken by the Commission:-

The reports and case papers were called from the DCP Zone V and VI. Opinion of the experts from Grant Medical College and Sir JJ Hospital was sought. The Commission issued notice to Supt. Health Dept., Dean and Head of Dept, Gynaecology Dept, and K.B. Bhabha Hospital and called complete record.

Decision of the Commission:-

The Commission issued direction to the Commissioner, BMC and Supt. Bhabha Hospital to pay Jointly and severally Rs. 10,00,000/- to complainant. The commission also issue direction to Commissioner, BMC and Supt. Bhabha Hospital to conduct sensitization and awareness programme amongst the senior and intern Doctors attached with their hospitals.

11. Case No. 231/17/2005

Name of the Complainant:- Ganesh C Agashe

Name of the Respondent:- Supt. of Police, Nagpur

Date of Order:- 19th January, 2017

Quorum:- Mr. Bhagwantrao D. More, Hon'ble Member

Nature of Complaint:-

Complainant from SC community married with Harsha Raut from Kunbi community on 1.3.2005. Mother of Harsha took her back under pretext to perform rituals and detained her in the house. Complainant tried to bring her back. On failure he try to lodge complaint against his at Kamptee police station. Instead of taking cognisance of his complaint police registered case against him and his father u/s 34,376,363 of I.P.C. Complainant and his father were arrested, tried by the Sessions Court and were acquitted.

Action taken by the Commission:-

Both the parties were called and heard at length. Simultaneously report was called from Investigation wing of the Commission. It revealed that Kamptee Police and Pachpayali police ignored the complaints filed by the complainant. He was deliberately arrested and made to face the prosecution.

Decision of the Commission:-

The Commission issued direction to State Government to pay interim compensation of Rs. 2,00,000/- to the complainant. It also issue directions to the Commissioner of Police Nagpur and Supt. of police Nagpur (Rural) to conduct enquiry and take necessary action against the defaulting Police personnel.

CHAPTER VI – COMPLIANCE AND DENIAL OF RECOMMENDATIONS BY THE GOVERNMENT

Order Date	Recommendations	Compliance Report/letters received
18.03.2014	Sensitize the police officers regarding illegal arrest/ detention and prohibition of third degree methods used by some of the police which are basically violation of human rights. State to pay Rs.50,000/- as compensation to the son of the complainant.	- Received copy of GR dated: 25.04.2017 issued by Home Dept., regarding sanctioned of compensatory amount of Rs.50,000/- to the complainant. - Received letter dated: 15.11.2017 along with payment receipt.
23.03.2017	State to pay compensation of Rs.15,00,000/- to the legal representatives of the deceased	Received copy of GR dated: 14.11.2017 from Home Dept., regarding sanction of compensatory amount of Rs.15,00,000/- to the legal heirs of the deceased.
23.05.2016	Since the inaction, apathy/deliberate attempt on the part of the said Head Constable in the delay of registration of a case, withholding material evidence, would affect the merits of the case of the complainant, the Commission deems it fit to award an interim compensation of Rs.10,000/- to be paid by the State. Apart from the same the Commission directs the concerned higher officers to initiate appropriate proceedings against them.	Received GR dated: 29.11.2017 from Home Dept., regarding sanction of compensatory amount of Rs.10,000/- to the complainant.
30.01.2017	State to pay compensation of Rs.50,000/- to the complainant	Received GR dated: 28.11.2017 from Home Dept., regarding sanction of compensatory amount of Rs.50,000/-
12.01.2016	State is directed to instruct all the ground level Police Officials to behave with the public courteously and in a humane way and not assault or abuse them. In the light of severe injuries received by the victim the probable medical expenses, discomfort and partial disability the Commission deems it proper to award an interim compensation of Rs.1,00,000/- to the victim.	- Received GR dated: 19.11.2016 from Home Dept., regarding release of compensatory amount of Rs.1,00,000/- to the complainant. - Received copy of letter dated: 15.12.2017 from ACP, Thane City along with the payment receipt of the compensatory amount

22.08.2016 State to pay interim compensation of Rs.25,000/- to the victim	- Received GR dated: 27.03.2017 from Home Dept. regarding sanctioned compensatory amount of Rs.25,000/- to the complainant as also Circular regarding Maintenance of lock up Register. - Received letter dated: 14.09.2017 along with payment receipt of compensatory amount from Home Dept.
14.06.2016 Dept. Action to be taken against PSI Shri Sagar Ingole. State to pay Rs.25,000/- to the victim	- Received GR dated: 17.06.2017 from Home Dept., releasing the compensatory amount of Rs.25,000/- to the complainant - Received letter dated: 06.10.2017 from SP, Hingoli along with the payment receipt of Rs.25,000/- and also letter dated: 07.10.2017 from Home Dept.
09.06.2017 DRDA, Jalna to pay compensation of Rs.50,000/- to the complainant	Received letter dated: 14.07.2017 along with payment receipt from DRDA, Jalna regarding payment of compensatory amount of Rs.50,000/- to the complainant
04.10.2016 State to pay interim compensation of Rs.25,000/- to the victim	Received GR dated: 26.05.2017 regarding sanction of compensatory amount as well as letter dated: 14.09.2017 from Home Dept. along with payment receipt regarding payment of compensatory amount of Rs.25,000/- to the complainant
19.06.2017 State to pay Rs.20,000/- each (total Rs.60,000/-) to the complainant and two others	Received letter dated: 07.10.2017 along with action taken report on the defaulting police officials and payment receipt regarding payment of compensatory amount of Rs.60,000/- to the complainant and two others from the Home Dept.
18.10.2016 Principal Secretary, Health Dept. to pay interim compensation of Rs.5,00,000/- to Mr. Harsh Patil within three months from the receipt of order. Disciplinary action to be initiated against the officers responsible for delayed submission of the proposal for initiating DA against the erring medical officers.	Received letter dated: 17.03.2017 from District Civil Surgeon, Thane along with copy of receipt regarding payment of Rs.5,00,000/- to the complainant as well as letter dated: 31.03.2017 from Addl. Director, Health Services, regarding issuance of necessary guidelines as per the order
03.10.2016 ACS, Home to initiate disciplinary action against PI Shri Sayyad and Anil Deshmukh. State to pay compensation of Rs.1,00,000/- to the complainant within six weeks from the receipt of this order.	Received copy of letter along with receipt dated: 05.12.2016 regarding payment of Rs.1,00,000/- to the complainant

25.01.2017	State to pay compensation of Rs.25,000/- to the complainant	Received GR dated: 12.06.2017 from Home Dept., regarding sanctioned of compensatory amount of Rs.25,000/- to the complainant
29.08.2016	1) DGP to initiate disciplinary action against the erring police officer PI Shri Giri, PSI Shri Ballad (2) State to pay Rs.1,00,000/- each to Shri Rayne and Shri Borokar within six weeks from the date of receipt of this order.	Received GR dated: 26.07.2017 from Home Dept., regarding sanctioned of Rs.25,000/each instead of Rs.1,00,000/- each to the complainant.

Denial:

Order Date	Recommendations	Denial Report
29.01.2015	Disciplinary action should be taken against the concerned employees of the Collector Office, Chandrapur who are responsible for delay in issuing the Project Affected Certificate. Compensation of Rs.50,000/- to be given to the complainant by the government.	Received letter dated: 15.11.2017 from Div. Commissioner, Nagpur stating that the as per the guidelines issued by the govt. regarding project affected persons, the concerned staff has taken appropriate steps and therefore Project Affected Certificate is not issued to the complainant.

