

2016-2017



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION



16TH ANNUAL REPORT
FROM 1ST APRIL 2016 TO 31ST MARCH 2017



2016-17

Preface

"The greatness of humanity is not being human, but in being human."

- Mahatma Gandhi

The Commission is pleased to present its 16th Annual Report for the period 01.04.2016 to 31.03.2017.

Human rights are commonly understood as inalienable fundamental rights and inherent in all the human beings. Regardless of their nations, locations, language, religion, ethnic origin, sex, caste, creed etc. they are applicable everywhere and in the universal. As per the United Nations Conferences and Conventions held 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, economical and cultural system prevalent in the State. Accordingly, the Protection of Human Rights Act, 1993 was born 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 cases seven days a week. In addition, the Commission is also making surprise checks, holding camp sittings at various districts. The efforts of Commission are reflected in detail in the present report.



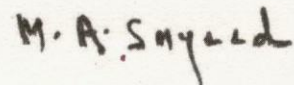
(Justice S R Bannurmath)

Chairperson



(Bhagwantrao D More)

Member



(M A Sayeed)

Member

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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, the international community's first attempt to formalise the laws of war and war crimes in the context of secular international law. The conventions were revised as a result of World War II and adopted by the international community in 1949.

In the aftermath of the atrocities of World War II, there was increased concern for the 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 a basis for a comprehensive system of international protection for the protection of human rights.

The fundamental 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 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, cultural systems.

Article 1 of the UDHR clearly states, "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's framers had also incorporated UDHR provisions in the Constitution of India, mandating rights. The Indian Parliament passed The Protection of Human Rights Act, 1993 to provide safeguard against violation of human rights. This Act has provision to establish the National Human Rights Commission as well Human Rights Court on the District level. The Maharashtra Human Rights Commission was established on the 5th March, 2001 as per the provisions of the National Human Rights Commission 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.

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 Municipal and 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 conceptions of human rights. The modern sense of human rights can be traced to Renaissance Europe and the Protestant Reformation, alongside the disappearance of the feudal authoritarianism and religious conservatism that dominated the middle Ages.

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In the aftermath of the atrocities of World War II, there was increased concern for the 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 a 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 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 Constitutional 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. This Act has 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.

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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.

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 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.

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 measure.
- 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

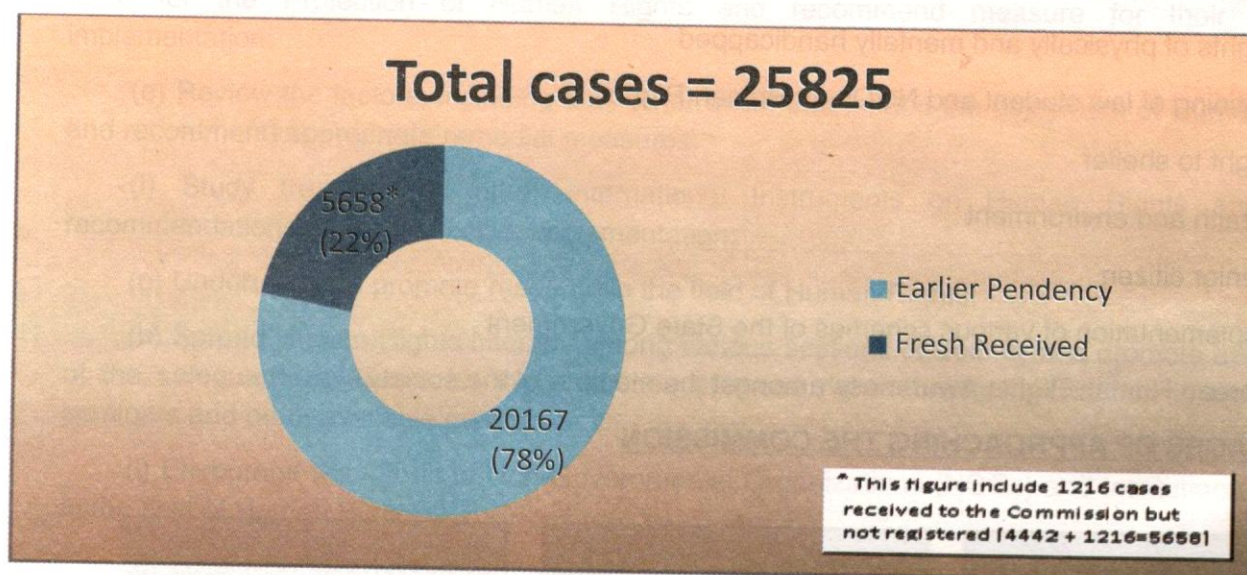
No assistance of
professional
lawyer required

CHAPTER II – COMPLAINTS HANDLED BY THE COMMISSION

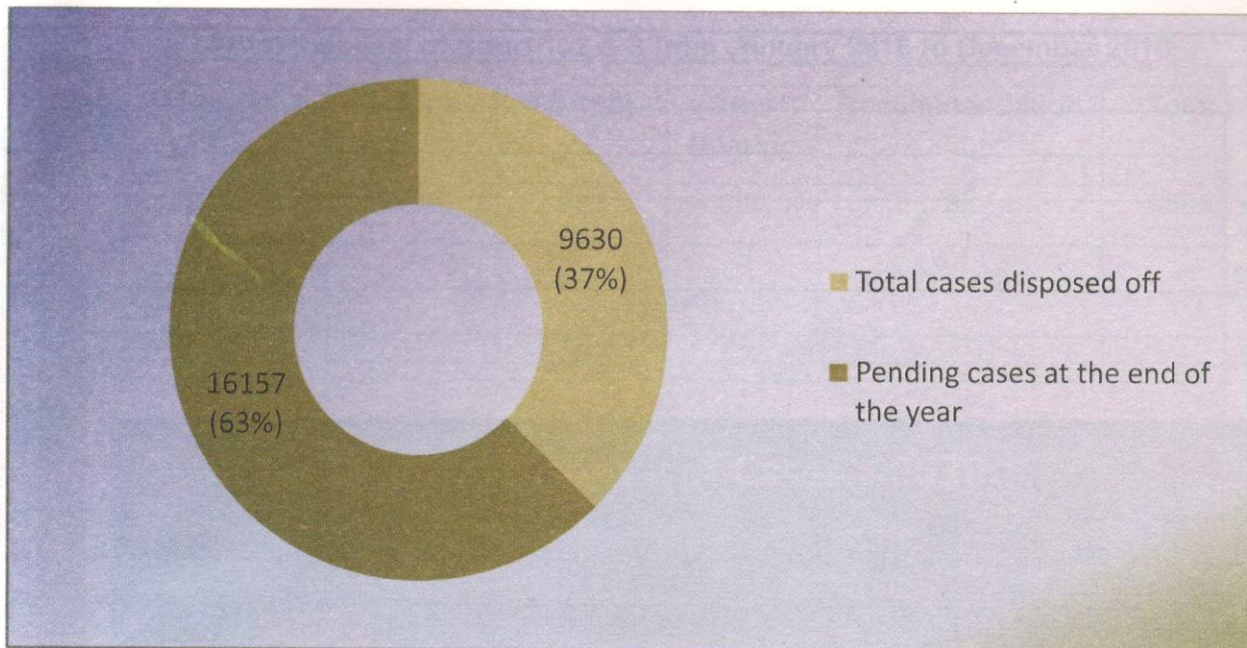
From 1st January, 2016 to 31st December, 2016, the Commission received a total number of 5658 complaints. A large number of cases received were not entertained by the Commission as they were not maintainable and/or outside the purview of the Commission, as per Regulation 12 of the Maharashtra State Human 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 1-1-2016 to 31-12-2016

Earlier Pendency	Fresh Received	Total Cases during this period	Total disposed of during this year	Total Relief given	Pending of cases at the end of this period
20167	5658	25825	9630	38	16157

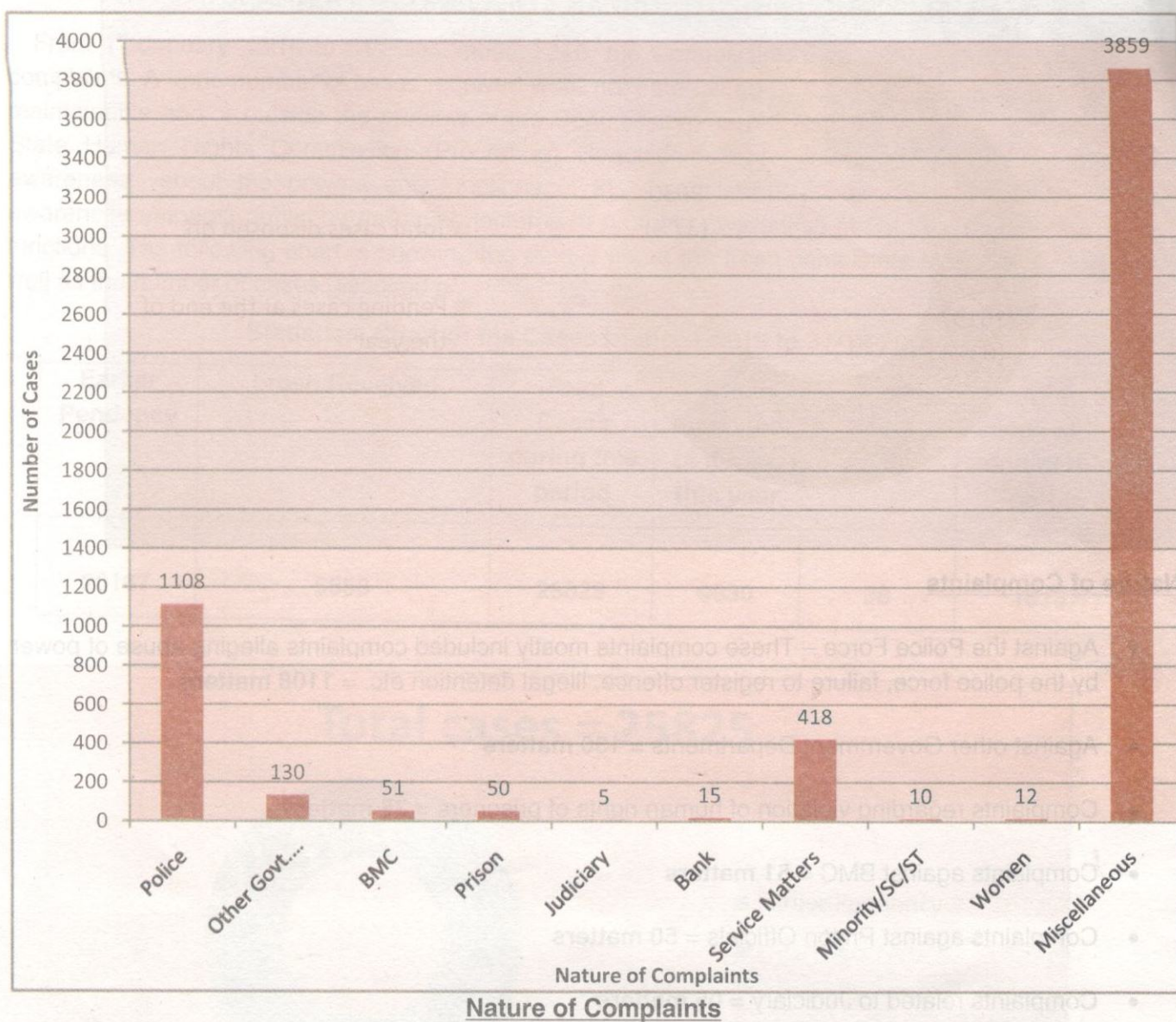


Total Relief Given = 38



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. = **1108 matters**
- Against other Government Departments = **130 matters**
- Complaints regarding violation of human rights of prisoners = **35 matters**
- Complaints against BMC = **51 matters**
- Complaints against Prison Officials = **50 matters**
- Complaints related to Judiciary = **05 matters**
- Complaints against Banks = 15 matters
- Complaints regarding Service Matters = **418 matters**
- Complaints regarding atrocities to SC/ST or other minorities = **10 matters**
- Complaints regarding violence and injustice to women = **12 matters**
- Other Miscellaneous Complaints = **3859 matters**



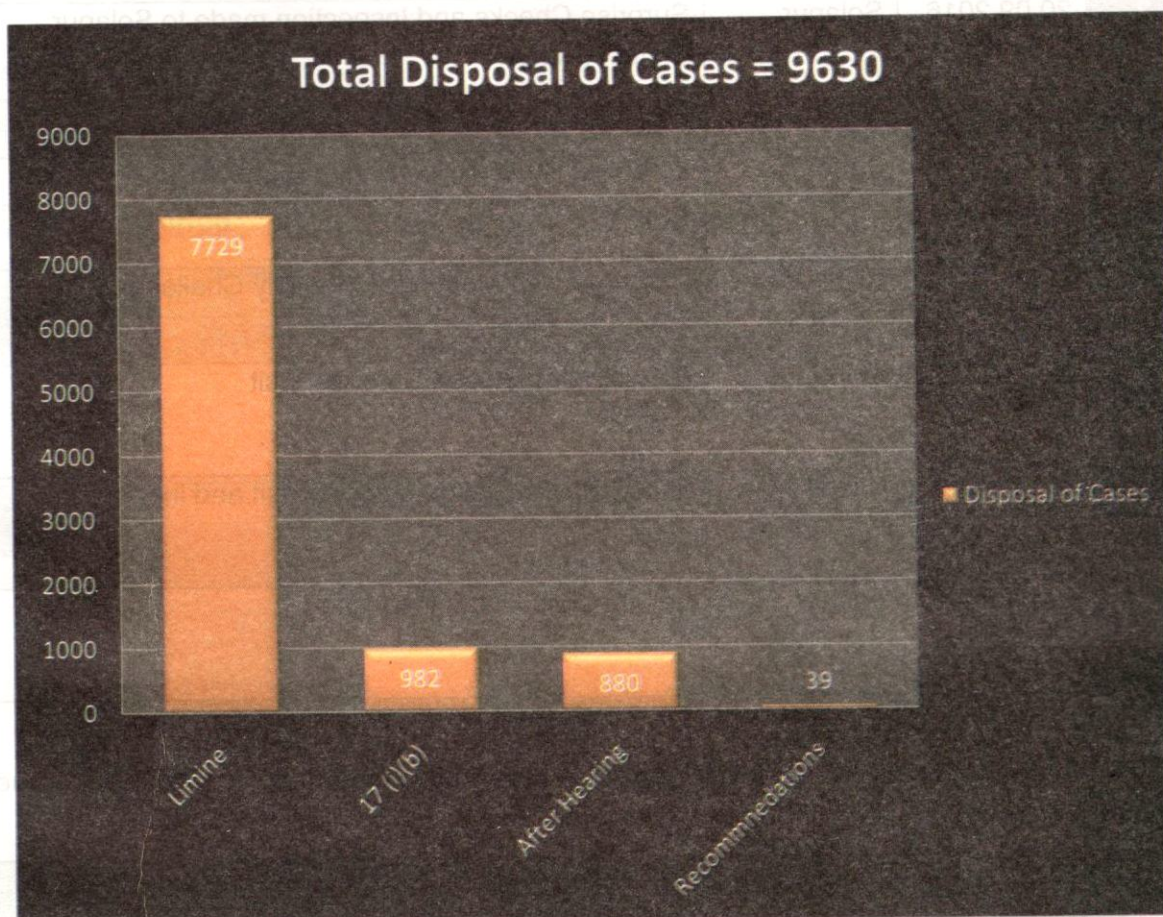
* Other Government Depts. include complaints against Agriculture, Forest, Health, Tribal, Environment, Food, and Revenue Department etc.

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

Total Complaints = 5658

Total Disposal of Court 1, 2 & 3 from January 2016 to December 2016

Period	Limine	17 (i)(b)	After Hearing	Recommendations	Total
January 2016 to December 2016	7729	982	880	39	9630



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

Details regarding Official Visits to Jails and Police Stations from 1st April 2016 to 31st March 2017 :-

Sr. No.	Date of Visit	Place of Visit	Purpose of Visit
1.	20.09.2016	Solapur	Surprise Checks and Inspection made to Jail Road Police Station
2.	20.09.2016	Solapur	Surprise Checks and Inspection made to Solapur District Prison
3	29.01.2017	Nashik	Balgriha, Trambakeshwar inspection
4	05.02.2017	Pune	Lonavala Rural Police Station Surprise visit
5	01.03.2017	Kolhapur	ChetanaVikas Mandir for Mentally Challenged Children inspection
6	02.03.2017	Kolhapur	Shirul Police Station Surprise Visit
7	08.03.2017	Nashik	Sinnar Police Station surprise visit and inspection
8	19.03.2017	Nashik	Nashik Child Home inspection

The Seminar, Conferences and other important events attended by the Hon'ble members of Commission between 1st April 2016 to 31st March 2017 :-

Sr. No.	Date of Visit	Place of Visit	Purpose of Visit
1.	24.08.2016	Mumbai	YMCA Centre
2.	22.09.2016	Solapur	National Workshop on 'Human Rights and Humanizing Societies' at Solapur University
3.	23.09.2016	Solapur	Workshop on 'Sensitization and Human Rights Awareness Programme' at Circuit House, Solapur
4.	20.10.2016	Mumbai	Seminar on "Role of MSHRC in Protection of Human Rights" at Pravin Gandhi Law College, Mumbai
5.	18.12.2016	Chandigarh	Celebrations of International Human Rights Day, organised by Haryana Human Rights Commission
6.	27.02.2017	Mumbai	Dr(Mrs) Yogindra Kushiani Memorial Lecture, Mumbai University

Internship & Training :**Visits by Institutions :**

Sr. No.	Date of Visit	Name of Institution	Participants
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.

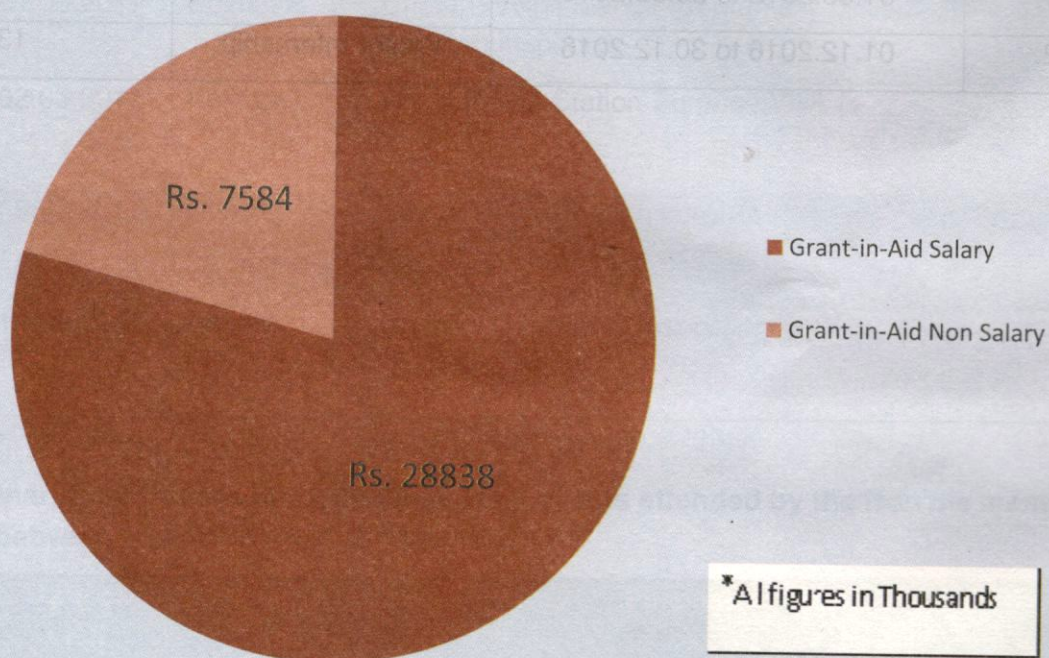
Sr. No.	Period	Programme	No. of Participants
1.	01.06.2016 to 30.06.2016	Summer Internship	14
2.	01.12.2016 to 30.12.2016	Winter Internship	13

CHAPTER IV – RESOURCES

Funds Received from the Government for the financial year 2016-2017

	Rupees (in Thousands)
Grant-in-Aid Salary	28838
Grant-in-Aid Non Salary	7584
Total	36422

Total Amount - Rs. 36422



CHAPTER V – ILLUSTRATIVE CASES**1. Case No. – 4010/2013-14****Name of the Complainant :-** Mr. ImtiyazYunusBagwan**Name of the Respondent :-** The Superintendent of Police, Satara**Date of Order :-** 15th June 2016**Quorum :-**

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

Nature of Complaint :-

This complaint by Shri. Imtiyaz was against Phaltan Police Station officials that included Police Inspector Shri. Rajendra More, Asst. Police Inspector Shri. Wagh, Shri. Hange and Shri. Deshmukh, about misusing of Police powers, partisan attitude and assaulting the complainant while in police custody.

Action taken by the Commission :-

Report from the Superintendent of Police, Satara was called for and the same have been filed denying the allegations. On the other hand it was stated that after due inquiry the allegations made by the complainant are all false and the same was made only because there were many cases against the complainant.

The complainant produced several photographs showing the nature of injuries he had received at the Police beating which has remained uncontroverted.

The records produced by the Police before the Commission clearly shows a partisan attitude. From bare perusal of the two FIRs registered on 02.06.2013 one on the complaint of the present complainant and the other by his assailants, it appears an attempt was made to make the opponents complaint as the first in time received and later by the complainant, since the FIR Nos. 81/2013 appears to be over written.

Decision of the Commission :-

Considering all these aspects in detail the Commission was of the view that there appears to be truth in the allegations of the complainant regarding assault on him by the concerned Police Officials while he was in their custody during 16th and 17th July 2013. The Commission therefore made following recommendations:

- a) Appropriate action must be initiated against the erring police officers who have assaulted the complainant but also appears to have tampered with the records.
- b) In the facts and circumstances of the case the Commission directs the State to pay a compensation of **Rs.1,00,000/- (Rs. One Lac)** to the victim Shri. ImtiyazYunusBagwan within six weeks of receipt of the order and send an action taken report to the Commission within four weeks thereafter.

2. Case No. – 36/2010-11 (Division Bench)**Name of the Initiating Authority :-** The Superintendent of Police, Thane Central Prison**Name of the Deceased :-** Sujit @ NavabMadansinghRathod**Date of Order :-** 24th October 2016

Quorum :-

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

Nature of Complaint :-

This case was registered on receipt of the information of death of an under trial prisoner Sujit, aged 30 years while in the custody of Thane Central Prison.

Action taken by the Commission :-

The records were presented by Shri. Dinesh Paithankar- Executive Magistrate and Shri. Ravindra Tonage – Jailor.

On perusal of the records the Commission finds there was total disregard to the guidelines issued by the National Human Rights Commission, by the Jail Authorities as well as the Jail Medical Officer. It was mandatory as to maintaining health screening report as soon as a prisoner is admitted to the prison.

In the present case on perusal of the health Screening Form, it also showed total negligent or indifferent / casual attitude on the part of the Prison Medical Officer.

Decision of the Commission :-

The Commission made following recommendations:

- a) The Inspector General of Prison, Pune is directed to issue proper directions to all the Prisons regarding proper health screening of the Prisoners at the time of admission to the Prison and directions to all the Medical Officers of the Prisons to examine the prisoner properly and make accurate entries in the screening report and especially if he is known case of any pre-existing health problems.
 - b) The Inspector General of Prison, Pune is directed to issue proper directions to all the Prison Authorities to contact and intimate the known close relative of the prisoner, as soon as he is found to be sick and there is need of his hospitalization.
 - c) The Inspector General of Prison is directed to send copies of all the guidelines issued by NHRC especially regarding custodial death case and see that they are followed in letter and spirit.
3. **Case No. – 204/2010-11 (Division Bench)**

Name of the Deceased – Mr. Basappa Balappa Patil

Name of the Respondent : - The Superintendent of Police, (Prison), Kolhapur

Date of Order : - 22nd April 2016

Quorum :-

1. Justice Shri S.R. Bannurmamth, Hon'ble Chairperson
2. Mr. Bhagwant D. More, Hon'ble Member

Nature of Complaint :-

This was the case of death of an under trial prisoner Basappa Balappa Patil age 45 years, in the judicial custody at Kolhapur District Prison.

Action taken by the Commission :-

Reports from the Prison Authorities were called for and same had been submitted along with some records. On perusal of the records and especially the medical reports no doubt it was clear that the deceased was suffering from ailments and the cause of death as per the post mortem report indicates due to "**pulmonary oedema caused by mitral valve calcification with left ventricle hypertrophy**" and as such same was to be treated as natural (pre-existing health issues).

However, during the consideration of the records the Commission had noticed certain lapses / shortcomings on the part of Jail Superintendent and Medical Officer whose casual approach may be the reason of aggravation of the ailment resulting in death of the victim.

Decision of the Commission :-

Considering all the aspects the Commission deemed it proper to make following recommendations:

- a) The State should immediately make arrangement for appointment of a regular Doctor and necessary staff to the District Prison, Kolhapur.
- b) The State shall issue direction to the Prison Authorities to take report of ailments of the Prisoners very seriously and immediate steps will be taken by shifting the ailing prisoner to the Hospital without any delay.
- c) Since the Commission has found negligence on the part of the Medical Officer of the Civil Hospital and the then Jail Superintendent resulting in deterioration of the health and resulting in the death of the under trial prisoner BasappaPatil, the Commission deems it proper to award an interim compensation of **Rs. 1,00,000/- (Rs. One Lac)** to be paid by the State to the legal heir of the deceased within four months from the date of receipt of the order and report compliance thereafter within four weeks.

6. Case No. – 2226/2010-11

Name of the Complainant :- Mr. Sunil Dnyandevrao Rayne

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

Date of Order :- 29th August 2016

Quorum :-

Justice Shri M.A. Sayeed, Hon'ble Member

Nature of Complaint :-

It was alleged in the complaint that PI Shri Giri along with his team landed at complainant's Inn and demanded food to be served to all of them. When complainant expressed his inability to serve food as it was closing time and the kitchen was already closed, the Police Inspector demanded an amount of Rs.20,000/- to allow him to run the hotel for next one year. PI lost his temper and spoke in an arrogant manner and his colleague PSI Shri. Ghanshyam Ballad physically assaulted complainant and when his waiter Shri. ShriramBorokar attempted to intervene he too was assaulted and insulted by him and the other accompanying police constables.

Action taken by the Commission :-

The Commission went through the record and the relevant documents carefully. Further it also heard both the parties at length to support their rival contentions. It is further submitted by the

complainant that the unfortunate events which occurred at the premises where got recorded in CCTV camera and are the best evidence of the illegal action of the concerned police officials.

The alleged erring police officers justified their action and infact put the complainant in the dock by accusing him of using criminal force on them and of causing obstruction in discharge of their official duties. On these grounds dismissal of the complaint is urged by them.

Decision of the Commission :-

The Commission made the following recommendations after going through the reports and the CCTV footage:

- a) Addl. Chief Secretary in the Home Department, Mantralay Mumbai to pay an amount of **Rs.1,00,000/- (Rs. One Lac)** each to the complainant Shri. Sunil Dnyandev Rayne and Shri. Shriram Manohar Borokar as an interim compensation for violation of their human rights within six weeks from the date of receipt of this order. In default to pay an interest of 12.50% p.a. on the awarded amount till its actual realization.
- b) Director General of Police is directed to initiate necessary legal disciplinary action against the erring police officer PI Shri Giri and PSI Shri. Ghanshyam Ballad, responsible for exceeding their jurisdiction and powers and for violating basic human rights of the victims.

7. Case No. – 3913/2009-10

Name of the Complainant :- Mr. Charan Govindaji Waghmare

Name of the Respondent :- The Superintendent of Police, Bhandara (Rural)

Date of Order :- 3rd October 2016

Quorum :-

Justice Shri. M.A. Sayeed, Hon'ble Member

Nature of Complaint :-

The complaint was based on the illegal detention of complainant who was also humiliated and physically abused by the Police Inspector Anil Deshmukh of Mohadi PS.

Action taken by the Commission :-

The reports were called for from the concerned police authority. It was submitted in the response that because of the unruly behaviour of the complainant with the Police Officers, in particular PI Sayyad it was left with no option but to put him in the lock up in order to ensure that he does not flee from the Police Station as well as prevention of commission of serious offence.

The Commission after going through various reports felt why a cognizable case of obstructing a public servant in discharge of his official duty, u/s 353 or 332 IPC was not registered against complainant and why due and proper procedure of arrest and detention was not followed as mandate under Article 22 of the Constitution and reaffirmed in Sec. 50 onwards of Cr PC. No authentic, reliable material has been placed on record by the Police as to the nature of alleged disobedience by the complainant and under which provisions the same was being committed.

Decision of the Commission :-

The Commission came to the conclusion that the complainant's detention in the lock up was illegal, in contravention of the provisions of our Constitution and Cr PC. This action of the Police is uncalled for and obviously makes out a case of illegal detention and consequently violation of human right of the complainant.

Therefore, the Commission recommended the Home Department to initiate a disciplinary enquiry against PI Shri. Sayyad & Anil Deshmukh, and to pay compensation of **Rs. 1,00,000/- (Rs. One Lac)** to the complainant.

8. Case No. – 4280/2008-09

Name of the Complainant :- Mr. Vitthal Salve

Name of the Respondent :- Senior Police Inspector, Parbhani & Divisional Commissioner, Aurangabad

Date of Order :- 11th November 2016

Quorum :-

Justice Shri M.A. Sayeed, Hon'ble Member

Nature of Complaint :-

It was alleged that a report was registered against the offender for physical abuse on four minor boys under u/s. 377, 323, 506 IPC and sec. 3(2)(5) of Schedule Caste and Schedule Tribes (Prevention of Atrocities Act, 1989). It was submitted that the Supervisor of the Children Home, Superintendent Social Welfare Dept. who was supposed to monitor and supervise the functioning of the Children's Home were conveniently let off without any disciplinary action taken against them. On these grounds a case of violation of human rights was made out seeking indulgence of this Commission under section 12 of the Act.

Action taken by the Commission :-

The Commission called for the report from the concerned authorities. A report was filed on 29.08.2016 by the District Social Welfare Officer, Zilla Parishad, Parbhani, perusal of which indicated that necessary disciplinary action against the erring officer of the Children Home as well as the concerned officer had been taken whereby the Supervisor and the guard of the Children's Home were dismissed from the service.

It was crystal clear that due to lack of proper supervision and control the children admitted in the said home were being neglected and the apathy on the part of the concerned officials and officers resulted into the unfortunate incident of the five children being subjected to physical and mental abuse by a perverse, inhuman person which virtually brought a permanent trauma and wound to these children.

Decision of the Commission :-

In view of the violation of human rights of the children, the Commission passed the order that Social Welfare Department, Govt. of Maharashtra and the Management of the Dr. Babasaheb Ambedkar Students Hostel, Pathri are to pay jointly the interim compensation amount of **Rs. 2,00,000/- (Rs. Two Lacs)** each to the lawful guardian of the victims within six weeks from the receipt of this order failing which, they are liable to pay compound interest @12.50% till realization of the entire amount.

9. Case No. – 4649/2009-10

Name of the Complainant :- Mr. A.K. Inamdar

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

Date of Order :- 9th September 2016

Quorum :-

Justice Shri M.A. Sayeed, Hon'ble Member

Nature of Complaint :-

The Complaint was against the arbitrary and illegal arrest of the complainant by the Asst. Commissioner of Police Shri Marathe. It was further alleged that the complainant was harassed and tortured in the custody and none of his family members were informed about his arrest.

Action taken by the Commission :-

The Commission went through the record carefully, and scrutinized the various documents, placed on record by complainant Shri A. Inamdar in support of his contention as well as considered the response filed by Dy. Commissioner of Police Shri VishwasNagre-Patil on 17.03.2010.

Decision of the Commission :-

The Commission requested the Additional Chief secretary, Home Dept. to initiate a disciplinary enquiry against Assistant Commissioner of Police Shri Marathe for conducting a biased, vindictive, arbitrary investigation and also recommends paying compensation of **Rs. 3,00,000/- (Rs. Three Lacs)** within 6 weeks from date of the receipt of this order. In default to pay an interest of 12.50% p.a. on the awarded amount till its actual realization.

10. Case No. – 5205/2009-10

Name of the Complainant :- Mr. Rameshwar Shriram Jamnikar

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

Date of Order :- 8th August 2016

Quorum:-

Justice Shri M.A. Sayeed, Hon'ble Member

Nature of Complaint :-

The Complaint was based on the alleged humiliation, torture, harassment of the complainant by the local MLA and his goons belonging to one of the active political party and non-action by the Police Inspector who was in-charge of Murtizapur PS at that time.

Action taken by the Commission :-

The Commission called for the parties and detailed report of the incident from the concerned authorities.

Decision of the Commission :-

The Commission directed the Home Department, Govt. of Maharashtra to pay an interim compensation/damage of **Rs. 2,50,000/-** to the Complainant within 3 months from the receipt of this order, failing which the department would be liable to an interest of 12.50% p.a. on it till the actual payment is made.

11. Case No. – 3426/2013-14

Name of the Complainant :- Mohd. Salim Khan

Name of the Respondent :- CP, Mumbai

Date of Order :- 08th November 2016

Quorum :-

Shri Bhagwant D. More, Hon'ble Member

Decision of the Commission :-

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

- a) State to pay compensation of Rs.10,000/- to the complainant

12. Case No. – 1929/2011-12

Name of the Complainant :- Ashok Amkar

Name of the Respondent :- DCP, Zone IV

Date of Order :- 01st December 2016

Quorum:-

Shri Bhagwant D. More, Hon'ble Member

Decision of the Commission :-

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

- a) State to pay compensation of Rs.50,000/- to the complainant.

CHAPTER VI – COMPLIANCE AND DENIAL OF RECOMMENDATIONS BY THE GOVERNMENT

Order Date	Recommendations	Compliance Report/letters received
28.02.2014	State 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. State to pay Rs.15,000/- as compensation to the complainant.	- Received letter dated: 12.01.2016 from Home Dept. along with GR dated: 12.01.2016 regarding release of compensatory amount of Rs.15,000/- to the complainant. - Received letter dated: 26.04.2016 from Home Dept. along with the proof of payment made to the complainant.
04.03.2014	Sensitize the police officers regarding ill-treatment beating and 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 complainant.	- Received letter dated: Feb.2016 from Home Dept. Along with GR dated: Feb.2016 regarding release of part compensatory amount of Rs.25,000/- to the complaint out of total compensatory amount of Rs.50,000/-. - Received copy of letter dated: 07.09.2016 from ACP office stating the details of the cheque given to the complainant.
27.08.2015	Interim compensation of Rs.10,00,000/- to be paid to the complainant by the State within 4 weeks.	Received letter dated: 20.05.2016 from Home Dept. along with payment proof and cheque paid to the complainant for the compensatory amount of Rs.10 lacs
23.02.2016	The Commissioner - Dairy Dev. Dept. to consider the case of the complainant for compassionate appointment since his father is missing for the last more than seven years and as such deemed to be dead and also there is scope for giving compassionately appointment to the relatives of missing person subject to the complainant providing necessary application and information in this regard.	- Received copy of letter dated: 28.03.2016 from Jt. Comm. Animal Husbandry regarding forwarding of order copy to Dairy Dev. For necessary action. - Received letter dated: 20.04.2016 from Dy. Comm. (Admin) Dairy Dpt. stating that the name of the complainant has been forwarded to the Collector for enlisting him in the waiting list.

11.06.2016	State to pay compensation of Rs.10,000/- to the victim	Received letter dated: 18.08.2016 from SP, Latur along with the payment proof of compensatory amount of Rs.10,000/- to the complainant.
22.04.2016	Since the Commission has found negligence on the part of the Medical Officer of the Civil Hospital and the then Jail Superintendent resulting deterioration of the health and resulting in the death of the under trial prisoner Basappa, the Commission deems it proper to award an interim compensation of Rs.1,00,000/- to be paid by the State to the legal heir of the deceased.	Received letter dated: 07.10.2016 from Supdt., Kolhapur District Prison, along with payment proof of compensatory amount of Rs.1,00,000/- paid to the legal heir i.e. son of the deceased.
03.10.2016	ACS, Home to initiate disciplinary action against PI Shri. Sayyad and Anil Deshmukh and State to pay compensation of Rs.1,00,000/- to the complainant within six weeks from the receipt of this order.	Received GR dated: 11.11.2016 of Home Dept., regarding release of compensatory amount of Rs.1,00,000/- to the complainant.
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 and 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/-	Received GR dated: 19.11.2016 from Home Dept., regarding release of compensatory amount of Rs.1,00,000/- to the complainant.
10.04.2014	State to implement the guidelines for the police issued by the Apex Court in D. K. Basu and other cases. Sensitize the police personnel below the rank of Superintendent State to pay Rs.1,50,000/- as interim compensation to the complainant.	- Received letter dated: 23.05.2016 from Home Dept. along with GR dated: 23.05.2016 regarding release of compensatory amount of Rs.1,50,000/- to the complainant. - Received copy of letter dated: 07.09.2016 from ACP office stating the details of the cheque given to the complainant.
16.01.2014	Pay compensation of Rs.1,00,000/- to the complainant	Received letter dated: 16.08.2016 from Home Dept. along with GR dated: 11.08.2016 regarding release of compensatory amount of Rs.1,00,000/- to the complainant

03.10.2016	ACS, Home to initiate disciplinary action against PI Shri. Sayyad and Anil Deshmukh and 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.
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