



# MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001

Tel : 2207 8962, 2205 0791 Fax : 2207 8962 Website : <http://mshrc.maharashtra.gov.in>

SHRC/SRB/04/2014/

Date: April 2014

## Suo Moto Case No. – 17/2013

Name of the Respondent : The Collector  
Raigad  
  
The Superintendent of Police  
Raigad.

Date : 2 April 2014

Coram : Justice S. R. Bannurmath, Chairperson

## O R D E R

This case is 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 is reported that though she had lodged a complaint with the Roha Police Station in respect of the outcasting no action was taken by the Roha Police, as the Police Patil (Head of the Village) was also involved in this incident.

On noticing the report in the newspaper, this Commission issued notice to the concerned Police and Collector, Raigad to submit a report in this regard. On the last occasion the Sub Divisional Officer has filed a detailed report interalia 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. It was also informed that the case was under investigation and as such by the order dated 05.02.2014 this Commission adjourned the case today to find out the further progress in the investigation. The Police Inspector Roha Police Station has today filed the progress report. It is stated that immediately after the report of the incident dated 23.12.2013, soon after the victim lady came back after treatment from the hospital, a case in Crime No. 142/2013 for the offences u/s. 143, 147, 323, 452, 504, 506 r/w. Sec. 149 of IPC and u/s. 37 (1) (3) of the Maharashtra Police Act was registered and investigation was taken up. It is stated that during the investigation as role of total 28 persons involved in the crime was detected and all

the 28 persons have been arrested, who were produced before the Court and have been released on bail. It is also submitted that now the investigation is complete and charge sheet is also filed. So far as the offence of outcasting the women in question it is stated a case in crime no. 122 /2013 for the offence u/s 153 (A) (B), 120 (B), 117, 504, 506 r/w 34 of IPC against 10 persons has also been filed and investigation is completed, permission to file charge sheet is sought from District Magistrate.

On perusal of the entire report as observed last time though the Police concern appears to have taken action in respect of the assault and stripping incident dated 23.12.2013, there is a delay in respect of taking any action for the alleged outcasting of the woman in question, in spite of earlier complaint given by her. It appears only after the media and the Commission took notice of the incident, the machinery has moved forward by registering a case and taking up initiative in serious investigation.

Outcasting and excommunicating a person in the Society is one of the heinous crime violating the human rights of that person. Added to that stripping a woman in public and humiliating her is another serious violation of human rights. Though such inhuman acts are either overlooked or ignored even temporarily on the ground of the illiteracy and communal or personal laws of the particular community, it is high time the State machinery takes up serious note of such incidents which are growing. Not only it is duty of the State machinery to register a criminal case against the violators of the human rights but more efforts are to be under taken to bring awareness in the Society especially at village level where in such incidents mainly take place. No doubt the Sub Divisional Officer, Tahsildar, Police Inspector have visited the village on 31.01.2014 and called a meeting of the villagers to maintain harmonious, peaceful atmosphere, still the Commission feels that more efforts are required on the part of the State Machinery for totally eradicating the inhuman act of outcasting and excommunication of a person or a family at the whims and fancies of few powerful persons in the locality or community and this can be achieved only by bringing awareness by frequent meetings, education and especially taking severe deterring steps and prompt Police action. In the present case no doubt immediately after the report of the stripping and assault incident, the Police machinery has moved and taken the case seriously, the Commission feels that had the Police acted on the earlier complaint of the victim of her being outcasted or excommunicated, probably the present incident could have been avoided. As such the following recommendations are made.

**a) The State through its district heads should conduct regular awareness programmes with the help of NGOs, leaders of communities and religious**

heads in respect of the violation of human rights by way of ex-communication or outcasting a person or a family and humiliating a woman in public.

b) A proper study of such incidents of ex-communication, outcasting is to be carried out through social organizations to find out the areas or the communities in which such incidents are often taking place and find the proper solution by educating those people who are the so called heads of the community or village.

c) As the Commission notes serious violation of human rights by way of outcasting and stripping in public of the victim Smt. Mohini Talekar, and delayed action by the Police in not registering a case of ex-communication of outcasting, though complained by victim. The State is 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.

Before concluding the Commission places on record its appreciation for the 'Sakal' newspaper for bringing it to the notice of the Commission the alleged violation of human rights.

With these observations the Suo Moto Case no. 17/2013 is closed.

**The Secretary to communicate this order to the parties concerned.**

**(Justice S. R. Bannurmath)**  
Chairperson, SHRC



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SHRC/SRB/04/2014/

Date: April 2014

To  
The Collector  
Raigad

The Superintendent of Police  
Raigad.

.... Respondent/s

Sub: **Suo moto Case No. 17/2012-13 dated 26.12.2013**

The Commission after considering the above mentioned complaint dated **26.12.2013** has passed the following order dated **2 April 2014**, which is attached herewith. You are therefore, requested to comply with the recommendations in the order.

Encl: Order Copy (Three Pages)

(Mafiul Hussain)  
Secretary



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SHRC/SRB/ /2014/

Date:

## Suo Motu Case No. – 6/2013

Name of the Respondent : The Municipal Commissioner  
Brihan Mumbai  
  
The Regional Officer (Mumbai)  
Maharashtra Pollution Control Board  
Kalpataru Point, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Floor,  
Opp. Cine Planet, Near Sion Circle  
Sion (E), Mumbai – 400 022.

Date : **2 April 2014**

Coram : **Justice S. R. Bannurmath, Chairperson**

## PROCEEDINGS

Mrs. Alia Pathan – Counsel for BMC, Smt. Deepali Patil Asst. Law Officer BMC, Shri Ajay Phulmali – Scientist – 1 and Member –Secretary MCZMA, and Shri H. L. Bhure – Law Officer, MCZMA are present. On behalf of the Principal Secretary Environment Department, a written submission is filed today. Mrs. Alia Pathan is furnished with the copy and at request adjourned by 6 May 2014 to submit reply or rejoinder.

Call on **6 May 2014 at 11.00 a.m.**

**The Registrar to communicate this order to the parties concerned.**

**(Justice S. R. Bannurmath)  
Chairperson, SHRC**



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SHRC/SRB/04/2014/

Date: April 2014

To

1. The Municipal Commissioner  
Brihan Mumbai
2. The Regional Officer (Mumbai)  
Maharashtra Pollution Control Board  
Kalpataru Point, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Floor,  
Opp. Cine Planet, Near Sion Circle  
Sion (E), Mumbai – 400 022.

.... Respondent/s

Sub: **Suo Moto Case No. 6/2013 dated 04.10.2013**

The Commission after considering the above mentioned complaint dated **04.10.2013** has passed the following order dated **2 April 2014**, which is attached herewith.

Encl: Order Copy (One Page)

(Registrar)  
MSHRC, Mumbai



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SHRC/SRB/04/2014/

Date : April 2014

## Case No. – 4698/2011-12

Name of the complainant : Ilyas Mamdani  
18/99, Sai Darshan Soc.,  
M.H.B Colony, Dindoshi, Malad,  
Mumbai – 400 097.

Vs.

Name of the Respondent : Dy Commissioner of Police  
Zone – XII,  
Shailendra Police Station Bldg,  
Old Dahisar Police Station  
Dahisar (E), Mumbai – 400 068.

Date : 2 April 2014

Coram : Justice S. R. Bannurmath, Chairperson

## PROCEEDINGS

Shri Ilyas Mamdani the complainant and Shri R A Kotak ACP, Dindoshi Division are present. Shri Ilyas has filed his rejoinder to the report submitted by the Respondent Police.

Even though the main allegations of violations of human rights are against one Shri Vinayak Kakde then Sr. Police Inspector of Dindoshi Police Station, today I am informed that said Police Officer has retired about one year back.

Nevertheless the grievance of the complainant is that his complaint in respect of forgery and cheating by two individuals is not yet being looked into by the concerned Police and as such Shri. Kotak, ACP present is directed to look into the same and submit report by the next date.

Call on **6 May 2014 at 11.00 a.m.**

**The Registrar to communicate this order to the parties concerned.**

**(Justice S. R. Bannurmath)**  
Chairperson, SHRC



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SHRC/SRB/ /2014/

Date:

To

1. Ilyas Mamdani

18/99, Sai Darshan Soc.,  
M.H.B Colony, Dindoshi, Malad,  
Mumbai – 400 097.

.... Complainant

2. Dy Commissioner of Police

Zone – XII,  
Shailendra Police Station Bldg,  
Old Dahisar Police Station  
Dahisar (E), Mumbai – 400 068.

.... Respondent

Sub: **Complaint Case No. 4698/2011-12 dated 02.01.2012**

The Commission after considering the above mentioned complaint dated **02.01.2012** has passed the following order dated **2 April 2014**, which is attached herewith.

Encl: Order Copy (One Page)

(Registrar)

MSHRC,Mumbai

Embossing & make entry in excel & also in maindata – write the concerned Respondent if any direction for the same





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SHRC/SRB/ 04/2014/  
Date: April 2014

## Case No. – 4398/2011-12

Name of the complainant : Mohd. Salim Sharif Ansari  
803, Salt Pen Road,  
Shanti Nagar, Azad Mohalla  
Wadala (E), Mumbai – 400 037

Vs.

Name of the Respondent : The Dy Commissioner of Police  
Zone – IV, Matunga, Mumbai – 400 019.

Date : **2 April 2014**

Coram : **Justice S. R. Bannurmath, Chairperson**

## O R D E R

This complaint is by Mohd. Salim Ansari of Shantinagar alleging inaction and violation of human rights by the Wadala Truck Terminal Police Station Officials. It is mainly contended that his neighbour one Smt. Anjum Khan and her mother Kamala Khan were migrants from Bangladesh are carrying on flesh trade business and in this regards they are helped by the concerned Police and because of the discord between the complainant and said Smt. Anjum Khan and Ors, he has been put into trouble. It is stated that the said Smt. Anjum Khan is having few local goons with her and unnecessarily harassing the complainant.

In this regard notice was issued to the Dy Commissioner of Police (Zone – IV) and Sr. PI Wadala T.T Police Station to submit a detailed report. In pursuance of the same the DCP Shri Dattatraya Karale, Zone – IV has held independent inquiry and submitted a report along with certain documents interalia denying the allegations in the present complaint. It is further stated that the complainant has suppressed the fact that he was married to one Smt. Shabnam Khan niece of Smt. Anjum Khan and because of family disputes the marriage has broken and only to take revenge against his divorced wife and the aunt Anjum Khan the present complaint is filed.

Perusal of the records along with the reports it is seen that the complainant has filed number of cases against Smt. Anjum Khan her niece Smt. Shabnam Khan and others. The Wadala T.T. Police station has infact registered cases on the basis of these complaints and as such prima facie I do not find any inaction on the part of the concerned Police. On the other hand, after hearing Smt. Anjum Khan, the P.I. and the complainant I also feel that the present complaint is only a mode adopted by the complainant to harass his divorced wife and her relatives with baseless and false allegations. For example the complainant states that his house was broken or demolished by said Anjum Khan and others which fact has been disputed by the very statements of the complainants tenants Mohd Ehsaan Shaikh and Insaf Myaku Khan. Similar are the statements of the neighbours of the complainant by name Fifta Ul Islam Shaikh, Khaleel Ahmed Shaikh, Smt Nazneen Shaikh and others. Even the photographs of the alleged demolition show that only a roof was slightly damaged when the MMRD was demolishing a neighbouring bldg and incidentally / accidentally the roof sheet of the complainants house was damaged which is exactly the statement of the tenants and neighbours of the complainant himself.

On careful consideration of the entire material I am of the view that the present allegations are made only to take revenge against his divorced wife and her Aunt and against Police who have registered cases against him on the complaints of his divorced wife and her Aunt Smt. Anjum Khan and hence, I do not find any violations of any human rights or any inaction or partial treatment by the concerned Police and hence, close the case as rejected.

**The Registrar to communicate this order to the parties concerned.**

**(Justice S. R. Bannurmath)**  
Chairperson, SHRC



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SHRC/SRB/ /2014/

Date:

To

1. Mohd. Salim Sharif Ansari  
803, Salt Pen Road,  
Shanti Nagar, Azad Mohalla  
Wadala (E), Mumbai – 400 037

.... Complainant

2. The Dy Commissioner of Police  
Zone – IV, Matunga, Mumbai – 400 019.

.... Respondent

Sub: **Complaint Case No. 4398/2011-12 dated 19.12.2011**

The Commission after considering the above mentioned complaint dated **19.12.2011** has passed the following order dated **2 April 2014**, which is attached herewith.

Encl: Order Copy (Two Pages)

(Registrar)  
MSHRC, Mumbai