



## **MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI**

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### **SRB/Case 2143 /2013-14**

**Name of the complainant : Surekha A. Gaikwad**

**V/s.**

**Police Inspector,  
Vashi Police Station, Navi Mumbai.**

**Police Inspector,  
Vinoba Bhave Police Station.**

**Date : 16<sup>th</sup> January, 2014**

**Coram :Justice S.R.Bannurmath  
(Chairperson)**

### **ORDER**

This is an unfortunate case where a mother is made to move pillar to post to find out about her missing daughter & ultimately has to approach this Commission for the inaction on the part of the police machinery. It is stated in the complaint that the daughter of the complainant by named Kajol Anand Gaikwad, age 21yrs. was found missing on 15.08.2013 from the house and as such after searching with relatives, the complainant lodged a missing complaint with the Vinoba Bhave Police Station, Kurla (W), Mumbai and thereafter, did not hear anything from the police. It is alleged that only in the month of first week of October the complainant came to know that the dead body of her daughter was found by Vashi Police, Navi Mumbai on 15.08.2013 itself and inspite of the repeated inquiries earlier she was not informed about the same & ultimately she was told that the dead body has been given final rites by the police on 17.09.2013. It is alleged that because of the inaction on the part of the police, the mother/complainant and the relatives have been deprived of even seeing the dead body and were unable to perform the final obsequies and have suffered mental agony, thereby there is a violation of the human rights.

In response to the notice issued by this Commission, Shri.Sugaonkar, A.P.I has filed a detailed report interalia stating that on 15.08.2013 after the police received information of a girl who had jumped into the Vashi creek, search was made and dead body of a girl was removed from the water and subjected to inquest and post-mortem. As there was no information or identification as to the name or address of the dead person, the police took the photographs and informed the nearby police stations as to find out the identity and even posters with a photograph were sent to nearby area seeking for the information for from the public. Having waited for almost one month and since no information as to the identity of the person was found, ultimately on 17.09.2013, the final rite was performed at govt. cost. It is submitted that in the absence of any proper information about the identity of the unknown body found and inspite of best efforts made by the police to find out the identity, as no information was available, the police concerned have to perform the final rites and there is no negligence on the part of the police.

Having heard the complainant, Shri.Sugaonkar the A.P.I of Vashi Police Station and Shri.V.K.Ukarde P.S.I of Vinoba Bhave Police Station and perusal of the records produced, this Commission feels that the concerned police have not taken enough or proper steps to find out the identity of the dead body found which in turn is now established as that of Miss. Kajol the daughter of the complainant. Perusal of the records show that the Vashi Police have no doubt tried to contact various police stations in the immediate vicinity, but did not check properly as to missing complaints information. In my view & established norms the best way of finding identity, especially in the vast area of Mumbai including Navi Mumbai and surrounding areas was to report to the Central Control Room which in turn could have enquired all around and found about the identity of the person especially when there is a missing complaint lodged almost one month prior to the finding of

the dead body. It is here I find some failure on the part of the police machinery in not taking proper steps as to establish the identity of the dead body found, unfortunately which has resulted in depriving the mother to even see the dead body of her daughter and relatives performing the last rites. Deprivation of family members from performing the last rites as per the custom. In spite of much prior intimation of missing complaint, has resulted in violation of human rights of the complainant in the form of pain & agony, and as such I find it necessary to make the following recommendations to the State :-

- (a) Whenever unidentified dead body is found by police it should contact the Central Control Room apart from police station in vicinity which in turn could contact or check about any missing complaints & establish the identity. Hence the concern should instruct and bring awareness amongst all police personnel as to the proper methods of search of a missing persons, a proper method for establishing identity of all un-identified dead bodies found in their jurisdiction.
- (b) As the mother and her relatives have been deprived off seeing the face of the dead daughter & performing last rites over the dead body as per the custom resulting in pain & agony because of negligence of police, as an interim measure pay a compensation of Rs.1,00,000/- (Rs.One Lacs only) to the mother.
- (c) The compliance of the recommendation especially the payment of compensation shall be reported to the commission within six weeks from the date of receipt of this order with these observations the complaint is closed.

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

Mumbai.