



CHAIRPERSON

THE GUJARAT STATE HUMAN RIGHTS COMMISSION NEAR TOWN HALL, SECTOR-17, GANDHINAGAR – 382017 GUJARAT

FOREWORD

The Protection of Human Rights Act, 1993, with further amendment in 2006, provides for the constitution of the State Human Rights Commission in the states as per Section 21(1) for better performance against violation of Human Rights or the issues connected therewith or incidental thereto. The act also aims at promotion and protection of the human rights and upholding the fundamental human rights such as right to life, liberty, equality and human dignity of the common men at large.

In exercise of the powers conferred by Section 21(1) of the Act, the Government of Gujarat constituted and set up the Gujarat State Human Rights Commission on 12th July, 2006.

His Excellency, The Governor of Gujarat, vide WARRANT dated 27th July, 2006, which was notified in the Gujarat Government Gazette, Extraordinary, dated 18th August, 2006, appointed the Former Chief Justice of the Hon'ble High Court of Gujarat, the undersigned, as the Chairperson of the State Commission. The posts of the other members of the State Commission are still vacant.

According to the provisions of the Act the State Human Rights Commission is supposed to be an institute with the responsibility of promoting and protecting the Human Rights of individual citizens in the state and, thereby, to foster an administration of good governance.

The Chairperson of the State Commission assumed his office on 12th September, 2006, and has been discharging duties of the office of the Chairperson since then.

The State Government appointed Shri R. L. Meena, IAS, as the Secretary to the State Commission vide its Notification dated 13th October, 2006. Shri Meena assumed his charge from 8th November, 2006. The State Government also appointed Shri Chitaranjan Singh, IPS, as an Additional Director General of Police to the State Commission vide its Notification 13th December, 2006. Shri Singh assumed his charge on 15th December, 2006.

Thereafter, the State Commission delegated certain powers, through its own Notification dated 31st January, 2007, to the above officers to undertake effectively the work of State Commission under the relevant provisions of the Act. The Government also appointed Deputy Secretary, Under Secretary and other officials and staff. However, out of 52 posts sanctioned, 19 posts remain vacant. Efforts are being made to fill up all the posts at the earliest.

The State Commission divided its activities and functioning into four wings, namely, the Establishment Wing, the Legal Wing, the Co-ordination & Research Wing, controlled by the Under Secretary and the Deputy Secretary of the State Commission, and the Investigation Wing, associated with the Legal Wing, which is under the supervision of the Additional Director General of Police in the State Commission. All the wings are functioning under the overall supervision of the Secretary and the Chairperson.

The office of the State Commission is presently functioning in the annexe of the Town Hall situated in Sector No. 17, Gandhinagar-382017, with a camp office of the Chairperson at Bungalow No. 37, Ministers' Bungalows, Gandhinagar-382020. The State Commission has made it usable with the help of Roads and Building Department and furnished it through Gujarat Rural Industries Marketing Corporation

to the extent to which its personnel may work properly. The Government also gave 5 vehicles for its effective use.

The State Commission has developed its own website wherein one can see the required information and position of one's case at home. It also provides the required information under Right to Information Act, 2005 as well as all required guidance to people.

The National Human Rights Commission, New Delhi is a role model for the Gujarat State Human Rights Commission. The National Human Rights Commission is equipped with an adequate and efficient legal wing for scrutiny and analysis of the complaints. The Gujarat State Human Rights Commission has also created its legal wing for the purpose of scrutinizing and analyzing the complaints. It provides a lot of legal feedback and literature, which is generally in English. The State Commission has also taken steps to see that it is translated in vernacular language for the use of common man. The State Commission has taken steps to ensure that Human Rights Court and the Assistant Public Prosecutors are appointed, and notified experts are there to ensure that people make use of these facilities and infrastructures.

The section 33 (2) of the Protection of Human Rights Act, 1993 envisages complete autonomy to the State Commission for spending of grants paid by the State Government for the purposes of the Protection of Human Rights Act, 1993, in the way it deems fit. However, though the State Commission gets regular grants yet it has to approach the Government for every new issue. The proposals for full autonomy are under consideration of Government.

After constitution of the Gujarat State Human Rights Commission, the petitions from the citizens are directly received by the State Commission. On many matters the Commission initiates inquiry suo motu also. After establishing essential infrastructure and posting of the Secretary, the State Commission started its functioning from 7th December, 2006. During its first year of working about 610 petitions were received in the State Commission as on 31st March, 2007. The

Gujarat State Human Rights Commission has taken requisite decisions on the petitions of violation of Human Rights on issues received.

The cases received and dealt with by the Hon'ble High Court between March, 2002 and June, 2006, before formation of the State Commission, was transferred to the Gujarat State Human Rights Commission in September, 2007. All these issues were also taken on record as and when they were received, and are pending at various stages. These petitions will be reported in the Annual Report of the year 2007-2008.

The Commission had made many recommendations to the State Government or concerned public authorities during the year 2006-07. While some of the recommendations have been accepted and implemented, some are still pending for decision at the level of the Government or other authorities. This fact is also reflected from the budgeted provision and expenditure for the year 2006-07. The total budgeted provisions could not be utilized by the Commission due to shortage of time and initial teething problems of its establishment.

The annual report of the State Commission for the year 2006-07, based on the available record, and approved by it, is being submitted, herewith, in accordance with the provisions of Section 28 of the Protection of Human Rights Act, 1993.

At this juncture, I take this opportunity to submit the Report to the state Government to place it before the State Assembly.

Place: Gandhinagar
Dated:10.3.2008

(D. S. Sinha)
Former Chief Justice, Gujarat
&
Chairperson,
The Gujarat State Human Rights Commission.
Gandhinagar.

Gujarat State Human Rights Commission

Annual Report: 2006-07

Preface

The Government has enacted many laws for Administrative Reforms, out of which 'Human Rights Protection Act, 1993' is an important revolutionary law. In a democratic Government system, it is utmost important that the fundamental rights of the citizens are protected and guaranteed under such Act. The Human Rights Protection Act, 1993 protects and provides relief to the common man against any harassment of an established powerful group in the administration and protects the fundamental human rights to life, liberty, equality and human dignity.

The Gujarat State Human Rights Commission was constituted in July, 2006, and started its functioning from September, 2006. Thus, this is the first year of its existence. In the very first year, the Commission has received about 610 applications regarding various incidents to the citizens of the State. Regarding these applications, reports have been asked from various Government Departments, Boards / Corporations and hearing from parties in certain cases was found necessary, hearings have been carried out keeping present the concerned officers and by this way, the grievances of breach of human rights of the citizens have been redressed. Out of which details of some exemplary cases have been included in this report, so that such cases might not repeated.

All the major efforts have been directed towards the full protection of the human rights. The Commission deals with its petitions considering all their representations considered as correct and looks at them from their angle. Especially that of the neglected and depressed classes is from centuries, including the groups such as Scheduled Castes, Scheduled Tribes, Primitive Tribals, Women, Children and Minorities of the society.

Gujarat is a progressive State. It remained as a peaceful State from the point of views of law and order. The Commission is empowered to cover one year old cases from the date of breach of human rights. But, it can look into even older cases or grievances remaining pending and indisposed off under various legal proceedings before Hon'ble Supreme Court, or before the Hon'ble High Court or National Human Rights Commission or pending before any Competent legal Authority handling such cases can also be examined by the Commission. After coming this Commission into existence, the State generally remained peaceful and normal. Generally, the citizens

of the State are well aware of their rights and as a result, there is a better law and order situation in Gujarat comparing to the other States of the country, which plays an important role in the enjoyments of human rights for the people.

The State Government make available with help of internet connection Gujarat State Wide Area Network (GSWAN) required information on state Government policy matters and other information, everywhere in the state to people connected by internet such as Central Government, people in Foreign countries, Legislative assembly, its offices, High Court, Government Ministers' Offices, Sachivalaya Departments, Offices of Heads of Departments, District Offices, Municipal Corporations, District Panchayats, Municipalities, Taluka Level Offices, Zonal Offices, Boards and Corporation Offices, Village Panchayats at Village level and liaison offices of the organizations etc. Therefore, it is very helpful in redressal of grievances and providing information of most of the policy decisions taken in the State. However, applications are also received, the Commission satisfies by scrutinizing their grievances and redresses them by keeping in view their point of view and guiding and recommending to the concern authorities also for their amicable solution, petitioners are guided considering their representations, by giving proper guidance by the Competent Officers with decision making powers. Over and above matters of best interest of the people are followed up in the protecting human rights as notified by the National Human Rights Commission and attention of State Administration is drawn about the anomalies in it. The state Commission has also launched its website having address: '<http://ghrc.nic.in>'

The most important aspect in State is that, the general public or a common man can approach public and Government Offices on every Monday. On that day, each officer remains present in his office, and on every Tuesday, the elected representative people can approach to the office, on any time without prior appointed time. As a result, many cases of breach of human rights are getting resolved. Besides this, coordination has been well set with the heads of public offices and general public from village level to district level and state level, and as a result intensive care is being taken for the smallest grievances of common man through the Lok Durbars arranged by the Hon'ble Chief Minister of the State. Even then issues of such a large state are many small and big mistakes are there which are solved by helping people and being useful to people.

Besides, the Office of the Commission, is the state forum to protect human rights, each District Sessions Court in the State has been declared as the Human

Rights Court and the Public Prosecutor of each Sessions Court has been appointed as the Special Public Prosecutor to take up human rights cases. However, due to lack of awareness about this aspect, this facility is not much utilized at all at districts level. More elaborate arrangements of these provisions are required to be made in this direction.

But keeping in view the famous statement of Shakespeare "To err is human and to forgive is a divine" mistakes of human errors and drawbacks are noticed. The Commission plays an important role for their solutions with its limited resources. We hope from readers to bring any such mistakes noticed in this report to our notice, and care will be taken in future that such mistakes are not repeated. Your valuable suggestions are welcome in this task for its improvement, with a view of conferring maximum benefits to a common man in protecting their human rights.

This report has been prepared with the detailed information of Commission's all officers and staff, its organizational setup and structure, formation and historical background, statements of accounts, statements of prescribed subject wise and district wise petitions in the state, cases of important issues and subjects schedules are prepared by the Commission such as the list of functions and powers of the State Commission, procedure to be undertaken for applications / petitions being received in the State Commission, details of hearing and procedure and also the telephone directory of Senior Responsible Officers of the State Commission. There are also some limitations in its institutional functioning. However, numerous achievements have been there for the protection of human rights, and continuous efforts have been initiated in this direction for securing more and more achievements of goals. We are grateful to our small family of faithful and sincere officers, entire staff, representatives, and experts for achieving our objectives as a great success.

This Annual Report for the year 2006-07 of the Gujarat State Human Rights Commission is submitted before the State Government under Section 28 of the Protection Human Rights Protection Act, 1993.

Date:

Place: Gandhinagar.

(Dr. R. L. Meena)

Secretary,

Gujarat State Human Rights Commission,
Gandhinagar

GUJARAT STATE HUMAN RIGHTS COMMISSION
ANNUAL REPORT: 2006-07

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