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FOREWORD

From cradle to grave, indisputably, the Laws of the State concern almost every human activity. There is hardly any sphere of human life which is not touched, affected or regulated by the Laws. The maintenance of the 'Rule of Law' is entrusted to the State and its instrumentalities, including the statutorily recognized and defined 'public Servants'. The State, in process of preserving the 'Rule of Law', is obliged to protect, preserve, educate and prevent the violation of innate as well as constitutionally guaranteed human rights of life, liberty, equality and dignity of individual by its 'Public Servants'. For better protection of human rights and matters connected therewith or incidental thereto, Parliament has enacted 'The Protection of Human Rights Act, 1993, hereinafter called 'the Act', providing for constitution of a National Human Rights Commission, State Human Rights Commission in States and Human Rights Courts. Thus, came into being the Gujarat State Human Rights Commission, hereafter called 'the State Commission', and the Human Rights Courts in all districts of the State of Gujarat.

Having been constituted on July 12, 2006, the State Commission has now completed four years of its meaningful existence. Apparently, it is still a fledgling with inadequate infrastructure and financial autonomy lacking. Nonetheless, it had strived hard to deliver goods to the people of the State to the best of its capacity and to accomplish the mega goals of protection, preservation, education and prevention of violation of the human rights in relation to life, liberty, equality and dignity of individual through effective co-operation and purposive assistance to the State of Gujarat in discharge of its constitutional and statutory duty of upholding the human rights of its citizenry by enforcing the well-defined and established laws, a condition precedent for human freedom and social betterment.

Section 20(1) of the Act mandates the State Commission to submit an annual report to the state Government concerned. Complying this mandatory requirement, 'Annual Reports' for years 2006-07, 2007-08 and 2008-09 have already been duly submitted. And now, here is the annual report giving a dekho of the functions of the State Commission in the year 2009-10.

The provisions of section 12(a) read with sub-section (5) of section 21 of the Act command and empower the State Commission to inquire into the violation of human rights in respect of matter relatable to any of the enquiries enumerated in List II and List III in the Seventh Schedule of the Constitution. However, if any such matter is already being inquired into by the National Human Rights Commission duly constituted under any law for the time being in force, the State Commission prohibited from inquiring into the said matter. For furtherance of the said statutory command the State

Commission, after due-verification, held proceedings and hearings on the petitions filed by or on behalf of the victims and passed appropriate disposal orders.

Objective and fair approach adopted by the Commission while dealing with the human rights issues has led to the increase in number of petitions indicative of generation of human rights awareness, and reposition of more and more faith of the citizenry of the state in the State Commission. During the year under review, The State Commission disposed 2457 petitions as against the disposal of 1735 petitions in the preceding year. Clearly, there has been overall disposal of 78%, without there being any increase in the staff or other infrastructure. At this juncture, it appears imperative to notice that addition of more staff, skilled and unskilled both, and increase in infrastructure is required to be addressed urgently.

Most of the petitions received by the State Commission pertained to Police, domestic violence, discrimination against S.C./S.T., service dispute, women and their rights, children, Mafias, underworld criminals, women and private property rights, Category-wise statistical representation is given separately in an annexure to this report.

For familiarizing with the prevailing conditions of the inmates, visits were made to some of the jails. Disturbing overcrowding of inmates in the jails, especially of under trials, was noticed. Ways and means to remedy the situation were discussed with the concerned authorities. Emphasis was laid on the effective implementation of the Scheme of PLEA BARGAINING stipulated in Chapter XXI A of the Code of Criminal Procedure, 1973.

The annual report is divided in seven chapters detailing almost every aspect of the functioning of the State Commission and its accomplishments. The website of the State Commission also can be accessed for information.

It is a matter of common knowledge; Gujarat is one of the most industrialized and politically alert states in India. It has healthy democratic traditions and culture of service to the people cultivated since the 'freedom movement' days guided initially by the Father of the Nation - Mahatma Gandhi and the Architect of Indian unity- Sardar Vallabhbhai Patel. Its human rights conditions are far better than that in many other States and countries. Economy is highly vibrant, and the people's participation in almost every activity is laudable.

The comprehensive vision, mission and passion of the State in nearly all spheres touching human rights, especially education, health, culture and heritage etc., with special focus on the citizens with under privileged and hapless background, is immensely profuse. The Government of the State is very pragmatic and is very well-known for its pro bono publico attitude, dynamism, good governance and overall efficiency. In this context, it may be delightful to notice that the Chief Minister's office, Government of Gujarat is the 2nd place winner of the United Nations Public Service Award for improving Transparency, Accountability and Responsiveness in the Public Service Category, and in recognition of its contribution toward improving and effectiveness, efficiency and quality of public service, a certificate dated June 23, 2010, by Sha Zukang, Under Secretary General for Economic and Social Affairs, United Nations has been granted.

By and large, public of the State is adorably conscious of its rights and duties. The State is one of the most peaceful states in India where the crime rate, when compared with the rest of the Country, is low. Gujarati businessmen have enterprising and entrepreneurial caliber of a very high order. Their superlative business acumen promises to have development at par with the rest of the developed world.

It is an apposite to point out that the unpretentious citizenry of well-nigh entire State of Gujarat is humane and endowed with remarkably perceptible charitable disposition as well as with the steadfast devotion to the cause of human welfare and other social obligation including the preservation of the precious human rights. Lots of people and numerous agencies, Governmental, Quasi-Governmental, Non-Governmental and Municipal are engaged in providing substantial assistance to the needy people in connection with the effective enjoyment and protection of their human rights. All of them deserve encomium and encouragement.

As already pointed out in the earlier annual reports that the lack of complete composition of the State Commission, on account of vacancies in the office of the Members, Officers and other skilled as well as un-skilled staff, calls for speedy remedial measures. The need of recognizing and granting complete financial autonomy to the State Commission as contemplated and stipulated in Section 33(2) of the Act, which is absolutely necessary for gearing up the machinery to deal with human rights issues appropriately and efficaciously, warrants serious and prompt attention.

Conforming with the provision Section 28 of the Act, instant Annual Report of the State Commission for the year 2009-10, founded on the available record, is submitted to the State Government; and it may be placed before the Gujarat Legislative Assembly.

Place: Gandhinagar

(Justice D. S. Sinha)
Chairperson

Date : August, 27, 2010

Gujarat State Human Rights Commission

Annual Report: 2009-10

PREFACE

The Gujarat State Human Rights Commission having been set up on 12th July, 2006, mainly functions in accordance with the provisions incorporated into the Protection of Human Rights Act, 1993. While implementing this Act, the fourth Year of the Commission remained hectic on account of various activities undertaken by it. The year wise cases in the GSHRC are as under:

| Sr. No. | Year | Number of receipts | Number of disposal | Number of pending | % of disposal |
|---------------|----------------|--------------------|--------------------|-------------------|---------------|
| 1. | 2006-07 | 610 | 565 | 45 | 95 |
| 2. | 2007-08 | 1420 | 1172 | 248 | 85 |
| 3. | 2008-09 | 2260 | 1812 | 448 | 80 |
| 4. | 2009-10 | 2992 | 2122 | 870 | 70 |
| Total: | | 7282 | 5671 | 1611 | 78 |

As stated in the earlier Reports, the State Commission has prepared district wise and subject wise statistical statements of classification of petitions of 2009-10 under 86 sub heads of 15 major heads which are given in the annexure 11(1) to 11(6) of this report.

As per the provision of section 21(3), the Secretary of the State Commission is the Chief Executive Officer of the State Commission and shall exercise such powers and discharge such functions of the State Commission as the Commission may delegate to him. The State Commission has delegated the powers of follow up actions of section 9, 10, 12 to 18 as a civil court of the POHR Act, 1993. Accordingly, the Secretary Addl. Director General of Police and Deputy Secretary of the State Commission take actions, review and conduct hearing on such cases. Thus achieve quick results in the cases of victimizations by the various authorities. For the smooth working of the State Commission the Government has provided required funds for the activities of the State Commission, but requires autonomy in the sense of section 33 of the Act.

The Fourth Annual Report contains 7 **chapters** and 14 **annexures**, covering introduction, functions, powers, procedures, etc. of the Commission. The 7 chapters of this report mainly cover the subjects of the district administration, maternal health and AIDs control, atrocities and crimes against weaker sections, custodial death and prisoner's conditions and exemplary cases.

The **chapter 6** is the main reflection of the vital performance in the form of some '**exemplary cases**' carried out by the Commission during the year 2009-10. It can be seen that due to active and effective role by the Commission, fruitful results were achieved by it and quick relief was meted out to the petitioners, thus, proving the meaningful existence of the Commission.

The various **annexures** appended to the Annual Report are mainly regarding UN Declarations on human rights, organizational structure, regulations, figures of custodial deaths, visits of jails, SHRCs of the others states, NHRC, etc. paid by the officers, plea bargaining, guidelines of arrest, various offences pertaining to women, missing children, statistics of inmates of jails, status and graphs of the petitions etc. of the Commission.

The audit of the accounts of the State Commission for the year 2006-07 has been carried out by the AG Rajkot, whereas the audit for the year 2007-08, 2008-09 and 2009-10 has not been undertaken by AG Rajkot since the Gujarat State Human Rights Commission (Annual Statement of Accounts) Rules, 2008, proposed by the State Commission to the Government have not been finalized in consultation with the Comptroller and Auditor General of India. The State Commission has already requested to the AG Rajkot to undertake the audit of the accounts of the State Commission as it does in the case of other Government offices until the finalization of the aforesaid rules by the Government and Comptroller and Auditor General of India.

This report has been prepared with the detailed information provided by the officers and staff of the State Commission. It also covers organizational setup, formation, historical background, statements of accounts, statements, graphs of petitions and district wise cases as adopted and classified by the National Human Rights Commission. We are grateful to our small family of faithful and sincere officers, entire staff, representatives, and experts for helping us to achieve our objectives.

The **Fourth Annual Report** for the year 2009-10 of the Gujarat State Human Rights Commission is submitted before the State Assembly through the State Government under Section 28 of the Protection Human Rights Protection Act, 1993.

Place: Gandhinagar
Date: 3-9-2010

(A. K. Rakesh)
Secretary

**GUJARAT STATE HUMAN RIGHTS COMMISSION
FOURTH ANNUAL REPORT: 2009-10**

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Chapter - 1

Brief Introduction, History, Functions and the Procedure of GSHRC

This is the Annual Report for the year 2009-10 of the Gujarat State Human Rights Commission which is fourth since its inception. In the last Reports, for understanding of International background behind this concept, the international conventions to protect the Human Rights, The Universal Declaration of Human Rights (UDHR) and The Protection of human Rights Act 1993 were covered. The fundamental rights of the citizens and directive principles enshrined in the various provisions of the Constitution of India were the core aspects of the Human Rights concept. It was emphasized that the source of authority drawn from 'The protection of Human Rights Act, 1993' for the activities of the "National Human Rights Commission" (NHRC) at National level and under the same Act, as per Section 21 independent 'State Human Rights Commission' (SHRC) at State level.

The National Commission and State Commission are functional to deal with the complaints against the breach of human rights in the Gujarat State in their respective subject areas. In the reports it was also stated that Under **Section 30** and Section 31 of the Protection of Human Rights Act, 1993, provisions have been made with the consent to Hon. Chief Justice of the High Court to appoint special courts for the speedy disposal of the cases arising out of violation of human rights headed by a Judge of each District Sessions Courts as the Special Court of Human Rights and appointed Special Public Prosecutors for speedy disposal of breach of human rights, but it is a fact that still no case is registered with the Courts. For public use, the State Commission has opened its own website. One can see <http://ghrc.guj.nic.in> for required public interest information. As it was stated The Gujarat State Human Rights Commission started its function from Sept, 2006 which has been given in detail in its Report for the year 2006-07, 2008-09 and 2009-10. The functions and activities performed in the fourth year 2009 10 are covered in this Report. The statement of accounts and the organizational chart is given in the annexure 2. The National Human Rights Commission, to maintain its information system has prescribed the details of common code of subjects which is being followed by the state Commissions also, this shows sub heads and major heads of different subjects on the breach of human rights in its rules and on these lines to link the Information Management System (IMS) through the National Information Network and The Gujarat state Area Wide Network (GSWAN).

Human Rights are the universally accepted ones, which are the individual rights conferred on all human being in the world and by and large being followed every where, particularly in those countries which are signatory to it, however, their degree of enjoyment differs from country to country and social environment prevailing there. The UDHR (united nations Declaration of Human Rights) and the International Covenants have been accepted by Government of India and is signatory on the declaration hence got legal sanction to enforce and, over and above, most of these provisions are already enshrined in our Constitution in the chapters of Fundamental Rights and Directive Principles of the state Policies, hence even some issues overtly not covered, some of them are having separate legislations, observations and rulings of Hon Supreme Court or High Courts. Thus they are enforceable

under the law. The UDHR Universal Declarations of Human Rights are incorporated in the last year's Report at annexure 1A, this year the 'International Covenants' are given in Annexure 1A and in the annexure 1B the UN Declarations on Human Rights Defenders are given. All these three provide fundamental source of legal sanctity for basic Human Rights.

2. Functions of the State Commission

The past three Reports covered in detail the functions, procedure and other powers as per Sections 12, 13, 17 and Section 18 of the Protection of Human Rights Act, 1993. Section 12 of aforesaid Act prescribes the functions of the Commission which inter alia include to;

The Commission shall perform all or any of the following functions, namely:-

- (a) inquire, 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:-
 - (i) Violation of human rights or abetment thereof; or
 - (ii) 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 thereon to the government;
- (d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures 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 publications, the media, seminars and other available means;
- (i) encourage the efforts of non-governmental organizations and institutions working in the field of human rights;
- (j) such other functions as it may consider necessary for the promotion of human rights.'

3. The definition of Human rights

The Gujarat State Human Rights Commission functions as per the provisions of the Protection of Human Rights Act, 1993. "Human Rights" under the Act in Section 2 (d) is given as follows:-

"human rights', means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India",

4. The procedure adopted by the state Commission

The Commission has notified its own Regulations and guidelines " Gujarat State Human Rights Commission (Procedure) Regulation,2006" which annexed herewith as Annexure 3A to this report, to follow a proper procedure to deal with petitions filed before it. These Regulations dated 22. 12.2006 (annexed as Annexure 3A) and Guidelines dated 24.12.08 Under Section 10(2). 'The Commission while inquiring into the complaints of violations of human rights may call for information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto within such time as may be specified by it Provided that ,if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own; if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly; without prejudice to anything contained in clause (i), if it considers necessary, having regard to the nature of the complaint initiate an inquiry.

5. Powers of the Commission and procedure followed: The State Commission has the powers relating to inquiries u/s 13 and the steps after the inquiry under Section 18. Considering the above provisions of the law, the Complaints /petitions are received from the petitioners from all over the State, they are first being registered in the Inward Register of the office of the Commission and the receipt for the same is given to the concerned Petitioner on the spot. Thereafter, such applications are scrutinized under the provisions, rules prescribed under the Human Rights Protection Act, 1993 and if prima facie breach of such Human Rights is found in it, the Public authorities of the concerned Departments, Sections, Authorities, Offices, Boards, Corporations are called for to submit an independent clear report within 21 days in normal circumstances, and if it is not submitted within the prescribed time-limit, and procedure followed as per section 17 and 13, the State Commission takes further action and as per the provisions of section 13 (5), the State Commission procedure prescribed in the Civil Procedure Code as a Court. A preliminary hearing is done and the party can be summoned and the concerned Officer can be issued summons to remain present and the petition is admitted, the case and may initiate for further detailed inquiry. The Commission can also take action as per section 18 after adopting procedure as per sections 13 and 17.

6. Procedure for petitions: After receiving the report from the concerned competent authority on the applications, petitions received in the State Commission, it is scrutinized and thereafter State Commission takes final decision and if there is any lapse in the case at any stage right from inception to conclusion, under the Protection of Human Rights Act, suggestions, instructions, recommendations are sent to State Government or to the competent authorities as well as intimation sent to the concerned petitioner. The state Government or the concerned state authority in normal circumstance accepts such

recommendations, instructions and reply their ATR under Section 18(e) within a period of one month or within the extended period by the Commission, etc. The same things are reflected in the report of the State Commission.

7. Powers of investigation, etc: In context of human rights, an important provision has already been made in section 14 so as to utilize the services of any officer or any office of the Government with the concurrence of the Government. Thus, concerned office or authority has to work under the direction and control of the State Commission while investigation. A provision has also been made to publish its report about procedures undertaken. After receiving such recommendation and observations of such report from the Commission after receiving from the authority furnishes its ATR to the Commission and finally it is published in the report of the Commission under section 18(f) of the Act. Under section 18(a) of the said Act, if the State Commission finds that the public servant has breached the human rights, then it will recommend to the authority as it deems fit to take actions about accountability and Compensation as provided in the Act. Under section 18(b), the State Commission can contact in such a way as the court finds it proper for issuing writ, orders or directions from the Hon. Supreme Court or Hon. High Court and under section 18(c) can recommend interim relief as it deems fit.

CHAPTER - 2

DISTRICT AUTHORITIES AND HUMAN RIGHTS (Sensitizing the District Administration)

The District Administration is the real face of the administration. Being at cutting edge level all kinds of administrative and developmental activities are mostly initiated at the District level supervised and followed up till the delivery level. District Administration needs to be sensitized so that it can act as prime Human Rights defender as per the international standards and in ensuring the practice of true Democracy at the grassroots level. So as to ensure basic Human Rights to the citizens, its alertness and attitude as prime Human Rights defender within the Government system is absolutely essential for a democratic and welfare state. Legislature, Executive and the Judiciary are the three pillars of Democracy and are given a balanced role to contribute to the democratic ethos to run the country on the Public cost. Of the Executive, the District Magistrate plays a vital role. Being the Nodal Officer at the District level to vast field of “Executives”, have over all responsibility to ensure protection of Human Rights. It harnesses all the development projects of Government and also maintains District Administration including law and order at the Cutting Edge of the society. It has to work in liaison with the various State Government Departments, Central Government offices, NGOs, Statutory bodies, Armed forces, Private Organisations etc. Apart from the implementation of the Government Policy, it has to apprise the higher authorities of ground realities of the District. As, lot of qualified, talented and professional youngsters are entering in the administrative field, it is necessary to create awareness towards Human rights among them. Thus, sensitizing the District Administration means ensuring that the people will get their due from the Administration and in making the life of the people much better and dignified.

2. All public welfare functions and schemes of State Government e.g. local bodies, law and order, scarcity relief, natural calamities and disaster management, public health and sanitation, education, roads, electricity, irrigation, food and nutrition, agriculture, fisheries and preservation of forests, prisons and custodies, care to children, old age and retarded people and upliftment of slum dwellers, marginal farmers, labourers of unorganised sectors and women, Social justice and empowerment related to Economically and socially backward classes, Scheduled castes and Scheduled tribes, Juvenile Justice and atrocities on Women, Cottage and small scale industries, Co operative societies, Sports, Literature and Cultural Activities, Urbanisation issues, Housing are carried out through District Administration, hence it can be the only important and vital agency so far as the issues of Protection of Human Rights are concerned.

3. In modern concept of pro people democratic administration, the independent agencies and NGOs only need not to raise the flag for Protection of Human rights. The duly Sensitized District Administration should be one of the agencies within the government machinery, which can take up the causes for Protection of Human Rights, easily and successfully. The District Administration can also make use of Human Rights norms as a strong weapon to protect people from the clutches of vested interest. Any individual or NGO has to spend time and money both to get redress for Human Rights

violation, which can also be taken up by the District Administration even before any such violation takes place or at the time of such violation. If such happens within the Government System, then definitely it is the wonder of Democracy.

4. District Administration plays a key role in handling the Human Rights issues. The state Government has also designated District Sessions Courts as the Human Rights Courts in the state. The District Authorities are supposed to deal effectively with all the issues but on account of lack of awareness among the administration and people most of the petitions are addressed to the Commission at the state level and copies are sent to the District Authorities and field functionaries. Here issues are of District level hence the Commission needs verification of record or the facts on the ground. This process makes the procedure lengthy and costly for the petitioner. The NHRC has got prepared 'The Human Rights Manual for District Magistrates and has sent it to every District Heads as they are expected to redress district level public grievances directly. The manual emphasizes the role of District Administration in deep. It envisages that the institution of the District Magistrate who is in charge of the Administration of the District under CRPC has to pay more attention to the weaker sections of the society who look up for their help. The efficiency of the administration depends on the role of this key person.

5. New Global standards of governance are emerging need to be enforced at the district level to reach to the common man. Citizens are demanding better performance on the part of their governments and they are increasingly aware of the costs of poor management and corruption. The District Administration should have the objective to promote sound development management through basic level good governance that seeks to advance the following critical objectives such as transparency and predictability, accountability, strategic focus, efficiency and effectiveness and participation. Therefore, the role of District Magistrate becomes very important to have full public orientation of the district administration to be sensitive to resolve these issues before they become complicated and hardened the attitude of the belligerent parties and become subject to judicial litigation. There are many regulatory Departments maintaining Village records including Record of rights, the Revenue Department which is the custodian of Land Records. A proper maintenance of this record which is historically being done by the Talati-cum-Mantris and under close supervision of Circle officer, Mamlatdar and all developmental records under Taluka Development Officers. The upto date maintenance of this record is key to bring desired efficiency and transparency in the District Administration. The transparency brought under Village Panchayats by internets can empower the common man.

6. The experience of about last four years shows that most of the grievances are in public at the District level. Even those policy issues at the state level the grievances are reflected at the district level functioning only. Therefore, the importance of District Administration gets prime place in handling them. The 10 major areas of grievances are largely found in the following legal framework

- (1). Domestic violence against women, dowry deaths, rape, murder and suicides.
- (2). Disputes regarding properties particularly with family members,

- (3). Atrocities against the Scheduled Castes and Scheduled Tribes.
- (4). Police issues regarding prohibition, Custodial tortures and illegal detentions.
- (5). Land disputes and issues regarding rights of records.
- (6). Issues of rehabilitations of unauthorized colonies.
- (7). Complaints of Maintenance of revenue records and city survey records etc.
- (8). Grievances regarding discrimination in service and non payment of Pensionary benefits and other dues in time.
- (9). Procedural irregularities arising of urban land transactions.
- (10) Money lending at high interest rates, Loan recovery and Economic disputes.

7. There is not much awareness to raise Human Development Index (HDI) issues but these real long term Human Rights issues needed immediate attention for long term strategy to resolve without affecting social harmony. About 25 of these issues are being monitored as Programmes on the directions of the Supreme Court. The District administration has to be more focused on them for monitoring purpose at the state level.

8. Experience of the past four years working shows that there is undue duplication of the agencies at the District level. There are many subjects whom separate field functionaries are working for local body, representatives of the state Government, Central Government and the functional Departments. While in western countries the local counties handle all issues of local importance, in India neither local bodies are so equipped nor trusted for maintaining objectivity. Commission feels that there should be efforts to empower local bodies to ensure proper role for them so that administrative economic burden can be brought down and minimized, coordination issues are also minimized by avoiding duplication or triplication of District or local administrative functionaries. The role of police needs to be more functionally defined. For example the traffic management, prison management, crime detection, local intelligence, maintaining law and order and enforcement of criminal laws should be more specialized with respective functionaries rather than an ill equipped over burdened inspector treated as solution to all problem and answerable to public and every one result into a functional blockade of all activities at the ground level without effective supervision of any single agency. This tendency has given power without proper accountability for effective enforcement.

9. In the land occupancy rights, there is a need to recognize title only as the legitimate ownership. The conflicting ruling on the occupancy rights breeds land mafias who forcefully occupy lands and try to legitimize the occupancy merely on the basis of physical possession. Again for proving physical possession manipulation of status reports, records of rights are forcing people to go his legal titles simply by legal documents of registration and orders from government or the competent Courts.

10. There should be complete separation of executives and legislative work so that objectivity is maintained and manipulation by local functionaries such as that of talaties should be reduced to professional management of record under the revenue Authorities rather than Panchayats or Municipalities

11. Presently there are overlapping jurisdictions of different field machineries creating confusing for a layman. There should be clearly well defined boundaries at Government level to regulate jurisdictions of all field functionaries to bring down administrative cost and burden of a common man.

12. The Secretary and other officials of GSHRC took visits of the various districts of the state to create Human Rights awareness & facilitating assessment of enforcement Human Rights including the field visits. Several visits has been given in Chapter 7.

13. Dr. L. Mishra IAS Retd Special Rapporteur, NHRC has given some practical tips on operationalise the guidelines contained in the Human Rights Manual for District Magistrates(see page 17 and 18 of the First Edition) which include

(I). Correct understanding of the provisions of the Constitution (Article 21,21A, 23, 24, 38, 39, 47, and 51. Provisions of Laws (Tenancy Laws, Labour Welfare Laws and Social Welfare Laws) and judgments of the Hon Supreme Court and Guidelines issued by the NHRC from time to time.

(ii). Proactive, positive and sensitive district administration should adopt the interpretations which goes in favour of the targeted group.

(III).Timely implementation is essential for any legislation can be saved by acknowledging the existence of the problem, effective dealing and steps to prevent its recurrence.

(IV). Cognizance can be taken from credible source of information such as News papers reports, through public interest litigation.

(V) .Officers of proven trust, ability, and social conscience an be delegated powers when they are indisposed.

(VI) Take a fair and judicious view of the reports received,

(VII). All complaints grievances received be redressed in shortest possible time.

(VIII). Computerized documentation of the successful stories is extremely important.

(IX). Appreciate fast tract efficient officials while penalize sloppy, slow and superfluous ones.

(X). Good reliable and committed NGOs be promoted, encouraged and be fully supported and whole heartedly involved.

Chapter - 3

MATERNAL HEALTH AND AIDS CONTROL

IMPLEMENTATION IN GUJARAT STATE

Improve maternal health

The Government of Gujarat has also implemented RCH-II plan. The objects of this plan are (1) to bring down mortality rate of mother from 389 to 100 at every per lakh live births (2) to bring down the rate of reproduction from the present level 2.82 to 1.00 and (3) to bring down infancy death rate from 53 to 30 at every 1000 live birth. The *Shishu- Janani Kalyan Yojana* is aiming at tackling this issue and is quite successful in bringing down the figure of MMR (mother death during delivery) and IMR (infants death within 5 years of age) considerably.

The Department has taken various steps to bring about outcomes as envisioned in the Millennium Development Goals. One of the key concerns of Gujarat in the sector in the 1990's was high Maternal Mortality Ratio. However, with focused efforts now the state is showing remarkable improvement in declining MMR. The current MMR is 160/100000 live births (SRS).

Strengthening of Mamata Abhiyan: Outreach preventive and primitive services for ANC and PNC are designed under MAMATA Abhiyan, it is ensured through effective monitoring that at village level, no pregnant woman is left out for complete ANC care with special emphasis on consumption of IFA tablets. The attendance of Ante natal mothers in *Mamata Diwas* has improved over the years which can be seen from the table below;

| Year | No. of Ante natal mothers attended |
|---------|------------------------------------|
| 2008-09 | 1497969 |
| 2009-10 | 1940703 |

Substantial increase in Institutional Delivery: Institutional delivery rate has shown consistently rising trend in the state. Current institutional delivery rate of the state is 89.5%. The improved service statistics is achieved by (1) increased utilization of public facilities for deliveries through facility as well as staff skill strengthening and monitoring (2) Sustaining participation of emergency transport system (3) Implementation and monitoring of *Chiranjeevi Yojana* and extended Chiranjeevi Yojana of JSY to all eligible and timely payment.

- The ANC registration in the state has shown remarkable progress and stands at 97.5% (2009-10).
- The ANC clinics in remote, tribal and peri-urban areas through mobile health units.
- Increase the rate of early registration of pregnancy with designing time place movement plan of ASHA to ensure her regular contact with eligible women, training them for use of pregnancy test kit and counseling for early registration.
- Capacity building of medical and paramedical professionals for reduction of maternal deaths- continues SBA (Skill Birth Attendant, CEMOC and BEMOC training, Life Saving Anaesthesia training etc.
- Provision of emergency transport system by pooling various resources- PHC/CHC own vehicle, 108 ambulances vehicles on contract of hiring basis, outsourcing etc. EMRI since inception till June, 2010.
- Linkage with E-Mamata (Mother and child Tracking Software) and ensuring transportation on EDD.

- Strengthening of 330 identified 24x7 PHCs by providing the required numbers of staff for round the clock services.
- Hiring of Staff Nurses to boost up the deliveries in 24x7 PHCs.
- Strengthening existing CEMOC (Comprehensive Emergency Obstetric Care) BEMOC centres to manage complications in order to reduce maternal deaths.
- Ensuring timely reporting and analysis of Maternal Death Audit for building strategies to avert the maternal death.
- Strengthening of schemes like JSY and Chiranjeevi are also augmenting the efforts for encouraging institutional deliveries and reducing the MMR.
- Under JSY scheme, 940387 beneficiaries (till June, 2010 since inception) have been benefited for nutritional support and transport for institutional delivery. The number of beneficiary in the scheme has been contributing immensely in averting the unwanted maternal deaths. The performance of the scheme has been improving over the years. 495747 pregnant women from BPL/ST families have taken the benefit of this scheme and 82 maternal deaths have been reported under the scheme up to June, 2010.

Combat HIV/AIDS, malaria and other diseases

Gujarat State AIDS Control Society, Activity Note 2009 – 2010

Gujarat State AIDS Control Society (GSACS) has been formed by H & FW Dept. of Government of Gujarat. Various activities undertaken by GSACS are as below.

Extent of Problem:

Gujarat has certain factors

1. Massive industrialization, urbanization (37.6 %) next only to Tamilnadu
2. Migration (both intra and interstate) mostly single male type, Presence of national highways connecting high prevalence southern states with northern and central India,
3. Mega ports & largest ship breaking yard which attract migrant labor & truck drivers,
4. Presence of large tribal population with limited literacy and different sexual norms.

Gujarat reported infection along with other southern states in 1986, but has remained a medium prevalence states while others (Karnataka, TN, AP & Maharashtra) have moved to high prevalence state.

1. Sentinel surveillance provides estimates of positive people in the state. It started in 1994 with 2 STD sites and increased to 50 sites (25 ANC, 10 STD, 7 MSM, 6 FSW & 2 migrants) in 2008. The estimates derived by NACO for PLHA in 2006 were 1.44 lakhs (adult sero-prevalence 0.43%) decreased to 1.38 lakhs (adult sero-prevalence 0.38%) in 2007. Similar information for 2008 is not available. Surveillance data of 2008 showed decrease in prevalence amongst HRG population.
2. **Targeted Interventions** amongst high risk group (HRG) core (FSW, MSM, IDU) and bridge (migrant, truckers) populations, **106** Non Government Organizations (NGOs) are functional in the State which include **4 CBOs** (FSW - 3, MSM - 1), **31 Core Group** (FSW - 12, MSM – 16 & IDU – 3), **41 Core Composite** (CC – FSW & MSM), **24 Migrants & 6 Truckers**. In 2009-10, the total coverage of HRG is **171163** (FSW - **30013**, MSM - **37461**, IDU - **662**, **Migrant – 83352 & Truckers - 19675**).
3. **Blood Safety Programme:** There are **142** Blood Banks which include 48 NACO supported. They are 11 Major Blood Bank (MBB), 10 Blood Component Separation Unit (BCSU) Blood Banks & 27 District level Blood Bank (DLBB). The total blood collection in the current year 2009-10 is **7.06 lakhs** units with **77.9 %** Voluntary Blood Donation (VBD) and **2.69 lakhs** units of Blood Component.

4. **Sexually Transmitted Infection Control Programme:** In 2009-10, patients attended at **147** STI clinics (**41** Govt. SIT Clinics & **106** Clinics run by NGOs) are **8.99 lakhs** out of which **1.10 lakhs** are treated.
5. **Basic Service Division:** At the end of 2009-10, there are **480** ICTCs in the State which include 14 exclusive VCTC, 14 exclusive PPTCT, 262 Integrated ICTC, 83 Facility Integrated ICTC (PPP model) & 107 Facility Integrated ICTC (at PHCs). This is up from 314 in 2008 – 09. In 2010 – 11, we will start 15 new centers, operationalize 3 mobile ICTCs and start new 388 F ICTC. Under **ICTC general** tested clients are **5.08 lakhs** of which **15038** found positive in the year 2009-10.
6. **Prevention of Parents of Child Transmission (ICTC - PPTCT):** In 2009-10, **3.88 lakhs** pregnant women are tested, out of which **931** women found positive. The number of positive live birth which received Mother-Baby Pairs is **505**.
7. **Care Support & Treatment (CST)**
 - As on now **14** ART centers functional in Ahmedabad (2), Surat (3), Rajkot, Bhavnagar, Mehsana, Vadodara, Surendranagar, Junagadh, Palanpur, Bhuj and Jamnagar. Other 3 (Navsari, Amreli and Himmatnagar will be functional by May end. At the end of **March '10**, patients ever **registered** are **41395** out of which **23730** patients have **started treatment**. Patient's alive and taking treatment on ART is **14906**. In addition, **120** patients taking **second line ART** at Centre of Excellence at Civil Hospital, Ahmedabad centre.
 - **Link ART center (LAC):** There are **23** Link ART centers in Godhara, Deesa, Himmatnagar, Amreli, Porbandar, Gandhinagar, Patan, Petlad, Nadiad, Navsari, Valsad, Bharuch, Dahod, Morbi, Gondal, Talaja, Palitana, Jamkhambhalia, Limdi, Rajpipla, Kadi, Vyara and Silvasa. Currently there are **1142** Patients taking ART on LACs.
8. **Community Care Centre (CCC):** CBCI and PFI are the implementing partners for CCC in Gujarat. These are 10 bedded structures located in community and run by NGOs which provide outdoor and indoor facilities to AIDS cases for treatment adherence and management of minor OI. There are **12** CCC functional in the state at Ahmedabad (3), Bhavnagar, Jamnagar, Mehsana, Rajkot (2), Surat (2), Surendranagar and Vadodara.
9. **Information, Education & Communication (IEC):**
 - Routine mass media, mid media IEC activities include installation of permanent hoardings, newspaper advertisements, supporting the events (World AIDS Day, Blood Donation Day) and printing of IEC materials. There are several programmes run under IEC.
 - **Integrated Rural HIV/AIDS Programme- Link Worker Scheme (IRHAP-LWS):** It caters to scattered HRG population in rural areas with involvement of local youths. Currently it is operational in 7 districts (Navsari, Surendranagar, Dahod, and Banaskantha with NACO - CARITAS support and Surat, Vadodra & Valsad with UNICEF support).
 - **Jeevandeep** Project: A state initiative run with network of positive people at 20 centers and the focus is on mainstreaming the issue of HIV/ AIDS. It has been appreciated at national level and its allocation began since 2009 – 10.
 - **Drop-in-Centre (DIC)** runs at 16 centers with positive network and catering to the needs of positive people. **They include** Ahmedabad (3), Surat (3), Banaskantha, Mehsana, Kutch, Surendranagar, Dahod, Vadodara, Bhavnagar, Rajkot, Jamnagar and Navsari.
 - **Red Ribbon Clubs** established with the objective to create awareness in youth regarding various health related programmes including HIV/AIDS. **530** Red Ribbon Clubs are being run in 7 universities of the state through **13** Non-Governmental Organizations.
 - **Health and Life Skill Education Program (HELP):** State is implementing this in 2500 schools with GCERT by involving the school teachers and peer educators and a state specific module has been designed.
 - **Red Ribbon Express** train in 2009 - 10 passed through 6 stations in 4 districts for 13 days. The total coverage of RRE is 6.03 lakh visitors.

- **Intensive District Campaign (IDC)** 5 IEC vans for 200 days in 25 districts covered 3000 villages covered 18.75 lakhs visitors.

Unique features of activities of GSACS

Highest ratio of blood donation in the country in terms of population (1.2 %).

- Maximum number of centurion donors (91), provision of 18 mobile blood Bank Vans.
- First NABH govt. blood bank in country
- Use of SATCOM in TI projects
- Pioneer in concept of LAC,
- Permission to outsource CD4 testing (only Gujarat) enabling to scale up the CST services.
- The COE at BJMC, Ahmedabad is one of the few centres in the country.
- Reliance ART centre functional at Hazira, Surat is a unique model of PPP in Gujarat.
- Support from NRHM for Blood safety and CST (upgrading of ART centers).
- Support from state budget to provide travel support to PLHA coming for treatment.
- Red Ribbon Express train in 2009 - 10 passed through 6 stations in 4 districts for 13 days. The total coverage of RRE is 6.03 lakh visitors.

Various Schemes implemented by Government of Gujarat for People Living with HIV/AIDS (PLHA) and Children Living with HIV/AIDS (CLHA) Support

- **Project Jatan**, for travel assistance to AIDS Patients to reach at ART center/ Link ART Centre (LAC). In case of adult, the expenditure at travel while in case of children it as travel for child and for accompanying one adult and loss of wage for the adult.
- **All Below Poverty Line (BPL) - PLHIV family** are eligible to be included in **Antyodaya Anna Yojana**.
- Under Social Justice and Empowerment Department, Rs. **500/- month** for AIDS patients (SEBC and EBC) as Nutritional Support under Medical Aid help scheme for lifelong. Already 2000 beneficiaries are availing this benefit.
- Widow Pension- All BPL widow are eligible for **Rs. 500/- Month** and **Rs. 80/- Month** per child up to 18 years of age (up to 2 children) by Dept. of Social Justice & Empowerment. Agencies working with GSACS help in identifying such women and facilitate their pension.
- Education scholarship to infected and affected children of HIV+ve parents is implemented by S. J. & E. Department. Budget sanction for AAP 09-10 is **Rs. 27.42 lakhs**
- Education Dept. has issued office order to all Govt. Schools to sanction special leave to CLHA for Anti-Retroviral Therapy (ART) and Opportunistic Infections (OI) treatment and also to ensure no discrimination and maintain shared confidentiality to HIV-infected and affected children.
- **Two orphanage homes** started at **Gandhinagar** and **Surat** for HIV infected/ affected supported by S.J. & E. Department (run by positive network).
- To **allocate time to representative of GSNP+** for sensitization toward HIV in Boards/Corporations/HOD meetings.
- **Palak Mata Pita Scheme (Rs. 1000 /month)** for people who adopt orphans. The scope of this scheme has been extended to entire state.

National AIDS Control programme was initiated in the year 1992 for the control of HIV/AIDS with the financial aid from World Bank. For its implementation, "National AIDS Control Organization (NACO)" at the national level was formed. With the guidance of Control Organization (NACO)" the State Government has implemented AIDS programme under the supervision of state level committee. For quick and effective implementation of the programme, The activities undertaken for the reduction of HIV/AIDS by Gujarat AIDS Control Society are coverage of 76 Non-Government Organization (NGOs) covering more than a lakh high risk is covered. In partnership with 17 NGOs Integrated Rural HIV/AIDS Awareness Programme (IRHAP) was started with the overall objective to reach the rural

population in an intensive manner and to build the capacity of the village level institutions. This programme is under implementation in 1425 villages of 57 blocks of 6 districts of the State. A statement of target-8 and its present level is as under:-

Combat HIV/AIDS Malaria and other diseases

Target 8 : have halted by 2015 and begun to reverse the incidence of malaria and other major disease.

| Sr. No. | Indicator | Parameters | Current level 2009 | Target by 2015 | Action to be taken during the year 2010 |
|---------|---|---|--------------------|----------------|---|
| 21. | Prevalence and death rates associated with malaria | API | 0.8 | 0.5 | 1. Deploying 27033 ASHA in the state to intensify surveillance. 2. Covering 30.69 lakh populations under indoor residual spray. |
| | | Deaths | 34 | 0 | |
| 22 | Proportion of population in malaria risk area using effective malaria prevention and treatment measures.3 | EDPT (58374387) | 100% | 100% | 3. Covering 52.60 lakh population under insecticide treated bed nets. 4. Intensifying biological control activities through out the State. |
| | | IRS (3668000) | 6.28 | 7.50 % | |
| | | ITMN (775150) | 3.31 | 25% | |
| | | Biological control (173632 Breeding places covered out of 224117 BP Search) | 77 | 25% | |

CHAPTER - 4

ATROCITIES AND CRIMES AGAINST WEAKER SECTIONS

India being one of the oldest continuing civilizations it has carried lot of burden of past social vagaries with it. There has been continuous flow of immigrants from North –East and Central Asia; the winners of the battles imposed their own conditions upon the defeated which over a period of time developed as a code of conduct for each group. For centuries together the majority of its population was deprived of various basic rights like acquiring knowledge and protecting themselves from the exploitation. The 'Karma Theory' of birth gave these rigorous restrictions a religious legitimacy which kept them in low esteem and subjugation. The social reforms of last five hundred years and the serious movements of the Father of Nation Mahatma Gandhi and great Leader Dr. BR Ambedkar have brought them recognition of equality before the Constitution of India and not only assertive action of abolition of untouchability and any inequality before law is enacted, but directive principles of state policy have also found way in the statute. No doubt, the pace of change was slow but this was a unique peaceful revolution that took place any where in the world.

2. The form of discrimination against Weaker Sections has now changed shape from physical discrimination to economic and that is the reason when any adverse situation developed they faced the brunt first. The present economic slow down cannot be any exception which has rendered innumerable casual workers jobless. No doubt the Employment Guarantee programmes are to some extent helpful but are definitely inadequate. Even without economic slow down these weaker sections faced social discrimination and there are large number of petitions received in the commission from these groups, the women, Scheduled Castes (SC) and the Scheduled Tribes (ST), children and minorities, the people below poverty line, and people affected by the natural disasters etc. This chapter is devoted to analyze the size and nature of these recorded atrocities in the foregoing paragraphs. The revolutionary legislation of right to information, no doubt slightly empowered them but lot of effort is required to level the social malaise.

3. Human Rights and Dalits - a legal framework:

The fall out of deep rooted malaise of Varna classification in Manusmirti passed through millenniums of history necessitated long term affirmative action in India for Dalits and weaker sections and women which dates back to social reforms initiated in the 18th Century. Efforts of Raja Ram Mohan Roy are well known to remove atrocities against widows and women folk. Presently a three pronged strategy is envisaged. Firstly, an overall frame work of rights is created under Articles 15 and 17 that conferred equality of status and abolition of untouchability. It was hoped that it will liberate the dalits from all disabilities, but it did not happen. Several policies and programmes were undertaken under these institutions to give concrete steps to ensure full equality in enjoyment of the constitutional rights. Reservation was not only given in the elections to the seats in Parliament (Article 330) but also in the State legislative Assemblies (Article 332), panchayats (Article 243D) and Municipalities {(article 343 (T))}. The system of reservation was introduced in services of Central and state Governments. Thirdly, the attempts are made to wean away Dalits from such perniciously degrading practices as 'Manual scavenging by passing the 'Employment of manual scavengers and construction of dry latrines prohibition Act 1993.'

4. Right to Information Act, 2005

Under the Right to Information Act, 2005, the Government has made arrangements to avail the best facilities to get information to the citizens and thus an excellent work is being done for protection of human rights. Under the Right to Information Act, 2005, the State Commission has provided the requisite information in time to all genuine applicants during the year 2009-10. The Gujarat State Human Rights Commission has also published required State Commission's booklet under the aforesaid Act within the prescribed time limit. The Human Rights generally touch upon every person

however; the violations are generally seen more against the weaker sections of the society. The major violations are against the most vulnerable section of our society i.e. women, scheduled Castes (SC) and the Scheduled Tribes (ST) and some of them against minorities also. The people below poverty line face major constraints of poor literacy rate, poor educational opportunities and health services and lack of other infrastructure facilities.

5. Scheduled Caste / Scheduled Tribe atrocities

The Constitution of India has given Right to equality to every citizen. It prohibits any kind of discrimination based on race, caste, creed, faith or religion by public administration. The practice of untouchability has been totally eradicated under Article 17 of the constitution. The Central Government has notified following Acts for its effective enforcement against any violation.

- (I) Citizens Rights Protection Act, 1995
- (II) Scheduled Caste / Scheduled Tribe (Atrocities) Prevention Act, 1989.
- (III) The Untouchability Act, 1976
- (IV) Prevention of Atrocities on Scheduled Caste, Schedule Tribes Rules, 1955.

6. It is noteworthy here that, the Central Government has constituted two separate Commissions at the National Level for Scheduled Castes and Scheduled Tribes (1) National Scheduled Caste Commission and, (2) National Scheduled Tribe Commission. Any citizen of the State can submit his petition to these Commissions. As per the section 21(5) of Human Rights Protection Act, 1993, if any issue is already filed before any of these Commissions or the NHRC, this commission cannot entertain such cases so that the disputes are not repeated unnecessarily with different commissions. Besides these two, there are three other commissions to serve the weaker sections, those are; The National Commission for Minorities, National Commission for Women and the National commission for Protection of Child Rights.

7. The State Commission is very alert and immediately admits complaints as soon as they are filed and in case of Schedule Caste and Schedule Tribes, gets inquiry reports immediately. After going through the reports received, if any discrimination is noticed, it gets rectified immediately and if necessary, instructions to the concerned Officers are given for protecting the rights of the Scheduled Caste / Scheduled Tribe and penalty in case of serious offences is also recommended.

8. As mentioned earlier State Commission received total 2992 petitions up to 31st March, 2010, out of which 60% cases pertaining to the Scheduled Caste / Scheduled Tribes are finalized by the State Commission. A few such cases are presented in the report. Guidance and suggestions have been given to the authorities in many cases and recommendations have also been sent to the Government by the State Commission. Thus, State Commission is well aware and serious in solving the cases of Scheduled Castes / Scheduled Tribes.

9. In the Gujarat State Human Rights Commission, 2992 petitions are received during the year 2009-10 out of which 91 petitions are from the SC/ST category, from which 54 petitions have been disposed off. The State Commission also recommended in many cases for the Human Rights of such weaker sections. There are 1081 offences registered regarding atrocity on SC and 196 offences regarding ST category during the year 2009-10, out of which many Cases of atrocities against SC/ST were filed and the offences registered by the police. In many cases it was found that relevant Sections of Atrocities were wrongly applied, which were set right by the Gujarat State Human Rights Commission. The State Commission also made recommendations in regard to the responsibility of such lapses as well as various recommendations were also made for the implementation of Human Rights of such weaker sections. The concerned authorities have promptly reported action taken on the implementation of the recommendations.

10. Thus the State Commission has acted according to the legal provisions for protecting Human Rights of the weaker sections of Gujarat State and thus discharged its duty to peaceful development and welfare of the State. The State Commission scrutinizes the petitions and if found correct, issues notices to obtain the reports and arranges the hearing and makes recommendations. Ultimately desired results were achieved to prevent the breach of the Human Rights in the State.

11. MINORITIES

Gujarat state has a sizeable population (18%) of the minorities. The Gujarat State Human Rights Commission received 51 petitions of various kinds, from the minority communities like Muslims, Christians, Parsis etc. during the year 2009-10.

12. WOMEN

Women are Life partners of men and are inseparable part of the society. But because of lack of different physiological capabilities, historically half of the total population (Women folk) in the entire world have been victimized or exploited. Sometimes, men forget the importance of powers of women and as a result, women are being exploited. The feudalistic rulers in the medieval period brought the worst practices and reduced women simply to an object of enjoyment and producing heirs. The Taliban Fatwas in the neighbouring country are remnants of that ideology. The 2001 census shows increase in the sex ratio however; the reason for alarm was the sharp decline by 18 points in the child sex ratio in the age group of 0-6 years. This decline is so wide spread that out of 28 states and Union territories only 4 states –Kerala, Tripura, Mizoram and Sikkim and one Union territory Lakshadweep point to an increase. Gujarat (-54) has sharp decline along with Punjab, Haryana, Himachal Pradesh, Chandigarh and Delhi. There are 122 districts spread over 14 states having a child sex ratio of less than 900. There is a clear co-relation between the proliferation of sex determination tests, and increase in sex selective abortions. This is a major crime against the women. The other major crime is that of rape. The Courts take this crime as crime against life. In one of the landmark judgments Hon'ble Supreme Court observed that 'Right to life' under law means right to live with dignity that would include all those aspects that made life meaningful. Women also have right to enjoy equal status under the constitution. Women also have right to life and liberty, they also have right to be respected and treated as equal citizens. Their honour and dignity cannot be touched or violated. They also have right to lead an honorable and peaceful life. They must have the liberty, the freedom and, of course, the independence to live the role assigned to them. (Justice S. Sagir Ahmed 1996). The Court placed rape in the framework of fundamental right to life under article 21 of the Constitution. "Rape is--not only a crime against the person of a woman (victim), it is a crime against the entire society. It destroys the entire psychology of a woman and pushes her into deep emotional crisis." There are many horrifying stories in Gujarat also. The Bijal Joshi rape case of Ahmedabad of 2004 and the PTC, College student rape case of Patan are one of the series of crimes committed in the society against women. There are endless instances of crimes of bride burning for dowry and day to day harassment of newly wedded girls in their prime age of 18 to 35 leading to large scale dowry deaths and suicides. There are many types of social discriminations from childhood onwards, sexual harassments on work places and discrimination in wages despite the equal wages labour laws. The society has to come out more assertively against these malpractices.

13. The State Commission is alert on the front of women rights. It attends petitions of women immediately and keeps continuous vigilance and gets immediate inquiry reports on their issues. After receiving reports, if any loopholes are found, it immediately passes necessary recommendations to the concerned offices to ensure full protection of rights of the women. The State Commission has undertaken action under the Protection of Women from Domestic Violence Act, 2005. Moreover, under this Act, the State Commission has asked for the report from the State Government on the appointment of Protection Officers, creating public awareness on gender sensitization and providing the budget provision for all the Districts of State.

14. The State Commission is in preparedness to issues pertaining to women. Its policy for hearing such cases is on priority basis and concerned executive officers are kept present. The State Commission insists for immediate solution of the issues raised in a prescribed time-limit and takes action for immediate dispensation of justice, against the cases of violations of rights of the women.

15. There are 205 petitions received in the State Commission from the women during the year 2009-10 regarding violation of Human Rights. The details are as under;

| | |
|--------------------------------------|-------|
| (1) Abduction, rape and murder | 35 |
| (2) Discrimination against women | 12 |
| (3) Dowry death or their attempts | 6 |
| (4) Dowry demand | 10 |
| (5) Exploitation | 87 |
| (6) Indecent representation of women | 2 |
| (7) Indignity of women | 31 |
| (8) Immortal trafficking in women | 3 |
| (9) Rape | 10 |
| (10) Sexual harassment | 9 |
| | ----- |
| Total | 205 |

16. There is an increase of 50 petitions in the complaints of women in the State Commission during the year 2009-10 in comparison of the year 2008-09. The State Commission has taken special care in protecting the rights of women and also taken interest to admit the cases under the new Domestic Violence Act of 2005. The State Commission is vigilant for issues of violence against women. There are 11,478 offences registered in Gujarat State regarding violence against women during the year 2009-10 the break-up of which is given below;

| | |
|-----------------------|------------|
| (1) Rape | 428 |
| (2) Murder | 297 |
| (3) Abduction | 1394 |
| (4) Attempt to murder | 97 |
| (5) Dowry death | 21 |
| (6) Torture | 6999 |
| (7) Teasing | 910 |
| (8) Suicide | 534 |
| (9) Others | <u>798</u> |
| Total | 11478 |

17. The details of offences registered for atrocities on women and children of minorities in Gujarat are as follows:-

| No. | Year | Women | | Children | | Total |
|-----|---------|--------|------------|----------|------------|-------|
| | | Muslim | Christians | Muslim | Christians | |
| 1 | 2008-09 | 1186 | 26 | 66 | 0 | 1278 |
| 2 | 2009-10 | 754 | 23 | 46 | 0 | 823 |
| | Total | 1940 | 49 | 112 | 0 | 2101 |

(Source: CID Crime, Gujarat State, Gandhinagar)

Looking to the above statistics, petitions presented for violence against women of Muslim and Christians have decreased to the tune of 432 and 3 respectively in the year 2009-10. However the petitions on children of Muslims and Christians have decreased to 20 and 0 respectively.

18. The highlights of some of the steps taken by the National Commission, which apply to the state also, are:

- i) Integrated Action Plan to prevent and combat human trafficking with special focus on women and children - A draft Plan of Action was evolved in this regard and it was discussed with all stakeholders during the National Consultation held in New Delhi from 3-4 August, 2007. The document once finalized will take the shape of a National Plan of Action to prevent and combat human trafficking.
- ii) Missing Children - The recommendations / suggestions of the Committee constituted by the National Human Rights Commission in this regard have been sent to the concerned authorities in the country and to the Government of India.
- iii) Juvenile justice - The Commission is in the process of preparation of an Action Plan for bringing about improvements in the functioning of the juvenile system in the country and also to prepare guidelines in this regard.

19. Missing Children and women

The issue of missing children is a matter of serious concern. The following Guidelines are given by the Hon. Supreme Court of India on 14-11-2002, while hearing the Writ Petition (Cri.) No. 610 of 1996 filed by Horilal V/s Commissioner of Police, Delhi & Ors. with regard to effective steps to be taken in case of tracing out the missing and kidnapped minor girls and women etc.: -

- (i) Publish photographs of the missing person in the newspaper; telecast them on the television promptly and in any case not later than one week of the receipt of the complaint. Photographs of the missing person shall be given wide publicity at all the prominent outlets of the city/town/village concerned, that is, at the railway stations, inter-State bus stands, airport, regional passport office and through law enforcement personnel at border check-posts. This should be done promptly and in any case not later than one week of the receipt of the complaint. But in case of a minor / major girl such photograph shall not be published without the written consent of the parents/guardians,
- (ii) Make inquiries in the neighborhood, the place of work/study of the missing girl from friends, colleagues, acquaintances, relatives etc. immediately. Equally all the clues from the papers and belongings of the missing person should be promptly investigated,
- (iii) To contact the Principal, class teacher and student at the missing person's most recent school/educational institutions. If the missing girl or woman is employed somewhere, then to contact the most recent employer and her colleagues at the place of employment,

- (iv) Conduct an inquiry into the whereabouts from the extended family of relatives, neighbours, school teachers including school friends of the missing girl or woman,
- (v) Make necessary inquiries whether there have been past incidents or reports of violence within the family. Thereafter, the investigating officer/agency shall:
- (vi) Diligently follow up to ensure that the records requested from the parents are obtained, and examined for clues,
- (vii) Hospitals and mortuaries be searched immediately after receiving the complaint.
- (viii) The reward for furnishing clue about the missing person should be announced within a month of her disappearance.
- (ix) Hue and cry notices shall be given within a month.
- (x) The investigation should be made through women police officers as far as possible.
- (xi) The concerned Police Commissioner or the D.I.G. / I.G. of the State police would find out the feasibility of establishing a Multi-Task Force for locating missing girl children and women.
- (xii) Further, in the metropolitan cities, such as Delhi, Mumbai, Kolkata and Chennai, the Investigating Officer should immediately verify the red-light areas and try to find out the minor girls. If any minor girl (may or may not be recently brought there) is found, her possession be taken and she may be sent to the local children's home (Sec. 34 of the Juvenile Justice (Care and Protection of Children), Act, 2000), and the I.O. to take appropriate steps that all medical/other facilities are provided to her.

NB: Annexures regarding atrocities on SC/ST/women and missing children are annexed herewith in Annexures 6 &7 in this report.

20. Rights of persons with disabilities - Rights of Disability

Convention on the Rights of Persons with Disabilities was adopted on 13th December, 2006 by the UN General Assembly. The Government of India has ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 1st October 2007. Article 33 of the Convention explains the role of National Human Rights Institutions (NHRIs) in promoting and protecting the Rights of Persons with Disabilities. There is a need to focus on their rights for employment, education, vocational training and access of services. A few petitions got filed before the commission which has been disposed off. The Commission provides a role for NHRIs in the monitoring of the rights of persons with disability and will continue its efforts in this regard.

21. CHILDREN

There is an increase of 2 petitions pertaining to violence against children in the year 2009-10, Government of India has set up separate Commission for issues of children known as National Commission for Protection of Children Rights (NPCPR).It is recommended that state governments may also have similar Commission to focus on the issues of children

22. RIGHT TO HEALTH:

In the context of Human Rights, every citizen has right to live healthy and a Right to Health. Therefore, the State Government has also implemented many programmes on health, wherein, planning has been organized for various programmes for easily availing health and peaceful life services to the people of the State. The State Government is taking action to make these programmes as the people's programmes, in which mainly four groups of programmes are in force (a) Public Health, (b) Medical Services, (c) Medical Education and Research, and (d) Family Welfare

Programmes. As a risk of public health, preservation of healthy environment is an important issue for human rights, which is being taken into consideration.

In respect of human rights, the following priority aspects are to be taken into consideration on health (1) Primary facilities for health (2) Immunization programmes (3) Special disease control (4) IMR / MMR / Study of institutional delivery ratio and facilities and taking into further consideration present age of fast communication and transport (5) Trauma centre, EMS (at No108) services have been found proactive in proper direction towards Human Rights work.

The State Commission received a total of 44 applications up to March, 31, 2010, out of which 22 were of public health and 22 were of pollution control, of these, 18 applications have been disposed off and 26 are pending.

23. Right to Education.

All primary schools are given assistance to the tune of Rs. 500/- for the festival of admission to the schools. There is a scheme in existence called as 'Vidhyadeep Vima Raxan' in order to provide insurance protection to all children studying in Government Primary Schools. Payment was made in 31 claims during the year 2007. In case of any emergency of common injury or any health related problems during the school timings. There is a facility to provide for immediate facility of treatment in the school. In order to give special boost to the girl education there is a scheme called 'Narmada Shri Nidhi' in which bond worth Rs. 1000/- is given to girls since 2002-03. In order to encourage girl education every year Chariot procession (Kanya Kelvani Rath Yatra) for girl education is organized by the Government. The Secretary, addl. DGP and Dy. Secretary went to Navsari, Valsad and Banaskantha Districts. The Gujarat Human Rights Commission is actively monitoring this programme, the table given in annexure: 4 show fall in drop out ratio from 49.02 % in 1990-91 to 2. 20 % in 2009-10.

24. Reduce child mortality

In order to bring down infancy death rate there is a vaccination programme in which infants above one year age is given various vaccines such as B.C.G. polio and measles. The performance of vaccination to children is done every Monday and Wednesday respectively at Health Centres and area of the respective village so that maximum children are covered for vaccination. In order to reducing infancy death rate of children of above 5 years age. Government has launched oral dehydration, acute respiratory infection programme and administering doze of vitamin 'A' programme. The Government has also launched programme by which children are immured against six fatal diseases by administering vaccine to the children of one year age, not only this but children are vaccinated all over Gujarat on 'Mother Day'. The Government of Gujarat has declared the calendar year 2008 as 'Nirogi Bal Varsh'. The main purpose of this programme is to ensure and bring about improvement in the health of mother and child. There are various schemes in force such as 'Beti Bachao Abhiyan', 'Nari Gaurav Nidhi' for bringing about gender equality by gender resource center. Apart from this gender data bank has been set up and distributed

CHAPTER - 5

CUSTODIAL CRIMES AND PRISONERS' CONDITIONS

Custodial Violence and Custodial Deaths

Article 21 of our Constitution provides for fundamental right to life and liberty, reflecting this provision enacted in the form of law in the Protection of Human Rights Act 1993. Definition of human rights incorporated in section 2(d) which goes like:- "human rights means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India."

2. The Universal Declaration of Human Rights envisages freedom of life in its first article which envisages that 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., Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Everyone has the right to life, liberty and security of person. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. No one shall be subjected to arbitrary arrest, detention or exile. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

3. It is generally perceived that the worst form of violation of Human Rights is in the form of torture. In a report "Torture in India 2008: A State of Denial" the first ever nationwide assessment of the use of torture in the nation, the Amnesty Commission of Human Rights alleges that 7,468 persons on an average of 1,494 a year died or killed in prisons and police custody during 2002-2007. A pervasive regime of impunity is the single-most important factor for institutionalising widespread use of torture even in areas where there are no armed conflicts. Only four personnel were convicted in 2004 and three in 2005 for custodial deaths, it says. The ACHR warns that unless the government addresses human rights violations and brings those responsible to justice, the prospects for counter insurgency success will diminish significantly and the space for more violent and extreme armed opposition groups (AOG) will grow, and these will continue to commit appalling acts of torture with impunity."

4. Among India's burgeoning armed opposition groups, the Naxalites or Maoists have an appalling record of breach of human rights, including killing, torture and mutilation. Their targets include anti-Maoists, Salwa Judum activists, alleged police informers, adivasis and dalits. The naxalites have increasingly organised para-state institutions, notably "jan adalats" to impose torture and mutilation.

5. Moot legislation

The ACHR recommends that the government should enact legislation to criminalise torture and provide compensation to the victims, further amend the Human Rights Protection Act of 1993 to bring the armed forces under the purview of the National Human Rights Commission and ratify the United

Nations Convention Against Torture. It also urges the National Human Rights Commission to recognise torture as a crime distinct from custodial death and provide a separate heading for torture under its annual report, create a separate department to study all post-mortem reports submitted to the Commission in all cases of custodial deaths and set up a separate prosecution department that will take necessary measures for prosecution of the guilty, should find facts and evidence establishing the acts of torture.

6. There are many provisions of IPC defining various types of crimes which are all required to be enforced and the police has the powers to either prevent the crime or arrest the offender who has committed the crime. The Criminal procedure code has provided for the procedures as to how the administration of justice should conduct itself.

7. The National Human Rights Commission in Reports for the year 2005-06 has observed

“ 3.50 The most fundamental of all rights is undeniably the Right to life and liberty. Denial of this basic right to a human being or impediments brought in the way of attainment of this right, in any manner, is cause for concern for the society as a whole. Therefore, when the State apparatus is accused of being the cause of custodial violence or death, it would not be wrong to say that it is willfully abdicating its most basic and fundamental duty towards the citizens in a democratic system. The very core of a democratic philosophy rests on the presumption that the State shall not do anything that impedes or denies the right to life of any individual except by the due process of law.

3.51 The National Human Rights Commission has, since its inception, been grappling with the problem of the custodial justice system in the country. In particular, it has focused on the most serious of its manifestations - custodial deaths. It is to bring an element of deterrence and accountability of those upon whom the law has vested the responsibility of managing the custodial institutions, that the Commission has issued directions, which make it incumbent and mandatory for all district authorities to report to the Commission any incident of custodial death, within a period of twenty-four hours of its occurrence”.

8. Custodial Violence and Deaths

There are many dimensions to the problem relating to custodial justice management. The National Human Rights Commission in Report for the year 2006-07 has observed,

“ 3.54 The Commission has made sincere efforts for the protection and promotion of Human Rights within the country. Though the impact of the Universal Declaration of human rights is quite evident in Part III and IV of the Indian Constitution, the fact remains that there is a wide gap between theory and practice. The denial of fundamental freedoms and human rights by the State creates conditions of social and political unrest. It definitely sows the seeds of violence and conflicts within and between societies and nations.

3.55 Some of the common features of violations of human rights are torture of arrested persons, disappearance of suspects who ought to have been in regular police custody, deaths in fake encounters, deaths in police custody, and under-trials detained in jail for years without trial.

3.56 In order to curb custodial violence, the Commission has issued guidelines to all States and Union Territories that all deaths in police and judicial custody should be promptly reported to the Commission within 24 hours of the occurrence.

3.57 The Commission has further directed that in case of death in police custody, the post-mortem is to be video-graphed and the videotape sent to the Commission. These measures enable the Commission to exercise checks on custodial torture and violence by the police and other public servants.

3.58 Since its inception in October 1993, the Commission has received intimations of 15166 deaths in police and judicial custody. Most of these deaths, especially those in judicial custody, were

chiefly attributable to natural causes such as illness and old age. In other cases, they occurred for a variety of reasons, including illness aggravated by medical negligence, violence by public servants or between prisoners, and due to suicides.”

9. The Procedure for Arrest

The State has to exercise powers of arrest to bring the criminals to justice and prevent untoward happenings. The Criminal Procedure Code, 1973 provides procedure to do so. Very important guidelines/instructions are given in the judgment dated 19-10-2001 in the case of Shri D. K. Basu and others Versus State of West Bengal, Criminal Miscellaneous Petition No. 12704/2001, in the Hon. Supreme Court, in which, most of the aspects have also been covered under the Criminal Procedure Code, 1973 and the instructions have been given to activate the State Human Rights Commission by this judgment. The annexure of these guidelines is annexed herewith as Annexure 5B in this report.

10. Position of Jails in Gujarat

The Gujarat State Human Rights Commission carries out its functions and duties under Section 12 of the Human Rights Protection Act, 1993. Under these provisions, inquiry about carelessness of any public servant in preventing such breach or breach of human rights, the State Commission, undertakes itself "Suo Motu" or from representation of somebody. Moreover, the Section 12(c) of the above Act reads as under;

“visit, notwithstanding anything constrained 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 thereon to the government;”

11. The present status of the Jails in Gujarat State is as below:-

- (1) Total Number of prisoners in State Jails as on 31-3-2010 is 12,446 and Average over crowding in State jails is 74.9 %.
- (2) Out of the total 12,446 prisoners there are 647 females and 11799 males. The details of the prisoners as on 31-3-2010 are as under:-

Details of prisoners (as shown in annexure: 8)

| Convicted | | Under Trial | | Detainees | | Total | | Grand Total |
|-----------|--------|-------------|--------|-----------|--------|-------|--------|-------------|
| Male | Female | Male | Female | Male | Female | Male | Female | |
| 4452 | 194 | 6893 | 362 | 454 | 91 | 11799 | 647 | 12446 |

- (3) The Gujarat State Human Rights Commission, in respect of human rights of prisoners in jails, undertakes programmes according to Section 12 (c), and undertakes necessary actions into considerations in context of protection and promotion of Human Rights regarding issues of prisoners' programmes and Shibirs.

12. The Commission closely watches the law enforcement agencies. In the whole year total Complaints of 23 prisoners have been received in the State Human Rights Commission and 3 were pending at the beginning of the year, totaling to 26. Out of which, 22 complaints have been disposed of and 4 are pending for requisite information and further inquiry as on 31st March, 2010.

The Commission is serious and showing its concern for the over crowding of jails. To reduce the number of inmates, the State Human Rights Commission observations as follows:-

- (1) With a view of speedy disposal of all the arrested prisoners in State Jails, the Commission recommends to take suitable actions for hearing the cases fast.

- (2) It also recommends creating facilities as per the needs to match their numbers if there are more prisoners than recommended to increase the intake capacity of jails by constructing more facilities and also having full utilization of jails building ready for occupation.
- (3) The Commission also recommends keeping vigil to present in time before the Hon'ble Court the arrested prisoners on remand before the expiry of their tenure. It is illegal to keep any person in arrest without getting remand.
- (4) The State Commission also visits the jails and studies the situation of prisoners in the jail.
- (5) The capacity of accommodation of prisoners allotted to respective jails in Gujarat is 6763 for male prisoners and 353 for female prisoners. Comparing to this figure it is 57 % over crowded.

13. Complaints of violation of Human Rights by the police

The State Commission also noticed several issues of violations of Human Rights by the police in the state. The State Commission also recommended for departmental actions or punitive actions to the concerned authorities. The action taken by the Sate authorities are awaited in such cases.

Total Number of complaints received by the Gujarat State Human Rights Commission against Police during the year 2007-08 is 394, in the year 2008-09 is 602, while for the year 2009-10 is 910, details of which are given below:-

| Sr. No | <u>Subject</u> | <u>2006-07</u> | <u>2007-08</u> | <u>2008-09</u> | <u>2009-10</u> |
|---------------|---------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1 | Arbitrary use of power | 24 | 40 | 37 | 68 |
| 2 | Abduction and kidnapping | 2 | 4 | 3 | 0 |
| 3 | Abduction and rape | 0 | 0 | 1 | 0 |
| 4 | Abuse of power | 35 | 51 | 119 | 183 |
| 5 | Attempt to murder | 0 | 1 | 1 | 0 |
| 6 | Atrocity on SC/ST | 3 | 5 | 3 | 6 |
| 7 | Death in police Custody | 1 | 1 | 4 | 3 |
| 8 | Custodial Torture | 0 | 2 | 6 | 2 |
| 9 | Custodial violence | 1 | 1 | 4 | 1 |
| 10 | Death in police encounters | 0 | 1 | 0 | 0 |
| 11 | Failure in taking lawful action | 69 | 233 | 266 | 411 |
| 12 | False implications | 13 | 23 | 58 | 96 |
| 13 | Illegal arrest | 1 | 0 | 8 | 14 |
| 14 | Unlawful detention | 4 | 1 | 12 | 14 |
| 15 | Undue arrest | 2 | 5 | 4 | 1 |
| 16 | Police motivated incidents | 2 | 6 | 14 | 10 |
| 17 | Prolonged trial | 3 | 11 | 58 | 91 |
| 18 | Victimization | 3 | 9 | 4 | 10 |
| | Total | 163 | 394 | 602 | 910 |

14. Custodial deaths:-

The State Commission received 48 cases of custodial deaths during the year 2009-10. Out of 48 cases, several cases have been transferred to the State Commission by National Human Rights Commission under Section 13(6) of the Protection of Human Rights Act, 1993.

Out of total 48 cases of custodial deaths, 44 cases were reported as "natural deaths" due to illness etc., one case of suicide, one case due to collapse of jail wall and 2 cases of custodial deaths by alleged police atrocity. The detailed statement of custodial deaths is annexed herewith as annexure 5A.

Chapter - 6

Exemplary cases

RAJKOT

1

RJR-61/09

One joint representation was made to the State Commission against atrocity on *Dalit* families of village *Sanathali* for proper investigation under IPC 307 and under section 3(2)(5) of Atrocity Act which was sent to Superintendent of Police, *Rajkot* Rural for inquiry and report to the State Commission. As the petitioners were physically assaulted, FIR was already registered against the accused under IPC section 326, 325, 324, 147, 148, 149, 504, 506(2) and under section 3(1)(10) of Atrocity Act and in further investigation section 307 of IPC and section 3(2)(5) of Atrocity Act were also included and it was also added as per the prayer of the petitioner or by the Superintendent of Police that fair investigation would be carried out by the Sub Divisional Police Officer *Gondal*. Thus, at the instance of State Commission, the two petitioners were attended properly by the police.

Ahmedabad

2

ADR-9/10

Bhangi Valiben the widow of *Govindbhai*, age 64 of *Sasiyana, Ta. Dhandhuka* sent a petition to Gujarat State Human Rights Commission for protection against harassments by accused who were given loan by her deceased husband. As, the State Commission asked Superintendent of Police, *Ahmedabad* Rural to inquire, it was reported that both the parties have arrived to an amicable compromise, the amount of Rs. 2500 had been given back to the petitioner and the petitioner has expressed satisfaction etc. Thus, at the instance of Sate Commission, the dispute was settled.

PATAN

3

PTN-40/09

Shri Dharmeshbhai Prajapati of Patan complained to the Commission that M/s Idea Cellular Ltd. has constructed a 50 meter mobile tower in violation of the conditions prescribed in NOC and *Patan* Municipality has refrained from taking action against the Company for a long period over 19 months. Earlier, one company was forced by the authorities to pull down the mobile tower erected in residential area in *Patan*. As the State Commission called for a report, Collector-*Patan* reported that the company was inflicted a fine of Rs. 10,000 and Rs. 17,920 were recovered as necessary fees and was given NA permission with retrospective effect. Thus, a reference from the State Commission activated authorities to take action against the company after lapse of two years.

PORBANDAR

4

PBR-9/09

Smt. Kundanben A. Pandhi, a female health worker, employed at *Garej* Primary Health Centre petitioned before Gujarat State Human Rights Commission that she was attaining superannuation in November, 2009 and authorities have yet not sanctioned her special leave application. She was

suffering from cancer and was operated up on in February, 2003. Her application for leave on special medical grounds was not attended properly and was tossed for various queries by the concerned authorities over a long period. As soon as Gujarat State Human Rights Commission called for a report the issue was resolved and petitioner got relief in getting her leave amounting to six and half years was sanctioned with approval of Finance Department. Her thanks giving letter to GSHRC touched any one's sentiments.

SABARKANTHA

5

SBK-109/09

Shri Ramabhai Jethabhai Valand and others of *Devli, Ta. Modasa* filed a petition that a Government *Kharaba* (waste land), adjoining to their agricultural land was allotted to Ex-serviceman *Shri Puvar Pravinsinh Vadansinh* before 20 years and since then he has started encroachment over petitioners' land and have closed approached road etc. and petitioners' plea remained unsolved since years. This being a land dispute, was sent to Collector, *Sabarkantha* for necessary action and subsequently it was reported to the Gujarat State Human Rights Commission that Sub Divisional Magistrate of *Modasa* acted upon this issue by resolving an amicable compromise among both the parties on 1-8-2009. Thus, State Commission communication to district authorities was attended properly resulting into solution of a decade old quarrel between two neighbours.

BHAVNAGAR

6

BVN 95/10

Shri Bhavubha M. Jhala, a retired primary teacher submitted his grievance that since he retired 3 years ago, he was not getting revised pension w.e.f. 1-1-2006 for which he is eligible and payment of Rs. 2-3 lakhs is held up. In-action and lethargic approach of Officers of City Primary Education Committee, District Education Officer and Local Fund Office have kept such 56 cases in balance. This grievance was sent to concerned authorities for report to Gujarat State Human Rights Commission and it is reported by *Shashnadhikari, Nagar Prathamik Shikshan Samiti, Bhavnagar* that these pending cases have been taken care of. Necessary compliance was made to Local Fund Office. Hence, these pensioners will get the arrears after the required process for pay verification is completed. Thus, the State Commission became a catalyst in finalizing the grievance of retired pensioners.

AHMEDABAD

7

ADC 508-10

Shri R. R. Shaikh from *Kalupur, Ahmedabad* brought it to the notice of the Gujarat State Human Rights Commission that the Primary School at *Banderi Pole, Kalupur* is functioning in a hazardous and very old building. Hence, if any mishap occurs due to collapse of this building, precautionary measures are required so as to save lives of children. The Dy. Estate Officer of *Amedabad* Municipal Corporation, Central Zone has reported to GSHRC that the owner of the building as well as the school authorities have been served with notices under section 264 of BPMC Act for immediate repairing of this building. Final outcome of this process is awaited.

Shri Chandubhai Jivabhai Pandor of Veipur, Ta. Bhiloda, Dist. Sabarkantha made a petition before the Gujarat State Human Rights Commission that his elder brother *Narendrabhai*, serving at Collector Office, *Anand*, disappeared alongwith his wife and two daughters. Their residential government quarter at *Anand* remained closed for over two years. Now, the whereabouts of the disappeared persons were not traced in police inquiry. Petitioner represented that he was not economically sound to make overdue payments of rent of this quarter, he urged authorities for possession of building of the disappeared family. The Executive Engineer (R & B) Division *Anand* has reported that proposal for waive of pending amount is made to competent authority and necessary procedure of undertaken *Panchanama* of the building of that closed quarter were done and the petitioner was allowed to take away the belongings of his brother's family.

Thus, The State Commission became instrumental in completing the procedure and petitioner's request was settled.

VALSAD**9****BSR/ 14/10**

Shri I. V. Patel of village Kanjanhari, Ta. Valsad filed a petition to the State Commission that he lost his land due to installation of gas pipe line through it, and was entitled to get compensation. The Commission called for a report from Dy. Collector, *Hazira*. After that, applicant got a compensation of Rs. 1,47,737.

Thus, The State Commission became instrumental and petitioner's grievance was settled.

KHEDA**10****KRA/33/09**

Petitioner *Shri R. D. Patel*, residing at *Haribhai Society, Sevalia* filed a petition to the Commission in June, 2009 about illegal setting of electronic scale made by *Patel Traders* in the market. State Commission wrote to Food and Civil Supply Department for taking necessary action. On 15th February, concerned authority replied to the applicant that there was no illegal setting in the scale but it was not renewed in time limit and so Rs. 500 as a penalty recovered from the *Patel Traders*.

AHMEDABAD**11****ADR/1/08**

Applicant *Shri K. M. Chauhan*, residing at *Sanand, Dist Ahmedabad* applied to the State Commission regarding giving employment in class IV post of his father Mr. *Manubhai B. Chauhan*, who was working under Road & Building Department, Ahmedabad expired on duty in Sept. 2005.

In this matter, at the first instance the Road & Building Department furnished its report in February, 2008. It was stated that the father of the petitioner was working as dailywager who died

during his service. According to the provisions and standing policy of the State Government, such sympathetically compassionate service is not admissible in case of the heirs of a dailywager.

The State Commission therefore drew the attention of the General Administration Department, Government of Gujarat in July, 2008. The General Administration Department replied on 26-3-09 that the scheme of compassionate service will not apply to cases of dailywagers, casual workers, apprentices, contractual ad-hoc appointments and re-employment services as per the provisions of the GR dated 10-3-2000.

The State Commission therefore, decided to recommend to the State Government to reconsider the cases of the dailywages and avoid such injustice towards the legal heirs of such deceased employees; because such compensate services become the base of income and livelihood of such affected families. Moreover the State Government had regularized the services of such dailywagers with effect from 1-10-1988 etc. by way of accepting the recommendations of Dolatbhai Parmar Committee. Therefore, the Status at the time of death of the employee should be considered. In this case the heirs of diseased dailywagers are required to be considered because the services of the deceased employee was regularized w.e.f. 1-10-1988. Thus the services must be treated as regular employee in such cases. The State Commission therefore recommended clarifying the word "daily wager" in the GR, GAD dated 10-3-2000. Therefore the Government is requested to clarify the matter accordingly.

The State Commission is waiting for action taken report in this regard.

AMRELI

12

AMR/33/09

Shri B. M. Chauhan of Amreli filed a petition to the Commission in July, 2009 regarding stopping of his payments as he was suffering from Cancer.

The State Commission called for a report of Gujarat State Road Transport Corporation (GSRTC). The GSRTC had sanctioned the amount of Rs. 8800 from the welfare fund.

JUNAGADH

13

JND/51/08

Two petitioners *Shri Bhikhabhai Abdulbhai Makrani* and *Shri Khatubhai Arjanbhai Darbar* residing at *valadar, Ta. Kodinar* had filed a petition regarding violation of their human rights by local police authority. They alleged that one complainant belonging to SC has given a false complaint at *Kodinar* police station under Atrocity Act and various sections of IPC against them.

The State Commission took cognizance and immediately issued a notice for hearing of the case on 26-12-08 before the ADGP of the Commission. During hearing it was found that there was no

involvement of the petitioners in the case. Therefore the Commission issued two recommendations to the Supt. of police, Junagadh that, (1) not to arrest the petitioners who are not found involved in the case and (2) if any independent and third party evidence are found against the petitioners, and if the petitioners are required to be arrested in this offence, the report in this regard may be furnished to the State Commission within 21 days.

Accordingly, the Deputy Supdt of Police, *Veraval* in his report of 26-12-08 stated that the complainant had confessed that he had filed false case against the petitioners; hence, "B" summary was filed in the Court. Thus, the State Commission ultimately got discharged the petitioners from the so called serious offence.

PATAN

14

PTN/53/07

Petitioner *Rajebhai Alibadhai Momin* residing at *Dhasavasa, Ta. Siddhapur* filed a petition before the State Commission that the village panchayat has passed two illegal resolutions in its *Gram Sabha*, dated 16-1-06. The resolution No. 41 & 45 were resolved against the petitioner and other citizens of the village are vague and fabulous matter. It was further resolved that the applications of the petitioner not to be entertained. It was further resolved that the petitioner and other citizens are hereby black listed.

The report was called from District Development Officer, *Patan* and finally after such involvement of the State Commission, the *Taluka Panchayat, Siddhapur* issued orders regarding cancellation of disputed resolutions of the *Gram Sabha* under section 249(1) of the *Panchayat Act*.

JAMNAGAR

15

JND/36/07

On behalf of the citizens of village *Bhayu Khakhariya, Ta. Kalawad*, petitioner *N. M. Jadeja* filed a petition regarding absence and negligence in performing of duty of *Talati* in the village Panchayat. Report in this regard was called from District Development Officer, Jamnagar. Further observation and recommendations were made by the State Commission to the Dist. Development Officer, Jamnagar to take appropriate actions against the village *Talati* in this regard. Subsequently, it was reported that the alleged *Talati* is transferred and she was also warned for regular attendance in the village Panchayat.

BHAVNAGAR

16

BVR/53/08

Petitioner *Shri Narshibhai J. Dankhra* residing at present *Surat* forwarded a petition without his signature and date in September, 2008. The State Commission has taken cognizance of the case and called for report from the Director General of Police (DGP). The DGP office has furnished its report on 2-4-2009. The allegation was levelled against an Executive of a trust named *Vijay Seva Trust of Bhavnagar*. The executive of the trust *Shri Chhatrapal singh @ Satubha KalyanSingh Sarvaiya* is playing and arranging gambling business on behalf the trust.

The State Police investigated the case through its vigilance squad. The Squad made a raid at night on 17-9-08 and registered a case under Gambling Act and recovered Rs. 3.44 lakhs and material involved including vehicle, mobile phones and other instruments worth of Rs. 17.59 lakhs.

Thus the petition which was forwarded to The State Commission resulted in the wide interest of the citizens.

AHMEDABAD

17

ADR/73/09

Petitioner *Shri Ashokbhai K. Gohil* filed a petition dated 25-9-09 in which he stated that he was serving in a factory *Taxspin Barring Ltd. at Ranpur* since 17 years and was removed from the service without any reason. He further stated that the management behaves with the foremen and labourers of the factory as a slave and insult the labourers using bad languages, abuses and threatening to remove from the job; and also threatening not to speak against the factory.

The State Commission initially disposed of the case and forwarded for necessary action to the Labour Commissioner. The Labour Commissioner informed that they have approached the employer and employee and found that the intention of the management was not to continue the petitioner on his service as a grinder in the factory. Therefore the Labour Department has registered a case in the Labour Court of the petitioner for his re-instatement in service under the Industrial Dispute Act, as well as they have also taken action under Minimum Wages Act.

After observing the pitiable position of such labourers the State Commission found violation of human rights in taking specific and mandatory actions by the Labour Courts for the petitioner. It was found proper to recommend the State Government to make such provisions in the Act to granting interim relief to the labourers against the management at the admission stage of the case in Labour Court for the maintenance of their livelihood.

The action taken by the Government is yet awaited.

BANASKANTHA

18

BKT/56/07

Petitioners *Shri Makrani Jahangirkhan Kesarkhan* and *Makrani Mohamdakhan Kesarkhan* residing at village *Thara, Ta. Kankarej* stated in their petition dated 3-12-07 that they have been victimized in the communal riots of the year 2002, however the financial relief was not paid to them.

Report from the District Magistrate was sought which was received in January, 2010; in which it was stated that after exoneration of the petitioners in a police case, necessary guidance from the State Government was obtained. On that basis the eligible assistance was paid to *Makrani Mohamdakhan Kesarkhan* and the payment of assistance to the other petitioner *Makrani Jahangirkhan Kesarkhan* is under scrutiny.

MEHSANA

19

MSN/66/09

Petitioner *Smt. Asmitaben Kanjibhai Patel* residing at Gandhinagar filed a petition regarding her domestic violence, torturing and harassment by her husband before the State Commission.

The State Commission called for a report from the SP, Gandhinagar. SP reported that an offence was registered against the accused under IPC 498(A), 324, 323, 504, 506(2) and 114 vide FIR I Cr. No. 226-09 at sector-21 police station on 13-9-2009.

Thus, as soon as the police authority received a complaint through the State Commission, police registered complaint and took proper legal action against accused.

AHMEDABAD

20

ADR/54/10

Petitioner *Shri sureshbhai Maneklal Patel* residing at village *Lapakaman Ta. Daskroi* filed a petition before the State Commission regarding detailed investigation of his FIR No. 251/09 at *Sarkhej* police station. The State Commission simply forwarded the application to the SP Ahmedabad Rural for necessary action on 25-6-2010. However, the report was furnished by the SP and stated that out of 8 accused involved in the case 4 had been arrested by the police and 'A' summary was filed for the rest of accused in the Court.

AHMEDABAD

21

ADC/245/09

Petitioner *Shri Musafir Samu Thakor* residing at *Arbudanagar, Odhav* had filed a petition on 23-4-2009 before the State Commission regarding missing of his grand son *Albela Devendra Thakor* since two years. The report was called by the Commission from the Commissioner of police Ahmedabad. Initially, the CP furnished detail investigation about missing person who was not traceable. The State Commission thereafter asked for further intensive detailed investigation and also about the location of mobile phones.

The CP further reported that the local police of *Kagadapith police station* has filed a case entry No. 37/09 and undertook a detail investigation. The police visited at the native place of the missing person at *Balvahi* of Bihar state. The missing person was found mentally disabled. Hence he was not kidnapped or murdered.

PATAN

22

PTN/48/09

Petitioner *Shri Daudsha Dosusha sai* residing at *Ganwada* village, Ta. *Siddhpur* forwarded a petition to the State Commission dated 11-9-2009 mentioning that he is a BPL card holder. However, neither Government assistance nor any other subsidized residential plot was allotted to him. A report was called from the Dist. Development Officer, *Patan*. In the report of DDO, it was stated that no residential plot was allotted to the brother or son of the petitioner; therefore a residential plot has been now allotted to the son of the petitioner as his son is included in the updated BPL list.

Thus, the State Commission became instrumental to such poor and eligible citizen.

AHMEDABAD

23

ADR/90-09

Petitioner *Shri Dilip Babulal Upadhyay* presented a petition before the State Commission on dated 4-2-09 in which it is alleged that the designated Secretary and other Directors of the Co-

Operative Housing Society harassing and threatening him. Reports were called from the Registrar Co-operative Societies and Ahmedabad Municipal Corporation. It was reported from AMC that directors of the Co-operatives Society filed a civil suit in the Civil Court and therefore after the final disposal of the civil suit, the AMC will take necessary actions of removing of encroachment can be undertaken.

The State Commission therefore raised a query to both the authorities that the disputed matter pertains to a co-operative society, the Court of Board of Nominee has only the jurisdiction and not to that of the Civil Court.

However, if the civil suit is filed, whether Civil Court had issued any interim order or not? After raising such query by the State Commission on 24-2-10, it was reported by the AMC that the interim relief was refused by the Court; and it was also reported by the Assistant District Registrar, Co-operative Society, Ahmedabad City that the petitioner also filed an arbitration suit in Board of Nominee. Accordingly, the Board of Nominee has issued a permanent stay order restraining the respondent society not to make encroachment in the common plot and to remove the tube-well and the room etc. which was considered as encroachment. The AMC reported that the encroachment in the common plot of the co-operative society is removed. Thus, the State Commission had provided proper justice and peaceful environment to the residents of the co-operative society.

Chapter - 7

Conclusion / Visits

Participation by GSHRC officers at various Seminars, Conferences, Training Programmes and Visits of Jails etc.

(1) Visit of Tamil nadu HRC

Shri. *Amitabh Pathak*, IPS, Addl. Director General of Police, GSHRC had paid a visit to Chennai to study the activities of the HRC, Tamil nadu on 22nd to 26th January, 2010. He found that the HRC had started functioning in year 1998. It was considered that during the last 11 years HRC in T.N. would have been strong enough to deal with the activities related to human rights. This was one of the guiding reasons to choose to visit Chennai and study the activities of HRC.

He met the Hon. Chairperson, Mr. Justice Venkatachalam Moorthy also. He also met and discussed with Officers of HRC. It is found that compared to us, their input in terms of number of applications is 5-6 time more. And also they have much more strong component of police officers. This way they are in position to independently check/verify the details of a few chosen applications.

Hon. Chairperson narrated that recently they had succeeded in getting a panel of officers approved by the Government both in Forensic Science Laboratory and Medical department, as well. This will strengthen their arms to deal with the technical issues connected with the forensic science and medical, as well.

Though they have been functioning for the last 11 years or so, T.N. Commission is still struggling to have the financial autonomy as well as to increase the funds availability.

In addition they have a post of Registrar to deal with the administrative matters.

(2) Visit of NHRC, New Delhi

Shri. *Amitabh Pathak*, IPS, Addl. Director General of Police, GSHRC had paid a visit to NHRC, New Delhi on 26-3-2010 for the purpose to get acquainted with functioning of the NHRC as well as to establish a personal rapport with the key officers of the NHRC. Keeping this objective he had detailed discussion with Hon. Member Justice Shri B.C. Patel, DGP Shri Sunil Krishna and DIGP Shri Satendra Pal Sing.

Shri Pathak had studied the processing system of application at NHRC in their FPP Cell. They have developed a computer based "Complaint Management System (CMS) with the assistance of National Informatics Centre (NIC), New Delhi. He had preliminary discussion with Hon. Member Justice Shri Patel and DGP Shri Sunil Krishna. Both of them seemed to be positive about sharing the some system with GSHRC. In fact, they have already passed it on to a few states, in the recent past.

(3) Visit of Jamnagar, Probandar and Junagadh districts

Shri. *Amitabh Pathak*, IPS, Addl. Director General of Police, GSHRC had gone on tour to Jamnagar, Porbandar and Jamnagar districts. The purpose was to discuss human rights related issues with the

district authorities, concerned with the implementation of the same. The District & Sessions Judge, District Magistrate and Superintendent of Police were chosen for discussion as they were considered as the appropriate authorities for the implementation of human rights. Information required was already communicated to them and they were asked to come prepared with the corresponding charts.

At Jamnagar, District & Sessions Judge, Mr. Vakil was personally present. The District Magistrate was represented by the RDC and Superintendent of Police M R Jotangia was also present. Junagadh being the parent district of Porbandar, the meeting of the officials of the both the districts was arranged at Porbandar itself.

The reports obtained from all the three districts reveal that majority of the applications are pertaining to Police Department

(4) Workshop on Child Labour and Bonded Labour

National Human Rights Commission (NHRC) in collaboration with Labour Department of State Government arranged a workshop on Child Labour and Bonded Labour at Mahatma Gandhi Labour Institute, Ahmedabad on 15th and 16th January, 2010, under the Chairmanship of Hon. Justice Shri B.C.Patel, Member of NHRC.

Shri Varen Sinha, Principal Secretary, Labour Department; Dr. L Mishra, IAS (Retd); Special Rapportier, NHRC; Director General/Economic Adviser (Labour welfare), Ministry of Labour and Employment addressed the audience on the issues under reference. Many senior and middle level officers from various State Government Departments participated in this two days programme.

Various constitutional and international aspects, works done by Government Departments and NGOs were discussed on both subjects and this workshop was concluded with a vote of thanks by Smt. Vatsala Vasudeda IAS, Labour Commissioner, Gujarat State.

Shri A. K. Rakesh IAS, Secretary, Shri Amitabh Pathak IPS, Addl. DGP and Shri Pravinsinh Rana, Deputy Secretary from GSHRC attended this workshop.

(5) Visit of secretary, Bihar State Human Rights Commission.

Shri Ajay Kumar IAS Secretary, Bihar State Human Rights Commission paid a visit to GSHRC office at Gandhinagar on 18th March, 2010.

He was warmly greeted by GSHRC office staff and was offered a courtesy call by the Chairperson Hon. Justice Shri D. S. Sinha.

Discussion on human rights issues were held with him in presence of Shri A. K. Rakesh IAS, Secretary, GSHRC, Shri Amitabh Pathak IPS, ADGP, GSHRC and Shri Pravinsinh Rana Dy. Secretary, GSHRC.

Shri Ajay Kumar addressed the infrastructure made available to GSHRC office and he also appreciated the work done in respect of protection of human rights in Gujarat.

(6) Visit of students from Gujarat National Law University, Gandhinagar.

A team of 18 students, studying in LLB (Hons) degree of Gujarat National Law University, Gandhinagar paid a visit of GSHRC office on 23rd March, 2010. These students doing a field study on "Globalization and Gender Justice to fulfill the purpose of clinical paper: IV" in their 10th Semester for

LLB degree (Hons). They had selected various topics relating to protection of human rights viz. Domestic Violence, Eve Teasing, Sexual harassment at work place, Women Entrepreneurship and Economic Violence etc.

This team was apprised of the existence and role of GSHRC/NHRC and provisions of the Protection of Human Rights Act, 1993 and Universal Declaration of Human Rights etc. Deputy Secretary, GSHRC Shri Pravinsinh Rana and Addl. DGP GSHRC Shri Chitranjansingh IPS discussed various issues and topics with them.

These meritorious students of Law faculty were highly impressed up on the work being carried out at GSHRC office and they found this visit very much useful for enhancing their knowledge of law and human rights.

(7) Visit of Dy. Secretary under "Clean Gujarat Programme"

The Deputy Secretary of the State Commission Shri *V.G.Vanzara* has been appointed as the Nodal Officer of *Umargam* Municipality by the State Government under the "Clean Gujarat Campaign".

Under this programme a Nodal Officer has to pay monthly visits to the place allotted to him, and he has to inspect, monitor and supervise various offices and issues as per the instructions and guidelines of the Government.

Shri *Vanzara* has regularly paid monthly visits to *Umargam* town and successfully carried out the mission entrusted to him by the Government. Thus, he has attributed to cleanliness of the town subsequently contributing to the promotion and prevention of human rights.

Annexure - 1A

International Covenants on Human Rights

The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols. "...in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights."

"...the International Bill of Human Rights represents a milestone in the history of human rights, a veritable *Magna Carta* marking mankind's arrival at a vitally important phase: the conscious acquisition of human dignity and worth."

(A) International Covenant on Economic, Social and Cultural Rights (ICESR)

Article 1

All peoples have the right of self-determination, including the right to determine their political status and freely pursue their economic, social and cultural development.

Article 2

Each State Party undertakes to take steps to the maximum of its available resources to achieve progressively the full realization of the rights in this treaty. Everyone is entitled to the same rights without discrimination of any kind.

Article 3

The States undertake to ensure the equal right of men and women to the enjoyment of all rights in this treaty.

Article 4

Limitations may be placed on these rights only if compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

No person, group or government has the right to destroy any of these rights.

Article 6

No person, group or government has the right to destroy any of these rights.

Article 7

Everyone has the right to just conditions of work; fair wages ensuring a decent living for himself and his family; equal pay for equal work; safe and healthy working conditions; equal opportunity for everyone to be promoted; rest and leisure.

Article 8

Everyone has the right to form and join trade unions, the right to strike.

Article 9

Everyone has the right to social security, including social insurance.

Article 10

Protection and assistance should be accorded to the family. Marriage must be entered into with the free consent of both spouses. Special protection should be provided to mothers. Special measures should be taken on behalf of children, without discrimination. Children and youth should be protected from economic exploitation. Their employment in dangerous or harmful work should be prohibited. There should be age limits below which child labor should be prohibited.

Article 11

Everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing. Everyone has the right to be free from hunger.

Article 12

Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health.

Article 13

Everyone has the right to education. Primary education should be compulsory and free to all.

Article 14

Those States where compulsory, free primary education is not available to all should work out a plan to provide such education.

Article 15

Everyone has the right to take part in cultural life; enjoy the benefits of scientific progress.

(B) International Covenant on Civil and Political Rights (ICCPR)

Article 1

All peoples have the right of self-determination, including the right to determine their political status and freely pursue their economic, social and cultural development.

Article 2

Each State must respect and ensure to all people within its territory and jurisdiction all rights in this treaty without discrimination of any kind.

Article 3

The States undertake to ensure the equal right of men and women to the enjoyment of all rights in this treaty.

Article 4

Derogation from State obligations is to be strictly limited.

Article 5

Derogation from State obligations is to be strictly limited.

Article 6

Everyone has the right to life.

Article 7

No one shall be subjected to torture or cruel or degrading treatment or punishment.

Article 8

No one shall be held in slavery or servitude.

Article 9

Everyone has the right to liberty and security of person. No one shall be arrested or detained arbitrarily.

Article 10

Everyone deprived of liberty shall be treated with respect.

Article 11

No one shall be imprisoned merely for failing to pay a debt.

Article 12

Everyone has the right to freedom of movement and to leave and enter his own country.

Article 13

An alien lawfully in the territory of a State Party may be expelled only in accordance with law.

Article 14

Everyone is equal before the law. Everyone has the right to a fair trial. Everyone has the right to be presumed innocent until proven guilty. No one may be compelled to testify against himself.

Article 15

No one shall be held guilty of a criminal offense when the act did not constitute a criminal offense at the time it was committed.

Article 16

Everyone has the right to be recognized everywhere as a person before the law.

Article 17

Everyone has the right to privacy.

Article 18

Everyone has the right to freedom of thought, conscience and religion.

Article 19

Everyone has the right to freedom of opinion and expression.

Article 20

Propaganda for war shall be prohibited. Hate speech that constitutes incitement to discrimination or violence shall be prohibited.

Article 21

Everyone has the right to peaceful assembly.

Article 22

Everyone has the right to freedom of association, including the right to join a trade union.

Article 23

All adults have the right to marry and found a family. Women and men have equal rights to marry, within marriage, and at its dissolution.

Article 24

Every child shall have protection as required by his status as a minor, without discrimination of any kind. Every child has the right to a nationality.

Article 25

Every citizen has the right to take part in public affairs and to vote.

Article 26

Everyone is equal before the law and has the right to equal protection of the law, without discrimination of any kind.

Article 27

Ethnic, religious, or linguistic minorities shall not be denied the right to enjoy their own culture.

ANNEXURE - 1 B

United Nations Declaration on Human Rights Defenders

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998,¹ in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Taking note also of Economic and Social Council resolution 1998/33 of 30 July 1998, in which the Council recommended the draft declaration to the General Assembly for adoption,

Conscious of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights

(1). Adopts the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to the present resolution;

(2). Invites Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of Human Rights: A Compilation of International Instruments.

85th plenary meeting

9 December 1998

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights² and the International Covenants on Human Rights³ as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the

particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International 2 Covenants on Human R3ights and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.
2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.
2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.
3. To the same end, everyone has the right, individually and in association with others, inter alia:
 - (a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent

authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, inter alia:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

Annexure - 2A

Statement showing financial accounts of Gujarat State Human Rights Commission

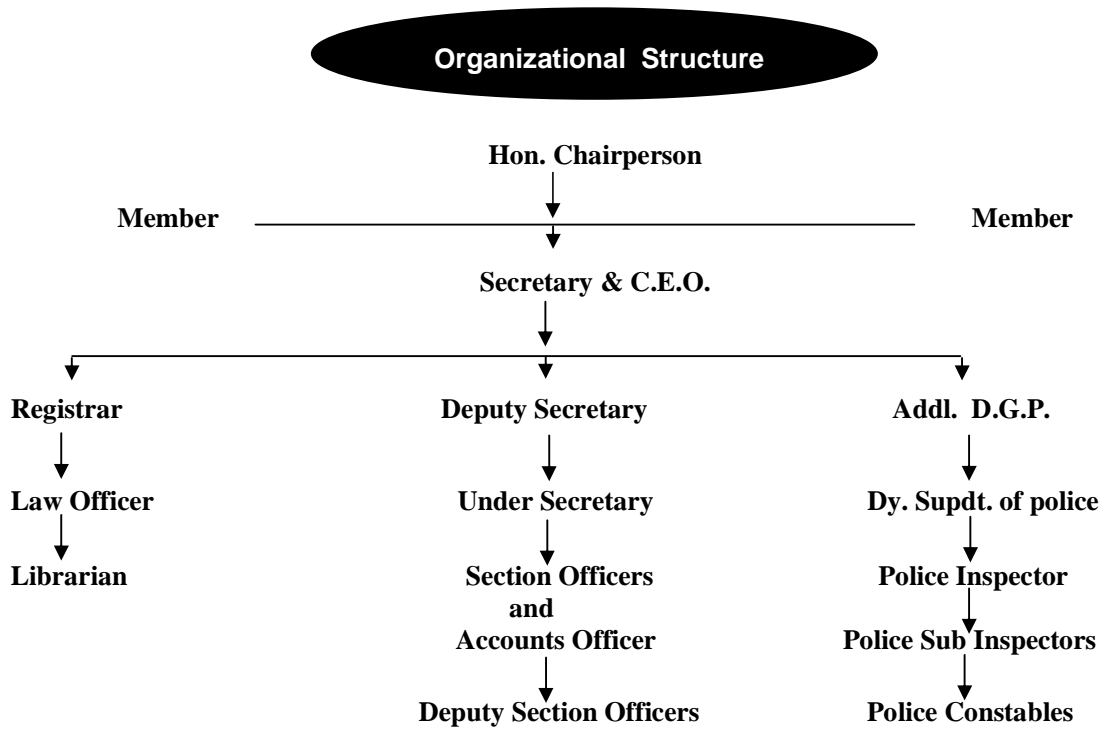
Major Head of budget : 2070, Other Administrative Services
Minor Head : 104, Vigilance
Sub Head : 03, GSHRC

Year wise Amount (Rs. in lakhs)

| Year | Grant Sanctioned | | | | Actual expenditure incurred (provisional) | | | |
|------|------------------|---------|---------|---------|---|---------|---------|---------|
| | 2006-07 | 2007-08 | 2008-09 | 2009-10 | 2006-07 | 2007-08 | 2008-09 | 2009-10 |
| Amt. | 109.00 | 111.65 | 124.89 | 178.00 | 108.51 | 108.29 | 125.42 | 194.67 |

Annexure - 2 B

Gujarat State Human Rights Commission



Annexure - 3 A

REGULATIONS OF GUJARAT STATE HUMAN RIGHTS COMMISSION

NOTIFICATION

No. HRC-102006-EST

Dated 22-12-2006

In exercise of the powers conferred by sub Section (2) of Section 10 read with sub section 29 of the Protection of Human Rights Act, 1993 (as amended by the Protection of Human Rights (Amendment) Act 2006 (No.43 of 2006) the Gujarat State Human Rights Commission hereby makes the following regulations, namely:-

1. Short Title and Commencement- (1) These Regulations may be called the Gujarat State Human Rights Commission (Procedure) Regulations, 2006.

(2) They shall come into force with effect from the 22nd day of December, 2006.

2. Definitions- In these regulations unless the context otherwise requires:-

(a) 'Act' means the Protection of Human Rights Act, 1993.

(b) The 'Chairperson' means the Chairperson of the State Commission.

© The 'State Commission' means the Gujarat State Human Rights Commission.

(d) 'Member' means a member of the State Commission and includes the Chairperson.

3. Headquarters of the State Commission.- The Headquarter of the State Commission shall be located at Gandhinagar.

4. Venue of the Meetings. - The State Commission shall ordinarily hold its meetings and sittings in its office or at the camp office of the Chairperson located at Gandhinagar. However, it may, in its discretion, hold its meetings and sittings at any other place in Gujarat if it considers it necessary and expedient.

5. Periodicity of Meetings; - The State Commission shall normally have its settings in the first and third weeks of every month, excepting holidays. However, the Chairperson by himself or at the instance of one or more of the members may direct special sitting of the State Commission to be convened to consider any specific matter of urgently.

6. Secretariat Assistance. - The Secretary alongwith such officers of the State Commission as may be directed by the Chairperson of considered necessary, shall attend the meetings of the State Commission.

7. Agenda. - The Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the State Commission and shall cause the notes thereon to be prepared by the Secretariat. Such notes shall as far as possible, be self contained. Specific files covering the agenda items shall be made readily available to the State Commission for reference. The agenda papers shall ordinarily be circulated to the members at least two clear days in advance of every meeting. When matters are set down only for hearing the case list of the day of sitting shall be prepared and circulated.

8. Procedure for dealing with complaints. - (1) All complaints in whatever form received by the State Commission shall be registered, assigned a number and acknowledged and ordinarily, placed for admission, as far as possible, within two weeks of receipt thereof. Ordinarily, complaints of the following nature are not entertainable by the State Commission. -

(a) In regard to events which happened more than one year before the making of complaints.

(b) With regard to matters which are sub-judice.

(c) Which are vague, anonymous or pseudonymous.

(d) Which are of frivolous nature.

(e) Those which are outside the purview of the State Commission.

(2) No fee is chargeable on complaints.

(3) Every attempt should be made to disclose a complete picture of the matter leading to the complaints and the same may be made in Gujarati, Hindi or English to enable the State Commission to

take immediate action. To facilitate the filing of complaints the State Commission shall, however, entertain complaints in any other language included in Eighth Schedule of the Constitution. It shall be open to the State Commission to call for further information and affidavits to be filed in support of allegations whenever considered necessary.

(4) The State Commission may, in its discretion, entertain complaints conveyed through email or fax, followed by confirmation by the complainant.

(5) A complaint may be dismissed in limine if, upon preliminary investigation or preliminary inquiry by such police and investigation staff under the control of the Additional Director General of Police and such other officers and staff as has been made available to the State Commission by the State Government for efficient performance of its functions, which include investigation and inquiry into the complaints of violation of human rights, the allegations in the complaint are unfounded or unsustainable or unwarranted or not cognizable by the State Commission or requisite action has already been taken by the concerned authority.

(6) Upon admission of a complaint, the Chairperson/State Commission shall direct whether the matter would be set down for statutory inquiry by it or statutory investigation.

(7) On every complaint on which a decision is taken by the Chairperson/ Commission to either hold statutory inquiry or statutory investigation, the Secretariat shall call for report/comments/ information from the concerned Government/authority giving the latter a reasonable time there for.

(8) On receipt of the report/comments/information from the concerned authority a detailed note on the merits of the case shall be prepared for consideration of the State Commission. If no such report/comment/information is received the matter may proceed ex parte.

(9) The directions and recommendations of the State Commission shall be communicated to the concerned Government/Authority and the petitioner as provided for in Section 18 of the Act.

(10) The State Commission may, in its discretion, afford a personal hearing to the petitioner or any other person on his behalf or such other person or persons as in the opinion of the State Commission, should be heard for appropriate disposal of the matter before it and, where necessary, call for records and examine witnesses in connection therewith. The State Commission shall afford a reasonable opportunity of hearing, including opportunity of cross examining witnesses, if any, in support of the complaint and leading of evidence, in support of his stand, to a person whose conduct is enquired into by it or to any other person where in its opinion the reputation of such person is likely to be prejudicially affected.

(11) Hearings of the case: The state Commission may, in its direction, afford a personal hearing to the petitioner or any other person on his behalf or such other person or persons as, in the opinion of the State Commission, should be heard for appropriate disposal of the matter before any officer, member, a bench or a special bench consisted of two or more Members.

(12) Where investigation is undertaken by the team of the State Commission or by any other person under its direction, the report shall be submitted within a week of its completion or such further time as the State Commission may allow. The State Commission may, in its direction direct further investigation for ascertaining the truth or enabling it to properly dispose of the matter. On receipt of the report, the State Commission may, on its own motion or if moved in the matter, direct inquiry and receive evidence in course of such inquiry.

(13) The Chairperson or any member of the Sate Commission or officer, when requested by the Chairperson, may undertake visits for making an on-the-spot study. Where such a study is undertaken, a report thereon shall be furnished to the State Commission as early as possible.

(14) The State Commission may appoint one or more rapportiers for specific issues required in depth study and long term monitoring for its assistance.

9. Minutes of the Meeting: (a) The minutes of each meeting of the State Commission shall be recorded during the meeting itself or immediately thereafter by the Secretary or by any other officer as directed. Such minutes shall be submitted to the Chairperson for his approval and upon approval be

circulated to all the members of the State Commission at the earliest and in any case, sufficiently before the commencement of the next meeting.

(b) The conclusions of the State Commission in every matter undertaken by it shall be recorded in the form of an opinion. Dissenting opinion, if given, shall also form part of and be kept on record. Action shall be taken on the basis of the majority opinion where there is a difference of opinion.

(c) Follow-up Action:- Unless specifically authorized, no action shall be taken by the Secretariat of the State Commission on the minutes of the meetings until the same are confirmed by the Chairperson.

10. Record of minutes. - A master copy of the minutes of every meeting and opinions of the State Commission, duly authenticated by the Secretary, shall be maintained and, a copy of the minutes pertaining to each item shall be added to the relevant file for appropriate action. Opinions shall be kept in the respective records and the copies thereof with appropriate indexing shall be kept in guard files.

11. Report of Action taken. - Report of follow-up action shall be submitted to the State Commission at every subsequent sitting indicating therein the present stage of action on each item on which the State Commission had taken a decision in any of its earlier meetings, excepting the items on which no further action is called for.

12. Transaction of business outside the Headquarters. - The State Commission or the Chairperson or a member, with the approval of the Chairperson, may transact business at places outside its headquarters, provided that if parties are to be heard in connection with any inquiry under the Act, at least two members shall constitute the bench of the State Commission for such purpose.

13. Authentication of orders and decisions. -(1) Orders and decisions of the State Commission shall be authenticated by the Secretary or any officer of the State Commission not below the rank of Deputy Secretary and authorized by the Chairperson.

(2) Copies of inquiry reports or orders passed finally disposing of matters by the State Commission shall be furnished free of cost to the petitioner or his representative.

(3) Unless any document is classified by the State Commission as Confidential, copy thereof be made available to the parties in the matter on payment of a reasonable fee to meet the cost. Every effort should be made to provide the copies with utmost expedition and, in any case, not later than the period prescribed under the Right to Information Act, 2005 (22 of 2005).

14. Annual report. - The State Commission shall furnish its annual report for the period commencing from 1st April of the year and ending on 31st March of the succeeding year to the State Government as provided in Section 28(1) of the Act. The original report shall be signed by the Chairperson and members of the State Commission, if available, and be appropriately preserved.

15. Special reports.- The State Commission may furnish such special reports on specific matters as may be considered necessary in terms of section 28(1) of the Act.

16. Reports on Complaints and inquiries. - Every report to which Section 18 of the Act applies, along with the recommendation of the State Commission shall be sent to the concerned Government or authority or person, as the case may be, within two weeks of the completion of the proceedings, and on receipt of the report/recommendation the concerned Government or authority shall within one month or such further time as the State Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the State Commission. Thereupon the State Commission shall publish the report in the manner provided in Section 18(f) of the Act.

17. Printing of the report. - Upon its finalization the Secretariat of the State Commission shall be responsible for the printing of the Annual report and special report with utmost expedition.

18. Investigation team. - The State Commission shall have its own team of investigation to be headed by a person not below the rank of Inspector General of police appointed by it and such other categories of officers as the State Commission may, from time to time decide. The State Commission may in any given case appoint an appropriate number of other appropriate persons to be associated with the investigation either as investigators, rapportiers or observers.

19. As and when any matter which is not covered by these Regulations, it shall be competent for the State Commission to make appropriate direction and the State Commission may add, delete, amplify and amend these Regulations from time to time.

By order of the Sate Commission

(R L Meena)
Secretary
Gujarat State Human Right Commission
Gandhinagar

ANNEXURE - 3 B(1)

*Rights of the Prisoners relating to
Human Rights- Plea bargaining
(Cr. PC 265A to 265L)*

Gujarat State Human Rights Commission
No. HRC/2008/300/Coord.
Near Town Hall, Sector – 17,
Gandhinagar.
Dated: 26-5-2008
Resolution No. 1/2008

The Commission in its meeting on 21st April, 2008 reviewed the conditions of the jails of Gujarat and their inmates. It is noted that as per the information of I.G. Prisons the jails have authorized accommodation for 6,218 males and 301 females total 6,519 prisoners against which as on 01-04-08 inmates are convicted persons 5,481, under trials 6,128 total 11,529 and detainees 688 thus grand total 12,217. This will not help in achieving the objectives of prisons as reform house. Therefore efforts should be there to balance our inmates and their capacity.

The Commission took a serious note of overcrowding jails and inadequate facilities in the jail. One of the important functions of the State Human Rights Commission, as provided under Section 12(c) of the Protection of Human Rights Act, 1993, is to "visit any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon." The Commission has visited some of the prisons in the State also inquired into some of the complaints alleging violation of human rights received from the prisoners in several jails. It is noted that there are various committees and forums which have mandatory provisions to visit the jails however the conditions of the jail is far from satisfactory. The Commission feels that there is a urgent need for revamping the prison administration of the State and bring out systematic reforms.

The Commission is keen to appreciate a view that **prisons should be house to reform** the inmates who are not generally happy with the incidents of crimes which their circumstances lead them to commit. Many of them wanted to mend their ways and try to ensure that their children should not get branding as the children of criminals. The isolated incidents committed in fit of anger or in unavoidable circumstances should not close the doors for them to live a respectable life in society. The society should also distinguish such gentlemen brought there by circumstances and the hardened criminals. Even the hardened criminals also nurture desire to live a normal social life. Therefore they should also be given such opportunity. An over crowded jails cannot provide such congenial atmosphere for improvement.

It is necessary that conditions in our prisons remain normal and give opportunities to reform the inmates themselves. The first step in this direction is to ensure that their accepted Human Rights are protected and total control of custodial crimes. The Hon'ble Supreme Court, High Courts and NHRC have passed many orders to ensure that the inmates Human Rights are fully protected and healthy practices are observed to improve the behavior of the inmates in Jails.

To ensure due protection of the Human Rights of the inmates of Jails, i.e. detainees and convicted prisoners, the Commission has resolved to take up the issue to be in focus, for which purpose it will have inspections more objectively.

The inspections will include to look into the Quality of Food Provided, Conditions of Buildings and Sanitation Facilities, Provision of Recreation and Sports, Yoga, TV, Library etc., work done by NGOs, follow up actions with respect to visits of Judges and Jail Committees, providing Legal Aids

particularly to prisoners of Capital Punishments, Prison's Capacity of intake and Staffing Patterns to man these Jails etc.

The Commission will periodically carry out inspections with the help of its existing staff and also impress upon the Government to issue directions to other officials of Government to do the work on behalf of the Commission at any time with or without giving notice to the concerned Jail Authorities.

In view of the above facts the Commission resolved to advise the Government of Gujarat to follow and observe the good governing practices in prisons strictly and take measures to bring under control the custodial crimes. The various issues needed our urgent attention for prisons are given below. The Commission resolved to advise the Government to issue necessary directions to the Additional DGP (Prisons) Director of Public Prosecution, Gujarat State Legal Aid Council and other organizations at the State level, District level and local administration to pay more and more attention to these issues.

1. Various Problems of under trial Prisoners

A very large number of prisoners 6,128 in Jails are under trials, and they are coming from poorer and under privileged sections of the society, their problems needs proper care and due attentions at various levels. Many a times they are asked to sit for hours without taking any note any where on the pretext of inquiry. Under Section 151 of CRPC a person can be detained for 24 hours if he is suspected involving in any crime, these powers should be used as per prescribed guidelines only.

2. It is also noticed that the cases of Custodial Deaths are increasing and some of them are cases of Suicides in Jail also. This reflects the poor conditions of prisons. Supreme Court has laid down clear guidelines and procedure for reporting of custodial deaths in 43 cases during 2007-08. These practices must be followed scrupulously.

3. Prisoner's Health Care

The poor living conditions and mental stress of social stigma of being under custody make people more sick than outside free atmosphere. Therefore, periodical medical examination of under trials / convicted prisoners should be ensured. Details regarding number of prisoners, their medical problems / complaints, number of doctors / paramedical staff etc. are required to be obtained.

4. Care of Mentally Ill Persons

It has come to the notice of the Commission that several mentally ill persons, as defined in Section 2(1) of the Mental Health Act, 1997, have been languishing in normal jails and are being treated at par with prisoners. The National Commission has also come across cases where such detention is not for any definite period. This position is required to be ascertained in the State.

5. Disparity in Premature Release from Prison

There exist disparities and differing standards applied in considering the cases of prisoners for their premature releases. So as to ensure uniformity and to avoid complaints regarding partiality, constitution of a 'Sentence Review Board' is recommended.

6. Monitoring in "Cases of the Prisoners Serving Life Sentences"

As computerized records of all the prisoners serving life sentences in the prisons of State is available, monitoring work can be assigned to an agency, under guidance of Gujarat State Human Rights Commission.

7. Speedy Trial

Right to speedy trial is a facet of fair procedure guaranteed in Article 21 of the Constitution. The Supreme Court has also held that speedy trial is a component of personal liberty. (JT – 1992(2) SC – 423)

8. To reduce undue crowd the Commission resolved in favour of the effective use of provisions of Plea Bargaining which is prescribed in **Chapter 21 Section 265A to 265L in the Criminal Procedure Code** by making the under trials and the prosecutors aware in this regard. To use this provisions effectively a comprehensive information from the under trials should also be obtained from the I.G.

Prisons and his proposals may be taken for improvement of jails and can further be improved by involving reputed NGOs, etc.

9. Periodic Visits by Judges

The State Prison Manuals contain provisions for District and Sessions Judges to function as ex-officio visitors to Jails within their jurisdictions so as to ensure that the inmates are not denied certain basic minimum standards of health, hygiene and institutional treatment. It is requested that Government may impress these authorities to pay frequent visits to see their living conditions.

10. Supply of Reading Materials

As prisoners have a right to life with dignity even while in custody, they should be provided facility of reading materials, etc. All jails be provided with TV, Radio and Newspapers, popular magazines.

11. It was also felt that there is a need to provide effective legal aid to the needy persons. There are State Legal Aid Committees which have panel of lawyers. These aid committees' help can be utilized more effectively.

By the order of the Commission,

(**Dr. R. L. Meena**)

Secretary,

Gujarat State Human Rights Commission,
Gandhinagar.

Annexure - 3 B(2)

PLEA BARGAINING ¹[CHAPTER XXIA of CRPC-1973]

Application of the Chapter:

- 265A.** (1) This Chapter shall apply in respect of an accused against whom -
- (a) the report has been forwarded by the office in charge of the police station under section 173 alleging therein that an offence appears to have been committed by him other than an offence for which the punishment of death or of imprisonment for life or of imprisonment for a term exceeding seven years has been provided under the law for the time being in force; or
 - (b) A magistrate has taken cognizance of an offence on complaint, other than an offence for which the punishment of death or of imprisonment for life or of imprisonment for a term exceeding seven years, has been provided under the law for the time being in force, and after examining complainant and witnesses under section 200, issued the process under section 204,

but does not apply where such offence affects the socio-economic condition of the country or has been committed against a woman, or a child below the age of fourteen years.

- (2) For the purposes of sub-section (1), the Central Government shall, by notification, determine the offences under the law for the time being in force which shall be the offences affecting the socio-economic condition of the country.

Application for plea bargaining.

- 265B.** (1) A person accused of an offence may file application for plea bargaining in the Court in which such offence is pending for trial.
- (2) The application under sub-section (1) shall contain a brief description of the case relating to which the application is filed including the offence to which the case relates and shall be accompanied by an affidavit sworn by the accused stating therein that he has voluntarily preferred, after understanding the nature and extent of punishment provided under the law for the offence, the plea bargaining in his case and that he has not previously been convicted by a Court in a case in which he had been charged with the same offence.
- (3) After receiving the application under sub-section (1), the Court shall issue notice to the Public Prosecutor or the complainant of the case, as the case may be, and to the accused to appear on the date fixed for the case.
- (4) When the Public Prosecutor or the complainant of the case, as the case may be, and the accused appear on the date fixed under sub-section (3), the Court shall examine the accused in camera, where the other party in the case shall not be present, to satisfy that the accused has filed the application voluntarily and where -

¹ Chapter XXIA, consisting of sections 265A to 265L, inserted by the Criminal Law (Amendment) Act, 2005, with effect from a date yet to be notified.

- (a) the Court is satisfied that the application has been filed by the accused voluntarily, it shall provide time to the Public Prosecutor or the complainant of the case, as the case may be, and the accused to work out a mutually satisfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses during the case and thereafter fix the date for further hearing of the case;
- (b) the Court finds that the application has been filed involuntarily by the accused or he has previously been convicted by a Court in a case in which he had been charged with the same offence, it shall proceed further in accordance with the provisions of this Code from the stage such application has been filed under sub-section (1).

Guidelines for mutually satisfactory disposition.

265C. In working out a mutually satisfactory disposition under clause (a) of sub-section (4) of section 265B, the Court shall follow the following procedure, namely :-

- (a) in a case instituted on a police report, the Court shall issue notice to the Public Prosecutor, the police officer who has investigated the case, the accused and the victim of the case to participate in the meeting to work out a satisfactory disposition of the case :

Provided that throughout such process of working out a satisfactory disposition of the case, it shall be the duty of the Court to ensure that the entire process is completed voluntarily by the parties participating in the meeting:

Provided further that the accused may, if he so desires, participate in such meeting with his pleader, if any, engaged in the case;

- (b) in a case instituted otherwise than on police report, the Court shall issue notice to the accused and the victim of the case to participate in a meeting to work out a satisfactory disposition of the case:

Provided that it shall be the duty of the Court to ensure, throughout such process of working out a satisfactory disposition of the case, that it is completed voluntarily by the parties participating in the meeting :

Provided further that if the victim of the case or the accused, as the case may be, so desires, he may participate in such meeting with his pleader engaged in the case.

Report of the mutually satisfactory disposition to be submitted before the Court.

265D. Where in a meeting under section 265C, a satisfactory disposition of the case has been worked out, the Court shall prepare a report of such disposition which shall be signed by the presiding officer of the Court and all other persons who participated in the meeting and if no such disposition has been worked out, the Court shall record such observation and proceed further in accordance with the provisions of this Code from the stage the application under sub-section (1) of section 265B has been filed in such case.

Disposal of the case.

265E. Where a satisfactory disposition of the case has been worked out under section 265D, the Court shall dispose of the case in the following manner, namely :-

- (a) the Court shall award the compensation to the victim in accordance with the disposition under section 265D and hear the parties on the quantum of the punishment, releasing of the accused on probation of good conduct or after admonition under section 360 or for dealing with the accused under the provisions of the Probation of Offenders Act, 1958 (20 of 1958) or any other law for the time being in force and follow the procedure specified in the succeeding clauses for imposing the punishment on the accused;
- (b) after hearing the parties under clause (a), if the Court is of the view that section 360 or the provisions of the Probation of Offenders Act, 1958 (20 of 1958) or any other law for the time being in force are attracted in the case of the accused, it may release the accused on probation or provide the benefit of any such law, as the case may be;
- (c) after hearing the parties under clause (b), if the Court finds that minimum punishment has been provided under the law for the offence committed by the accused, it may sentence the accused to half of such minimum punishment;
- (d) in case after hearing the parties under clause (b), the Court finds that the offence committed by the accused is not covered under clause (b) or clause (c), then, it may sentence the accused to one-fourth of the punishment provided or extendable, as the case may be, for such offence.

Judgment of the Court.

265F. The Court shall deliver its judgment in terms of section 265E in the open Court and the same shall be signed by the presiding officer of the Court.

Finality of the judgment.

265G. The judgment delivered by the Court under section 265G shall be final and no appeal (except the special leave petition under article 136 and writ petition under articles 226 and 227 of the Constitution) shall lie in any Court against such judgment.

Power of the Court in plea bargaining.

265H. A Court shall have, for the purposes of discharging its functions under this Chapter, all the powers vested in respect of bail, trial of offences and other matters relating to the disposal of a case in such Court under this Code.

Period of detention undergone by the accused to be set off against the sentence of imprisonment.

265I. The provisions of section 428 shall apply, for setting off the period of detention undergone by the accused against the sentence of imprisonment imposed under this Chapter, in the same manner as they apply in respect of the imprisonment under other provisions of this Code.

Savings.

265J. The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other provisions of this Code and nothing in such other provisions shall be construed to constrain the meaning of any provision of this Chapter.

Explanation.- For the purposes of this Chapter, the expression "Public Prosecutor" has the meaning assigned to it under clause (u) of section 2 and includes an Assistant Public Prosecutor appointed under section 25.

Statements of accused not to be used.

265K. Notwithstanding anything contained in any law for the time being in force, the statements or facts stated by an accused in an application for plea bargaining filed under section 265B shall not be used for any other purpose except for the purpose of this Chapter.

Non-application of the Chapter.

265L. Nothing in this Chapter shall apply to any Juvenile or Child as defined in clause (k) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000).]

Annexure - 4
Right to Education
Retention & Drop out Rate of Students in Std. 1 to 5
in Gujarat state (1990-91 to 2009-10)

| Year | Retention Rate % | | | Drop Out Rate % | | |
|---------|------------------|-------|-------|-----------------|-------|-------|
| | Boys | Girls | Total | Boys | Girls | Total |
| 1990-91 | 55.37 | 46.59 | 50.98 | 44.63 | 53.41 | 49.02 |
| 1991-92 | 56.33 | 47.33 | 51.83 | 43.67 | 52.67 | 48.17 |
| 1992-93 | 58.26 | 49.81 | 54.03 | 41.74 | 50.19 | 45.97 |
| 1993-94 | 59.62 | 50.16 | 55.37 | 40.38 | 49.84 | 44.63 |
| 1994-95 | 65.06 | 58.9 | 62.29 | 34.94 | 41.10 | 37.71 |
| 1995-96 | 66.55 | 59.99 | 63.07 | 33.45 | 40.01 | 36.93 |
| 1996-97 | 67.28 | 60.26 | 64.60 | 32.72 | 39.74 | 35.4 |
| 1997-98 | 67.74 | 61.05 | 64.69 | 32.26 | 38.95 | 35.31 |
| 1998-99 | 70.72 | 72.44 | 71.04 | 29.28 | 27.56 | 28.96 |
| 1999-00 | 76.23 | 79.17 | 77.70 | 23.77 | 20.83 | 22.30 |
| 2000-01 | 78.95 | 79.19 | 79.07 | 21.05 | 20.81 | 20.93 |
| 2001-02 | 79.54 | 79.47 | 79.50 | 20.46 | 20.53 | 20.50 |
| 2002-03 | 80.92 | 80.86 | 80.88 | 19.08 | 19.14 | 19.12 |
| 2003-04 | 82.21 | 82.16 | 82.17 | 17.79 | 17.84 | 17.83 |
| 2004-05 | 91.28 | 88.23 | 89.84 | 8.72 | 11.77 | 10.16 |
| 2005-06 | 95.47 | 94.21 | 94.87 | 4.53 | 5.79 | 5.13 |
| 2006-07 | 97.16 | 96.32 | 96.76 | 2.84 | 3.68 | 3.24 |
| 2007-08 | 97.23 | 96.75 | 97.02 | 2.77 | 3.25 | 2.98 |
| 2008-09 | 97.72 | 97.69 | 97.71 | 2.28 | 2.31 | 2.29 |
| 2009-10 | 97.85 | 97.77 | 97.80 | 2.18 | 2.23 | 2.20 |

(Source: Director, Primary Education, Gujarat State)

Annexure - 5 A

Statement of custodial deaths 2009-10

| Sr. No. | Name of Districts | Details of custody | | | Cause of death (out of column 5) | | | Remarks |
|---------|-------------------|--------------------|-------------------|-----------|----------------------------------|---------------|--------------------------|---------|
| | | In Jail custody | In Police custody | Total 3+4 | Natural or Accidental death | Suicide death | alleged un-natural death | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 1 | Ahmadabad city | 19 | | 19 | 19 | | | |
| 2 | Ahmedabad Rural | | | | | | | |
| 3 | Mehsana | 1 | 1 | 2 | | 1 | 1 | |
| 4 | Rajkot City | 5 | | 5 | 5 | | | |
| 5 | Rajkot Rural | 1 | 1 | 2 | 2 | | | |
| 6 | Bhavnagar | | | | | | | |
| 7 | Surat City | | 1 | 1 | 1 | | | |
| 8 | Surat Rural | 1 | | 1 | 1 | | | |
| 9 | Vadodara City | 7 | | 7 | 7 | | | |
| 10 | Vadodara Rural | | 1 | 1 | | | 1 | |
| 11 | Kheda | 1 | 1 | 2 | 2 | | | |
| 12 | Banaskantha | 3 | | 3 | 3 | | | |
| 13 | Sabarkantha | | | | | | | |
| 14 | Jamnagar | 1 | | 1 | 1 | | | |
| 15 | Junagadh | 1 | | 1 | 1 | | | |
| 16 | Kutch(Bhuj) | 1 | | 1 | 1 | | | |
| 17 | Surendranagar | | | | | | | |
| 18 | Amreli | | | | | | | |
| 19 | Valsad | | | | | | | |
| 20 | Bharuch | 1 | | 1 | 1 | | | |
| 21 | Panchmahals | | | | | | | |
| 22 | Gandhinagar | | | | | | | |
| 23 | Dangs (Ahwa) | | | | | | | |
| 24 | Dahod | | | | | | | |
| 25 | Navsari | | | | | | | |
| 26 | Narmada | | | | | | | |
| 27 | Anand | | | | | | | |
| 28 | Patan | | 1 | 1 | | 1 | | |
| 29 | Porbandar | | | | | | | |
| 30 | Tapi | | | | | | | |
| | Total | 42 | 6 | 48 | 44 | 2 | 2 | |

Annexure - 5 B

Guidelines of arrests- D.K. Basu's case (Supreme Court)

Important provisions of working procedure to be followed regarding criminal offences in context of Human Rights

In the Criminal Procedure Code, 1973, the provisions to be taken into consideration in context of Human Rights, a proper method required to be followed about forfeiting property by confiscation and to enforce arrest warrant or without warrant, to prosecute enquiry are as follows:-

- For Protection of Human Rights Committee or Human Rights Commission and for arrest inquiry or arrest by police. Very important guidelines-instructions are given in the judgment dated 19-10-2001 in the case of Appellant Shri D. K. Basu and others Versus State of West Bengal, Criminal Miscellaneous Petition No. 12704/2001, in the Hon'ble Supreme Court. In which, the following aspects have also been covered under the Criminal Procedure Code, 1973 and the instructions have been given to activate the State Human Rights Commission by this judgment.
- As per Section 41(1) and (2), 42, 151 powers have been given to the police to arrest without warrant.
- As per Section 43, any private individual can, by himself, arrest the criminal offending police right and his non-bail, presence and to be arrest and by this way, will consign to the care of Police Officer or to be consigned to the case of Police Officer.
- As per Section 46(4), no any woman would be arrested in the circumstances of extra-ordinary situation and if she is arrested, it should be noted in the case diary and when a woman is arrested, woman police should be kept with and arrest of minor child should be done without any force or beating.
- As per Section 49, no handcuffs would be gripped to the arrested individual without order of a Magistrate.
- As per Section 50, the arrested individual should be informed about the reasons of his arrest and to free on bail.
- As per Section 50(a) 1, the relatives of arrested person should be informed about his arrest and about details of place where he has been kept.
- As per Section 50(3) and (4), the note on the arrest should be made in Police Station diary and his identity should be made clearly to the Police Officer.
- As per Section 53, if an arrested person is injured, it should be clearly mentioned in Arrest Memo and his medical check up should be made and his inquiry should be carried out at fixed place and his relatives should be informed about his and during inquiry, sanction should be given to approach his Pleader and to remain present.
- As per Section 57, no arrested person should be kept in custody for more than 24 hours.
- As per Section 58, District Magistrate or Magistrate of Sub-division should be informed about the arrest.
- As per Section 100(5), a list should be prepared by the Officer of the forfeited items and its places during confiscation and signatures of other witnesses should be taken.
- As per Section 160, an Officer carrying police inquiry, cannot order to remain present a man below 15 years of age or any aged woman to remain present at any other place except at the place where they live.
- As per Section 165, if an In Charge Officer of Police Station has a reasonable reason, for which he has a right of police inquiry, a necessary item for police inquiry for an offence, which lies in a boundary of his Police Station or is likely to find out from any place in the limit of a Police Station, where he is serving, and according to his opinion, it is not possible to get it by another way without any further

delay, then he will have to note reasons for his validity and will have to mention in his statement as far as it is possible for the item for which a confiscation is to be carried out, he will be able to carryout the same for the item of any place in limit of such station.

- As per Section 167(2), during remand in police custody of an arrested person, medical check up of an arrested person should be carried out at every 48 hours.

Annexure - 6

Various Offences related to Women registered during the year 2009-10 in Gujarat

| Sr. No. | Name of City/ District | Rape (376) | Murder (302) | Abduction (363, 366) | Attempt to Murder (307) | Dowry death (304-B) | Toture (498-A) | Teasing (354) | Instigating to suicide (306) | Gravious Hurt (325) | Hurt (324) | Attempt to suicide (309) |
|---------|------------------------|------------|--------------|----------------------|-------------------------|---------------------|----------------|---------------|------------------------------|---------------------|------------|--------------------------|
| 1 | Ahmedabad city | 49 | 14 | 153 | 7 | 6 | 1429 | 96 | 25 | 9 | 11 | 13 |
| 2 | Rajkot city | 9 | 9 | 41 | 5 | 0 | 328 | 20 | 30 | 4 | 24 | 0 |
| 3 | Surat city | 27 | 22 | 98 | 6 | 3 | 420 | 45 | 36 | 11 | 27 | 1 |
| 4 | Baroda city | 8 | 10 | 30 | 7 | 0 | 221 | 22 | 12 | 9 | 16 | 1 |
| 5 | Ahmedabad Rural | 10 | 4 | 58 | 3 | 1 | 173 | 25 | 16 | 7 | 32 | 0 |
| 6 | Kheda | 17 | 12 | 46 | 5 | 0 | 203 | 33 | 17 | 2 | 5 | 1 |
| 7 | Anand | 12 | 17 | 45 | 0 | 0 | 303 | 34 | 23 | 3 | 9 | 0 |
| 8 | Gandhinagar | 8 | 7 | 35 | 4 | 1 | 208 | 12 | 15 | 2 | 5 | 0 |
| 9 | Sabarkantha | 21 | 13 | 44 | 3 | 0 | 252 | 33 | 16 | 3 | 3 | 0 |
| 10 | Mehsana | 14 | 9 | 64 | 6 | 0 | 300 | 30 | 14 | 4 | 2 | 0 |
| 11 | Jamnagar | 15 | 10 | 24 | 2 | 1 | 331 | 22 | 34 | 17 | 24 | 0 |
| 12 | Rajkot Rural | 26 | 11 | 63 | 3 | 3 | 348 | 38 | 31 | 8 | 17 | 0 |
| 13 | Surendranagar | 23 | 6 | 59 | 0 | 0 | 155 | 53 | 19 | 8 | 13 | 0 |
| 14 | Banaskantha | 32 | 16 | 96 | 2 | 1 | 269 | 61 | 20 | 0 | 7 | 1 |
| 15 | Kuthch(Bhuj) | 9 | 9 | 44 | 5 | 0 | 294 | 33 | 28 | 6 | 12 | 0 |
| 16 | Patan | 20 | 7 | 29 | 2 | 0 | 156 | 51 | 10 | 4 | 11 | 0 |
| 17 | Amreli | 9 | 6 | 56 | 2 | 1 | 176 | 32 | 15 | 18 | 34 | 0 |
| 18 | Bhavnagar | 9 | 18 | 74 | 3 | 1 | 227 | 43 | 33 | 23 | 47 | 0 |
| 19 | Junagadh | 14 | 14 | 68 | 1 | 0 | 594 | 60 | 22 | 12 | 33 | 0 |
| 20 | Porbandar | 3 | 6 | 19 | 3 | 0 | 68 | 36 | 7 | 2 | 14 | 0 |
| 21 | Vadodara Rural | 19 | 14 | 69 | 3 | 0 | 81 | 36 | 19 | 7 | 42 | 0 |
| 22 | Bharuch | 19 | 11 | 28 | 5 | 0 | 114 | 9 | 13 | 26 | 39 | 1 |
| 23 | Narmada | 6 | 4 | 5 | 0 | 0 | 11 | 33 | 6 | 13 | 10 | 0 |
| 24 | Panchmahal | 12 | 12 | 64 | 7 | 0 | 196 | 28 | 32 | 10 | 10 | 0 |
| 25 | Dahod | 9 | 7 | 50 | 5 | 1 | 35 | 3 | 14 | 45 | 32 | 0 |
| 26 | Surat Rural | 7 | 10 | 9 | 2 | 0 | 23 | 3 | 6 | 1 | 1 | 4 |
| 27 | Tapi | 4 | 5 | 5 | 0 | 1 | 13 | 7 | 9 | 9 | 10 | 3 |
| 28 | Valsad | 12 | 5 | 10 | 0 | 0 | 29 | 4 | 7 | 0 | 0 | 0 |
| 29 | Navsari | 4 | 3 | 5 | 2 | 0 | 36 | 0 | 0 | 3 | 4 | 1 |
| 30 | Dangs- Ahwa | 0 | 3 | 1 | 2 | 0 | 2 | 1 | 1 | 3 | 2 | 3 |
| 31 | Western Railway | 1 | 3 | 2 | 2 | 1 | 4 | 7 | 4 | 1 | 0 | 3 |
| | Total | 428 | 297 | 1394 | 97 | 21 | 6999 | 910 | 534 | 270 | 496 | 32 |

(Source: State Crime Record Bureau, Gujarat State, Gandhinagar)

Annexure - 7

Statement showing details about Missing Children during 2009-10

| Sr. No. | Name of District | No. of Missing Children | | | No. of Children traced out | | | Age wise classification of Missing Children | | | | | | Total | Per-centage |
|---------|------------------|-------------------------|-------------|-------------|----------------------------|------------|-------------|---|-----------|------------|-----------|------------|-------------|-------------|--------------|
| | | Boys | Girls | Total | Boys | Girls | Total | 0 to 5 | | 6 to 12 | | 13 to 18 | | | |
| | | | | | | | | Boys | Girls | Boys | Girls | Boys | Girls | | |
| 1 | Ahmedabad City | 225 | 330 | 555 | 126 | 151 | 277 | 34 | 26 | 53 | 31 | 139 | 272 | 555 | 49.91 |
| 2 | Rajkot City | 70 | 104 | 174 | 46 | 44 | 90 | 2 | 3 | 13 | 6 | 55 | 95 | 174 | 51.72 |
| 3 | Vadodara City | 46 | 114 | 160 | 15 | 39 | 54 | 0 | 1 | 4 | 4 | 42 | 109 | 160 | 33.75 |
| 4 | Surat City | 293 | 401 | 694 | 151 | 148 | 299 | 20 | 19 | 55 | 18 | 217 | 365 | 694 | 42.08 |
| 5 | Ahmedabad Rural | 18 | 22 | 40 | 3 | 0 | 3 | 0 | 0 | 0 | 0 | 15 | 25 | 40 | 7.50 |
| 6 | Rajkot Rural | 19 | 55 | 74 | 13 | 16 | 29 | 0 | 1 | 6 | 1 | 13 | 53 | 74 | 39.19 |
| 7 | Vadodara Rural | 1 | 2 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 3 | 0.00 |
| 8 | Surat Rural | 5 | 7 | 12 | 1 | 2 | 3 | 0 | 0 | 0 | 1 | 5 | 6 | 12 | 25.00 |
| 9 | Jamnagar | 18 | 42 | 60 | 2 | 2 | 4 | 1 | 1 | 2 | 1 | 14 | 41 | 60 | 6.67 |
| 10 | Surendranagar | 11 | 16 | 27 | 4 | 6 | 10 | 1 | 2 | 2 | 0 | 8 | 14 | 27 | 37.04 |
| 11 | Bhavnagar | 33 | 37 | 70 | 25 | 18 | 43 | 0 | 0 | 5 | 0 | 28 | 37 | 70 | 61.43 |
| 12 | Porbandar | 2 | 15 | 17 | 2 | 5 | 7 | 0 | 1 | 0 | 0 | 4 | 12 | 17 | 41.18 |
| 13 | Junagadh | 34 | 57 | 91 | 17 | 14 | 31 | 0 | 1 | 9 | 1 | 25 | 55 | 91 | 34.07 |
| 14 | Amreli | 9 | 39 | 48 | 7 | 18 | 25 | 0 | 0 | 1 | 1 | 8 | 38 | 48 | 52.08 |
| 15 | Kutch(Bhuj) | 46 | 71 | 117 | 28 | 24 | 52 | 2 | 0 | 6 | 6 | 38 | 65 | 117 | 44.44 |
| 16 | Banaskatha | 7 | 23 | 30 | 1 | 4 | 5 | 0 | 1 | 3 | 0 | 14 | 22 | 30 | 16.67 |
| 17 | Mehsana | 22 | 76 | 98 | 10 | 8 | 18 | 1 | 0 | 9 | 0 | 16 | 72 | 98 | 18.37 |
| 18 | Patan | 10 | 19 | 29 | 2 | 6 | 8 | 1 | 2 | 1 | 0 | 8 | 17 | 29 | 27.59 |
| 19 | Gandhinagar | 36 | 63 | 99 | 20 | 22 | 42 | 4 | 3 | 7 | 3 | 25 | 57 | 99 | 42.42 |
| 20 | Sabarkantha | 5 | 22 | 27 | 1 | 7 | 8 | 0 | 3 | 1 | 1 | 5 | 17 | 27 | 29.63 |
| 21 | Kheda | 12 | 36 | 48 | 5 | 9 | 14 | 0 | 0 | 1 | 1 | 14 | 32 | 48 | 29.17 |
| 22 | Anand | 28 | 47 | 75 | 11 | 18 | 29 | 2 | 9 | 9 | 3 | 17 | 35 | 75 | 38.67 |
| 23 | Godhara | 15 | 46 | 61 | 5 | 7 | 12 | 1 | 3 | 2 | 2 | 12 | 41 | 61 | 19.67 |
| 24 | Dahod | 1 | 5 | 6 | 0 | 1 | 1 | 0 | 1 | 0 | 1 | 1 | 3 | 6 | 16.67 |
| 25 | Bharuch | 27 | 40 | 67 | 18 | 17 | 35 | 2 | 4 | 6 | 4 | 18 | 33 | 67 | 52.24 |
| 26 | Narmada | 2 | 8 | 10 | 2 | 4 | 6 | 0 | 0 | 0 | 0 | 3 | 7 | 10 | 60.00 |
| 27 | Valsad | 34 | 32 | 66 | 8 | 4 | 12 | 5 | 0 | 11 | 5 | 18 | 25 | 66 | 18.18 |
| 28 | Dangs-Ahwa | 3 | 0 | 3 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 3 | 0 | 3 | 66.67 |
| 29 | Navsari | 14 | 15 | 29 | 5 | 4 | 9 | 0 | 0 | 7 | 2 | 7 | 13 | 29 | 31.03 |
| 30 | Tapi | 1 | 2 | 3 | 1 | 1 | 2 | 0 | 0 | 1 | 1 | 0 | 1 | 3 | 66.67 |
| 31 | Western Railway | 2 | 3 | 5 | 2 | 2 | 4 | 0 | 0 | 2 | 1 | 0 | 2 | 5 | 80.00 |
| | Total | 1049 | 1749 | 2798 | 533 | 601 | 1134 | 76 | 83 | 216 | 95 | 763 | 1565 | 2798 | 40.53 |

(Source: State Crime Record Bureau, Gujarat State, Gandhinagar)

Annexure - 8

Statement showing details regarding total Inmates in various Jails of Gujarat State as on 31st March, 2010

| Sr. No | Name of Jail | Convicted | | Under Trial | | Detenues | | Total | | Grand Total |
|--------|-------------------------|-------------|------------|-------------|------------|------------|-----------|--------------|------------|--------------|
| | | Male | Female | Male | Female | Male | Female | Male | Female | |
| 1 | Ahmedabad Central Jail | 2097 | 14 | 1589 | 77 | 4 | 10 | 3690 | 101 | 3791 |
| 2 | Vadodara Central Jail | 1574 | 172 | 581 | 26 | 2 | 26 | 2157 | 224 | 2381 |
| 3 | Rajkot District Jail | 251 | 1 | 244 | 20 | 35 | 12 | 530 | 33 | 563 |
| 4 | Surat District Jail | 77 | 1 | 976 | 44 | 30 | 11 | 1083 | 56 | 1139 |
| 5 | Junagadh District Jail | 119 | 1 | 236 | 19 | 36 | 0 | 391 | 20 | 411 |
| 6 | Jamnagar District Jail | 50 | 1 | 413 | 17 | 37 | 0 | 500 | 18 | 518 |
| 7 | Bhavnagar District Jail | 31 | 0 | 238 | 12 | 34 | 8 | 303 | 20 | 323 |
| 8 | Nadiad District Jail | 52 | 3 | 386 | 27 | 5 | 0 | 443 | 30 | 473 |
| 9 | Mehsana District Jail | 21 | 1 | 204 | 7 | 21 | 12 | 246 | 20 | 266 |
| 10 | Palanpur District Jail | 19 | 0 | 335 | 17 | 23 | 0 | 377 | 17 | 394 |
| 11 | Porbandar Special Jail | 16 | 0 | 86 | 6 | 37 | 0 | 139 | 6 | 145 |
| 12 | Bhuj Special Jail | 28 | 0 | 279 | 26 | 32 | 0 | 339 | 26 | 365 |
| 13 | Modasa Sub Jail | 7 | 0 | 55 | 0 | 0 | 0 | 62 | 0 | 62 |
| 14 | Himatnagar Sub Jail | 16 | 0 | 131 | 4 | 14 | 10 | 161 | 14 | 175 |
| 15 | Surendranagar Sub Jail | 5 | 0 | 247 | 7 | 9 | 1 | 261 | 8 | 269 |
| 16 | Bharuch Sub Jail | 22 | 0 | 174 | 20 | 23 | 0 | 219 | 20 | 239 |
| 17 | Navsari Sub Jail | 21 | 0 | 193 | 0 | 31 | 0 | 245 | 0 | 245 |
| 18 | Rajpipla Sub Jail | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 19 | Chhota-Udepur Sub Jail | 2 | 0 | 48 | 1 | 10 | 0 | 60 | 1 | 61 |
| 20 | Godhra Sub Jail | 4 | 0 | 149 | 15 | 25 | 0 | 178 | 15 | 193 |
| 21 | Amreli Sub Jail | 13 | 0 | 170 | 4 | 28 | 1 | 211 | 5 | 216 |
| 22 | Morbi Sub Jail | 1 | 0 | 46 | 2 | 18 | 0 | 65 | 2 | 67 |
| 23 | Amreli Open Jail | 18 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 18 |
| 24 | Gondal Sub Jail | 8 | 0 | 113 | 11 | 0 | 0 | 121 | 11 | 132 |
| | Total | 4452 | 194 | 6893 | 362 | 454 | 91 | 11799 | 647 | 12446 |

Annexure - 9

Statistical Information regarding petitions received at GSHRC as on 31-3-2010

| Sr. No. | Name of District | 2007-2008 (Prograsive) | | | 2008-2009 | | | | 2009-10 | | | |
|--------------|------------------|------------------------|----------------|-------------------------------|----------------|-------------|----------------|-------------------------------|----------------|-------------|----------------|-------------------------------|
| | | Received cases | Cases Disposed | Pending cases as on 31-3-2008 | Received cases | Total cases | Cases Disposed | Pending cases as on 31-3-2009 | Received cases | Total cases | Cases Disposed | Pending cases as on 31-3-2010 |
| 1 | Ahmedabad City | 398 | 243 | 155 | 557 | 712 | 401 | 311 | 744 | 1055 | 503 | 552 |
| | Ahmedabad Rural | 83 | 38 | 45 | 66 | 111 | 58 | 53 | 126 | 179 | 85 | 94 |
| 2 | Mehsana | 66 | 53 | 13 | 89 | 102 | 70 | 32 | 123 | 155 | 108 | 47 |
| 3 | Rajkot City | 36 | 26 | 10 | 50 | 60 | 32 | 28 | 63 | 91 | 63 | 28 |
| | Rajkot Rural | 45 | 32 | 13 | 48 | 61 | 29 | 32 | 63 | 95 | 59 | 36 |
| 4 | Bhavnagar | 72 | 63 | 9 | 107 | 116 | 81 | 35 | 178 | 213 | 161 | 52 |
| 5 | Surat City | 50 | 28 | 22 | 81 | 103 | 72 | 31 | 105 | 136 | 80 | 56 |
| | Surat Rural | 39 | 38 | 1 | 22 | 23 | 19 | 4 | 27 | 31 | 23 | 8 |
| 6 | Vadodara City | 78 | 60 | 18 | 80 | 98 | 64 | 34 | 87 | 121 | 63 | 58 |
| | Vadodara Rural | 17 | 17 | 0 | 29 | 29 | 24 | 5 | 44 | 49 | 31 | 18 |
| 7 | Kheda | 84 | 55 | 29 | 80 | 109 | 73 | 36 | 104 | 140 | 86 | 54 |
| 8 | Banaskatha | 87 | 71 | 16 | 92 | 108 | 74 | 34 | 116 | 150 | 107 | 43 |
| 9 | Sabarkantha | 91 | 63 | 28 | 99 | 127 | 80 | 47 | 140 | 187 | 123 | 64 |
| 10 | Jamnagar | 74 | 62 | 12 | 58 | 70 | 42 | 28 | 130 | 158 | 120 | 38 |
| 11 | Junagadh | 52 | 42 | 10 | 60 | 70 | 39 | 31 | 109 | 140 | 88 | 52 |
| 12 | Kutch-Bhuj | 43 | 31 | 12 | 46 | 58 | 34 | 24 | 39 | 63 | 27 | 36 |
| 13 | Surendranagar | 60 | 53 | 7 | 67 | 74 | 47 | 27 | 70 | 97 | 78 | 19 |
| 14 | Amreli | 61 | 47 | 14 | 41 | 55 | 32 | 23 | 85 | 108 | 90 | 18 |
| 15 | Valsad | 12 | 12 | 0 | 34 | 34 | 28 | 6 | 39 | 45 | 35 | 10 |
| 16 | Bharuch | 47 | 39 | 8 | 60 | 68 | 43 | 25 | 61 | 86 | 63 | 23 |
| 17 | Panch Mahals | 58 | 48 | 10 | 66 | 76 | 54 | 22 | 56 | 78 | 55 | 23 |
| 18 | Gandhinagar | 122 | 83 | 39 | 182 | 221 | 125 | 96 | 203 | 299 | 161 | 138 |
| 19 | Dangs-Ahwa | 6 | 4 | 2 | 7 | 9 | 3 | 6 | 4 | 10 | 7 | 3 |
| 20 | Dahod | 46 | 26 | 20 | 35 | 55 | 28 | 27 | 53 | 80 | 50 | 30 |
| 21 | Navsari | 16 | 9 | 7 | 28 | 35 | 25 | 10 | 14 | 24 | 15 | 9 |
| 22 | Narmada | 101 | 90 | 11 | 28 | 39 | 29 | 10 | 31 | 41 | 29 | 12 |
| 23 | Anand | 68 | 50 | 18 | 64 | 82 | 58 | 24 | 79 | 103 | 65 | 38 |
| 24 | Patan | 74 | 58 | 16 | 62 | 78 | 55 | 23 | 71 | 94 | 60 | 34 |
| 25 | Porbandar | 6 | 6 | 0 | 12 | 12 | 9 | 3 | 15 | 18 | 11 | 7 |
| 26 | Tapi (Vyara) | 2 | 2 | 0 | 10 | 10 | 5 | 5 | 13 | 18 | 9 | 9 |
| 27 | Other | 36 | 30 | 6 | 0 | 6 | 2 | 4 | 0 | 4 | 2 | 2 |
| Total | | 2030 | 1479 | 551 | 2260 | 2811 | 1735 | 1076 | 2992 | 4068 | 2457 | 1611 |

Annexure - 10

Head wise and subject wise code list of complaints of violation of Human Rights as classified by the NHRC

(See Rule : 13 NHRC)

| Code No. | Major Head (Main Subject) | Sub Code No. | Sub Head (Sub Subject) |
|----------|--|--------------|--|
| 1 | 2 | 3 | 4 |
| 100 | Children | 100-01 | Child Labour |
| | | 100-02 | Child Marriage |
| | | 100-03 | Child Prostitution |
| | | 100-04 | Exploitation of Children |
| | | 100-05 | Illegal Traffic on Children |
| 200 | Health | 200-01 | Exploitation of mentally retarded persons |
| | | 200-02 | Public Health hazards |
| | | 200-03 | Malfunction of Medical Profession |
| 300 | Jail | 300-01 | Custodial Death |
| | | 300-02 | Custodial Rape |
| | | 300-03 | Exploitation of Child Prisoners |
| | | 300-04 | Debarment of Legal Aid |
| | | 300-05 | Harassment of Prisoners |
| | | 300-06 | Inequalities in Jails |
| | | 300-07 | Irregularities in Jails |
| | | 300-08 | Unlawful Solitary confinement of Prisoners |
| 400 | Judiciary | 400-01 | Biased Judiciary |
| | | 400-02 | Double Jeopardy |
| 500 | Bully / Mafia / Underworld | 500-01 | Nuisance by notorious Gundas/Mafias |
| | | 500-02 | Nuisance by local elements |
| | | 500-03 | Harassment by Anti-social Elements |
| 600 | Labour | 600-01 | Bonded Labour |
| | | 600-02 | Exploitation of Labourers |
| | | 600-03 | Forced Labour |
| | | 600-04 | Hazardous employment |
| | | 600-05 | Risks of Slavery |
| | | 600-06 | Traffic of Human Labour |
| 700 | Minority / Scheduled Caste / Scheduled Tribe | 700-01 | Discrimination with Minority |
| | | 700-02 | Discrimination with SC / ST |
| 800 | Police | 800-01 | Autocracy of Power |
| | | 800-02 | Abduction / Kidnapping |
| | | 800-03 | Abduction / Rape |
| | | 800-04 | Misuse of Power |
| | | 800-05 | Attempt of Murder |
| | | 800-06 | Atrocities on SC / ST |
| | | 800-07 | Custodial Death |
| | | 800-08 | Custodial Rape |
| | | 800-09 | Harassment in Custody |
| | | 800-10 | Violence in Custody |
| | | 800-11 | Death in Police Firing |
| | | 800-12 | Death in Police Encounter |
| | | 800-13 | Fake Encounter |
| | | 800-14 | Failure in taking Legal Action |
| | | 800-15 | Wrong instigation/trap |

| Code No. | Major Head (Main Subject) | Sub Code No. | Sub Head (Sub Subject) |
|-----------------|--|---------------------|--|
| 1 | 2 | 3 | 4 |
| | | 800-16 | Illegal Arrest |
| | | 800-17 | Illegal detention |
| | | 800-18 | Undue Arrest |
| | | 800-19 | Police sponsored incidents |
| | | 800-20 | Delay in Police Procedure |
| | | 800-21 | Victim of Grudging, Exploitation |
| 900 | Pollution, World of Embodied souls and Environment | 900-01 | Ecological Disturbances |
| | | 900-02 | Environmental Pollution |
| | | 900-03 | Misuse of Scientific and Technical Development |
| | | 900-04 | Surrounding Effects of Environment |
| 1000 | Surrender / Refugee / Migrator | 1000-01 | Atrocity on migrants |
| | | 1000-02 | Chakma Refugees Problems |
| | | 1000-03 | Srilankan Refugees Problems |
| 1100 | Religion / Cult / Castes | 1100-01 | Communal Violence |
| | | 1100-02 | Ethnic Conflicts |
| | | 1100-03 | Group Clashes |
| | | 1100-04 | Racial Discrimination |
| | | 1100-05 | Religious Discrimination |
| | | 1100-06 | Religious Intolerance |
| 1200 | Service Matters | 1200-01 | Disparity in Employment Opportunities |
| | | 1200-02 | Non Payment of Pension / Compensation |
| | | 1200-03 | Other Service Disputes |
| 1300 | Women | 1300-01 | Abduction, Rape and Murder |
| | | 1300-02 | Commission of Sati |
| | | 1300-03 | Discrimination against Women |
| | | 1300-04 | Dowry Death or its attempts |
| | | 1300-05 | Dowry Demand |
| | | 1300-06 | Exploitation of Women |
| | | 1300-07 | Gang Rape |
| | | 1300-08 | Indecent representations of Women |
| | | 1300-09 | Indignity of Women |
| | | 1300-10 | Immoral Trafficing of Women |
| | | 1300-11 | Rape |
| | | 1300-12 | Sexual Harassment |
| 1400 | TADA | 1400-01 | Harassment of detained |
| | | 1400-02 | Misuse of TADA |
| | | 1400-03 | Illegal Arrest under TADA |
| 1500 | Miscellaneous | 1500-01 | Disappearance of Persons |
| | | 1500-02 | Land Disputes |
| | | 1500-03 | Hunger Strike |
| | | 1500-04 | Family Disputes |
| | | 1500-05 | Others |

ANNEXURE - 11 (1)

Statistical information regarding petitions received by the State Commission - Approved subjects and District wise - 2009-10

| Sr.No. | Name of Districts | CHILDREN | | | | | HEALTH | | | | | JAIL | | | | 300-01 to 300-08 | | | | |
|--------|-------------------|--------------------|-----------------------|---------------------------|-----------------------------------|------------------------------------|--------------|--|--------------------------------|--|---------------|--------------------------|-------------------------|--|---------------------------------|----------------------------------|---------------------------------|---------------------------------|---|----------------|
| | | Child labor 100-01 | Child marriage 100-02 | Child prostitution 100-03 | Exploitation of children (100-04) | Immoral traffic on children 100-05 | Total 3 to 7 | Exploitation of mentally retarded person(s) (200-01) | Public health hazards (200-02) | Malfunctioning of medical professionals (200-03) | Total 8 to 10 | Custodial death (300-01) | Custodial rape (300-02) | Exploitation of child prisoners (300-03) | Debarment of legal aid (300-04) | Harassment of prisoners (300-05) | Inequalities in prison (300-06) | Irregularities in Jail (300-07) | Unlawful solitary Confinement of prisoners (300-08) | Total 11 to 18 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | | |
| 1 | Ahmadabad city | | | | | 0 | 1 | 5 | 2 | 8 | | | | | 7 | 3 | | | 10 | |
| 2 | Ahmedabad Rural | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 3 | Mehsana | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 4 | Rajkot City | 1 | | | | 1 | | | | 0 | | | | | 1 | 1 | | | 2 | |
| 5 | Rajkot Rural | | | | | 0 | | 1 | 1 | 2 | | | | | | | | | 0 | |
| 6 | Bhavnagar | | | | | 0 | | | 1 | 1 | | | | | 1 | | 1 | | 2 | |
| 7 | Surat City | | | | | 0 | | | 1 | 1 | | | | | | | | | 0 | |
| 8 | Surat Rural | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 9 | Vadodara City | | | | | 0 | | 1 | 1 | 2 | | | | | 2 | | | | 2 | |
| 10 | Vadodara Rural | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 11 | Kheda | | | | 1 | 1 | | | | 0 | | | | | | | | | 0 | |
| 12 | Banaskantha | | | | | 0 | | | | 0 | | | | | 1 | | | | 1 | |
| 13 | Sabarkantha | | | | | 0 | | | 5 | 5 | | | | | | | | | 0 | |
| 14 | Jamnagar | | | | | 0 | | | 1 | 1 | 1 | | | | 2 | | | | 3 | |
| 15 | Junagadh | | | | | 0 | | | 1 | 1 | | | | | | | | | 0 | |
| 16 | Kutch | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 17 | Surendranagar | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 18 | Amreli | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 19 | Valsad | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 20 | Bharuch | | | | | 0 | | | | 0 | | | | | 1 | | | | 1 | |
| 21 | Panchmahals | | | | | 0 | | | | 0 | | | | | 1 | | | | 1 | |
| 22 | Gandhinagar | | | | | 0 | | | | 0 | | | | | 1 | | | | 1 | |
| 23 | Dangs | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 24 | Dahod | | | | 1 | 1 | | | | 0 | | | | | | | | | 0 | |
| 25 | Navsari | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 26 | Narmada | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 27 | Anand | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 28 | Patan | | | | | 0 | | | 1 | 1 | | | | | | | | | 0 | |
| 29 | Porbandar | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| 30 | Tapi | | | | | 0 | | | | 0 | | | | | | | | | 0 | |
| | Total | 1 | 0 | 0 | 2 | 0 | 3 | 1 | 7 | 14 | 22 | 1 | 0 | 0 | 0 | 17 | 4 | 1 | 0 | 23 |

ANNEXURE - 11 (2)

Statistical information regarding petitions received by the State Commission - Approved subjects and District wise - 2009-10

| Sr. No. | Name of Districts | JUDICIARY 400-1 to 400-02 | | | Mafia/under World 500-01 to 500-03 | | | | LABOUR 600-01 to 600-06 | | | | | | |
|---------|-------------------|---------------------------|--------------------------|------------------|--|------------------------------------|--|------------------|-------------------------|---------------------------------|------------------------|--------------------------------|------------------|----------------------------------|------------------|
| | | Biased Judiciary (400-01) | Double jeopardy (400-02) | Total (19 to 20) | Nuisance by notorious Gangs/ Mafias (500-01) | Nuisance by local ruffian (500-02) | Trouble by Anti-social elements (500-03) | Total (21 to 23) | Bonded labor (600-01) | Exploitation of labors (600-02) | Forced labour (600-03) | Hazardous employments (600-04) | Slavery (600-05) | Traffic of human labour (600-06) | Total (24 to 29) |
| 1 | 2 | 19 | 20 | | 21 | 22 | 23 | | 24 | 25 | 26 | 27 | 28 | 29 | |
| 1 | Ahmadabad city | 2 | 2 | 4 | | 46 | 42 | 88 | | | | 2 | | | 2 |
| 2 | Ahmedabad Rural | | | 0 | | 8 | 4 | 12 | | 1 | | | | | 1 |
| 3 | Mehsana | 2 | 1 | 3 | | | 3 | 3 | | 1 | 1 | 1 | | | 3 |
| 4 | Rajkot City | 1 | | 1 | | | 1 | 1 | | | | | | | 0 |
| 5 | Rajkot Rural | | | 0 | | | 2 | 2 | | | | | | | 0 |
| 6 | Bhavnagar | | 1 | 1 | | 2 | 2 | 4 | | 2 | | 2 | | | 4 |
| 7 | Surat City | 1 | | 1 | | | 2 | 2 | | | | | | | 0 |
| 8 | Surat Rural | | | 0 | | | | 0 | | | | | | | 0 |
| 9 | Vadodara City | 1 | | 1 | | | 2 | 2 | | 1 | | | | | 1 |
| 10 | Vadodara Rural | 1 | | 1 | | | 1 | 1 | | | | | | | 0 |
| 11 | Kheda | | | 0 | | 4 | 3 | 7 | | 1 | | | | | 1 |
| 12 | Banaskantha | | | 0 | | 2 | 4 | 6 | | | | 2 | | | 2 |
| 13 | Sabarkantha | | | 0 | | | 3 | 3 | | | | | | | 0 |
| 14 | Jamnagar | 1 | 1 | 2 | 1 | 1 | 2 | 4 | | 1 | | | | | 1 |
| 15 | Junagadh | 1 | | 1 | | | 6 | 6 | | | | | | | 0 |
| 16 | Kutch | | | 0 | | | | 0 | | 2 | | | | | 2 |
| 17 | Surendranagar | | | 0 | | | | 0 | | | | | | | 0 |
| 18 | Amreli | 1 | | 1 | | 1 | 4 | 5 | | 1 | | | | | 1 |
| 19 | Valsad | | | 0 | | | | 0 | | | | | | | 0 |
| 20 | Bharuch | | | 0 | | | | 0 | | | | | | | 0 |
| 21 | Panchmahals | 1 | | 1 | | | 1 | 1 | | | | | | | 0 |
| 22 | Gandhinagar | | | 0 | | 7 | 6 | 13 | | | | 1 | | 1 | 2 |
| 23 | Dangs | | | 0 | | | | 0 | | | | | | | 0 |
| 24 | Dahod | | | 0 | | | | 0 | | 1 | | | | | 1 |
| 25 | Navsari | | | 0 | | | | 0 | | | | | | | 0 |
| 26 | Narmada | | | 0 | | | 1 | 1 | | | | | | | 0 |
| 27 | Anand | 1 | | 1 | | | 4 | 4 | | | | | | | 0 |
| 28 | Patan | 2 | 1 | 3 | | 1 | 1 | 2 | | | | 1 | | | 1 |
| 29 | Porbandar | | | 0 | | | 1 | 1 | | | | | | | 0 |
| 30 | Tapi | 1 | | 1 | | | | 0 | | | | | | | 0 |
| | Total | 16 | 6 | 22 | 1 | 72 | 95 | 168 | 0 | 11 | 1 | 9 | 0 | 1 | 22 |

ANNEXURE - 11 (3)

Statistical information regarding petitions received by the State Commission - Approved subjects and District wise - 2009-10

| Sr. No. | Name of Districts | Discri. Against Minority /SC/ST 700-01 to 700-02 | | | POLICE (800-01 to 800-21) | | | | | | | | | | | | | | | | | | | | | Total (32 to 52) |
|---------|-------------------|---|--------------------------------|------------------|---------------------------|----|----|-----|----|----|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|----|------------------|
| | | Discri. Against Minority (700-01) | Dscri. Against SC/ ST (700-02) | Total (30 to 31) | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | |
| 1 | 2 | 30 | 31 | | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | |
| 1 | Ahmadabad city | 4 | 11 | 15 | 13 | | | 62 | | | | | | 1 | | | | 68 | 33 | 4 | 4 | 1 | 7 | 57 | | 250 |
| 2 | Ahmedabad Rural | | 7 | 7 | | | | 10 | | | | | | | | | | 22 | 2 | | | | | 9 | | 43 |
| 3 | Mehsana | 5 | 1 | 6 | 3 | | | 2 | | 1 | | | | | | | | 12 | 5 | 1 | 2 | | | | 1 | 27 |
| 4 | Rajkot City | 1 | 4 | 5 | 2 | | | 4 | | | | | | | | | | 10 | 6 | | | | | | | 22 |
| 5 | Rajkot Rural | 1 | 3 | 4 | 3 | | | 3 | | | 1 | | 1 | | | | | 2 | 3 | | | | | | 1 | 14 |
| 6 | Bhavnagar | 2 | 8 | 10 | 7 | | | 12 | | | | | | | | | | 30 | 2 | | 1 | | 1 | 1 | 1 | 55 |
| 7 | Surat City | 1 | | 1 | 2 | | | 13 | | | | | 1 | | | | | 18 | 8 | 1 | | | | 4 | | 47 |
| 8 | Surat Rural | 2 | 3 | 5 | | | | 1 | | | | | | | | | | 2 | 1 | | 1 | | | | | 5 |
| 9 | Vadodara City | 1 | 2 | 3 | | | | 9 | | | | | | | | | | 8 | 7 | | 1 | | | | | 25 |
| 10 | Vadodara Rural | 7 | 1 | 8 | 1 | | | 4 | | | | | | | | | | 5 | | | | | | 3 | | 13 |
| 11 | Kheda | 1 | 2 | 3 | | | | 10 | | | | | | | | | | 13 | | | | | | 5 | | 28 |
| 12 | Banaskantha | 1 | 7 | 8 | 14 | | | 4 | | | 1 | | | | | | | 27 | 1 | 1 | | | | | 1 | 49 |
| 13 | Sabarkantha | 8 | 1 | 9 | 4 | | | 3 | | | | | | | | | | 23 | 2 | 1 | | | 1 | 2 | | 36 |
| 14 | Jamnagar | | 9 | 9 | 1 | | | 5 | | | | | | | | | | 24 | | 2 | | | | 1 | 2 | 35 |
| 15 | Junagadh | 1 | 5 | 6 | 8 | | | 1 | | 1 | | | | | | | | 26 | 3 | 1 | 4 | | | | 1 | 45 |
| 16 | Kutch | 1 | 1 | 2 | 3 | | | | | | | | | | | | | 5 | 2 | 1 | | | | | | 11 |
| 17 | Surendranagar | 4 | | 4 | 2 | | | | | | | | | | | | | 11 | 2 | | | | | | 1 | 16 |
| 18 | Amreli | 1 | 10 | 11 | 1 | | | 1 | | 1 | | | | | | | | 17 | 1 | | | | | | | 21 |
| 19 | Valsad | | | 0 | | | | | | | | | | | | | | | 1 | | | | | | | 1 |
| 20 | Bharuch | 1 | 1 | 2 | 1 | | | 5 | | | | | | | | | | 7 | 3 | | | | | | | 16 |
| 21 | Panchmahals | 6 | 2 | 8 | 1 | | | 6 | | | | | | | | | | 10 | 1 | | | | | 1 | | 19 |
| 22 | Gandhinagar | | 2 | 2 | 1 | | | 12 | | | | | | | | | | 26 | 6 | 1 | | | 1 | 3 | 1 | 51 |
| 23 | Dangs | 1 | | 1 | | | | | | | | | | | | | | | | | | | | | | 0 |
| 24 | Dahod | 2 | 2 | 4 | | | | 5 | | | | | | | | | | 9 | 5 | 1 | | | | | 1 | 21 |
| 25 | Navsari | | | 0 | | | | 1 | | | | | | | | | | 2 | | | | | | | 1 | 4 |
| 26 | Narmada | | 1 | 1 | | | | 6 | | 1 | | | | | | | | 4 | | | | | | | | 11 |
| 27 | Anand | | 2 | 2 | | | | 3 | | | | | | | | | | 11 | 1 | | 1 | | | | 3 | 19 |
| 28 | Patan | | 3 | 3 | 1 | | | 1 | | 2 | 1 | | | | | | | 16 | | | | | | | 1 | 22 |
| 29 | Porbandar | | 2 | 2 | | | | | | | | | | | | | | 3 | 1 | | | | | | | 4 |
| 30 | Tapi | | 1 | 1 | | | | | | | | | | | | | | | | | | | | | | 0 |
| | Total | 51 | 91 | 142 | 68 | 0 | 0 | 183 | 0 | 6 | 3 | 0 | 2 | 1 | 0 | 0 | 0 | 411 | 96 | 14 | 14 | 1 | 10 | 91 | 10 | 910 |

ANNEXURE 11 - (4)

Statistical information regarding petitions received by the State Commission - Approved subjects and District wise - 2009-10

| Sr. No. | Name of Districts | POLUTION/ ECOLOGY AND ENVIROMENT (900-01 to 900-04) | | | | | REFUGES /MIGRANTS 1000-01 to 1000-03 | | | | RELIGION/ COMMUNITY/RACE 1100-01 to 1100-06 | | | | | | |
|---------|-------------------|--|----------------------------------|--|--|------------------|---|-----------------------------------|---------------------------------------|------------------|--|----------------------------|-------------------------|---------------------------------|------------------------------------|---------------------------------|-----------------|
| | | Ecological disturbances (900-01) | Environmental pollution (900-02) | Misuses of Scientific and Technical Development (900-03) | Pollution affacting surrounding (900-04) | Total (53 to 56) | Atrocity on Migrants (1000-01) | Chakma refugee problems (1000-02) | Shrilankan refugee problems (1000-03) | Total (57 to 60) | Communal violence (1100-01) | Ethnic conflicts (1100-02) | Group clashes (1100-03) | Racial Discrimination (1100-04) | Religious discrimination (1100-05) | Religious intolerance (1100-06) | Total (60to 65) |
| 1 | 2 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | | 60 | 61 | 62 | 63 | 64 | 65 | | |
| 1 | Ahmadabad city | | 3 | | | 3 | | | 0 | 1 | | | | 1 | | 2 | |
| 2 | Ahmedabad Rural | | | | | 0 | | | 0 | | | | 1 | | | 1 | |
| 3 | Mehsana | | 1 | | | 1 | | | 0 | | | | | | | 0 | |
| 4 | Rajkot City | | | | | 0 | | | 0 | | | | | 1 | | 1 | |
| 5 | Rajkot Rural | | | | | 0 | | | 0 | | | | | | | 0 | |
| 6 | Bhavnagar | 1 | | | | 1 | | | 0 | | | | | | | 0 | |
| 7 | Surat City | | 1 | | | 1 | | | 0 | | | | | | | 0 | |
| 8 | Surat Rural | | | | | 0 | | | 0 | | | | 1 | | | 1 | |
| 9 | Vadodara City | 1 | | | | 1 | | | 0 | | | | | | | 0 | |
| 10 | Vadodara Rural | | | | | 0 | | | 0 | | | | | | | 0 | |
| 11 | Kheda | | | | | 0 | | | 0 | | | | | | | 0 | |
| 12 | Banaskantha | | | | | 0 | | | 0 | | | | | | | 0 | |
| 13 | Sabarkantha | 1 | | 2 | | 3 | | | 0 | | | | | | | 0 | |
| 14 | Jamnagar | 2 | 1 | 2 | | 5 | | | 0 | | | | | | | 0 | |
| 15 | Junagadh | | | 2 | | 2 | | | 0 | | | | | | | 0 | |
| 16 | Kutch | | | | | 0 | | | 0 | | | | | | | 0 | |
| 17 | Surendranagar | | | | | 0 | | | 0 | | | | | 1 | | 1 | |
| 18 | Amreli | 1 | | 1 | | 2 | | | 0 | | | | | 1 | 1 | 2 | |
| 19 | Valsad | | | | 1 | 1 | | | 0 | | | | 1 | 1 | | 2 | |
| 20 | Bharuch | | 1 | | | 1 | | | 0 | | | | | | | 0 | |
| 21 | Panchmahals | | | | | 0 | | | 0 | | | | | | | 0 | |
| 22 | Gandhinagar | 1 | | | | 1 | | | 0 | | | | | | | 0 | |
| 23 | Dangs | | | | | 0 | | | 0 | | | | | | | 0 | |
| 24 | Dahod | | | | | 0 | | | 0 | | | | 1 | | | 1 | |
| 25 | Navsari | | | | | 0 | | | 0 | | | | | | | 0 | |
| 26 | Narmada | | | | | 0 | | | 0 | | | | | | | 0 | |
| 27 | Anand | | | | | 0 | | | 0 | | | | | | | 0 | |
| 28 | Patan | | | | | 0 | | | 0 | | | | | | 1 | 1 | |
| 29 | Porbandar | | | | | 0 | | | 0 | | | | | | | 0 | |
| 30 | Tapi | | | | | 0 | | | 0 | | | | | | | 0 | |
| | Total | 7 | 7 | 7 | 1 | 22 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 4 | 5 | 2 | 12 |

ANNEXURE - 11 (5)

Statistical information regarding petitions received by the State Commission - Approved subjects and District wise - 2008-09

| Sr. No. | Name of Districts | SERVICE MATTERS 1200-01 to 1200-03 | | | | WOMEN 1300-01 to 1300-12 | | | | | | | | | | | | |
|---------|-------------------|---|--|----------------------------------|------------------|--------------------------------------|------------------------------|--|---|------------------------|---------------------------------|---------------------|--|------------------------------|---|----------------|-----------------------------|------------------|
| | | Disparities in employment opportunities (1200-01) | Non-payment of pension/ Compensation (1200-02) | Other service disputes (1200-03) | Total (66 to 68) | Abduction rapes and murder (1300-01) | Commission of sati (1300-02) | Discrimination against women (1300-03) | Dowry death or their attempts (1300-04) | Dowry demand (1300-05) | Exploitation of women (1300-06) | Gang rape (1300-07) | Indecent representation of women (1300-08) | Indignity of women (1300-09) | Immortal trafficking on women (1300-10) | Rape (1300-11) | Saxual Harassment (1300-12) | Total (69 to 80) |
| 1 | 2 | 66 | 67 | 68 | | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | |
| 1 | Ahmadabad city | 12 | 25 | 23 | 60 | 8 | | 2 | 3 | 5 | 26 | | 2 | 11 | 1 | 1 | 2 | 61 |
| 2 | Ahmedabad Rural | 2 | 2 | 3 | 7 | 4 | | | | | 1 | | | 1 | 1 | | | 7 |
| 3 | Mehsana | 2 | 4 | 8 | 14 | 1 | | 2 | | | 8 | | | 3 | | | 1 | 15 |
| 4 | Rajkot City | | 2 | 6 | 8 | 1 | | | | | 1 | | | 1 | | 2 | | 5 |
| 5 | Rajkot Rural | 1 | 1 | 5 | 7 | 1 | | 1 | | | 2 | | | | | | | 4 |
| 6 | Bhavnagar | 1 | 7 | 14 | 22 | | | 2 | | | 3 | | | 2 | | 2 | 1 | 10 |
| 7 | Surat City | | | 7 | 7 | | | | | | 1 | | | | | | 1 | 2 |
| 8 | Surat Rural | | | 3 | 3 | | | | | | 1 | | | | | | | 1 |
| 9 | Vadodara City | | | 10 | 10 | | | | | | 2 | | | 1 | | 1 | | 4 |
| 10 | Vadodara Rural | | | 6 | 6 | | | | | 1 | | | | | | | | 1 |
| 11 | Kheda | 1 | 1 | 10 | 12 | 1 | | | | 1 | 3 | | | 3 | | 1 | | 9 |
| 12 | Banaskantha | 4 | 2 | 11 | 17 | 2 | | | | | 2 | | | | | 1 | | 5 |
| 13 | Sabarkantha | 1 | 5 | 13 | 19 | 1 | | 2 | | 1 | 7 | | | 3 | | 1 | 1 | 16 |
| 14 | Jamnagar | 2 | 1 | 9 | 12 | | | | | | 2 | | | | | | | 2 |
| 15 | Junagadh | 2 | 2 | 9 | 13 | 5 | | | | | 5 | | | 1 | 1 | | | 12 |
| 16 | Kutch | | | 9 | 9 | 2 | | | | | | | | | | | 1 | 3 |
| 17 | Surendranagar | 2 | 1 | 18 | 21 | 3 | | | | | 1 | | | | | 1 | | 5 |
| 18 | Amreli | 2 | 2 | 10 | 14 | 1 | | | | | 2 | | | 1 | | | | 4 |
| 19 | Valsad | | | 4 | 4 | | | | | | 2 | | | | | | | 2 |
| 20 | Bharuch | | | 4 | 4 | | | | | | 5 | | | | | | | 5 |
| 21 | Panchmahals | | | 6 | 6 | | | 1 | | | 2 | | | | | | | 3 |
| 22 | Gandhinagar | 11 | 9 | 26 | 46 | 4 | | 1 | 2 | 1 | 4 | | | 1 | | | 2 | 15 |
| 23 | Dangs | | | | 0 | | | | | | | | | | | | | 0 |
| 24 | Dahod | | | 2 | 2 | | | | | | 3 | | | | | | | 3 |
| 25 | Navsari | | | 1 | 1 | | | | | | 1 | | | | | | | 1 |
| 26 | Narmada | | | 3 | 3 | | | | | | | | | | | | | 0 |
| 27 | Anand | | | 9 | 9 | | | | 1 | | 1 | | | | | | | 2 |
| 28 | Patan | 1 | | 2 | 3 | 1 | | 1 | | | 1 | | | 1 | | | | 4 |
| 29 | Porbandar | | | 1 | 1 | | | | | | | | | 2 | | | | 2 |
| 30 | Tapi | | | 3 | 3 | | | | | 1 | 1 | | | | | | | 2 |
| | Total | 44 | 64 | 235 | 343 | 35 | 0 | 12 | 6 | 10 | 87 | 0 | 2 | 31 | 3 | 10 | 9 | 205 |

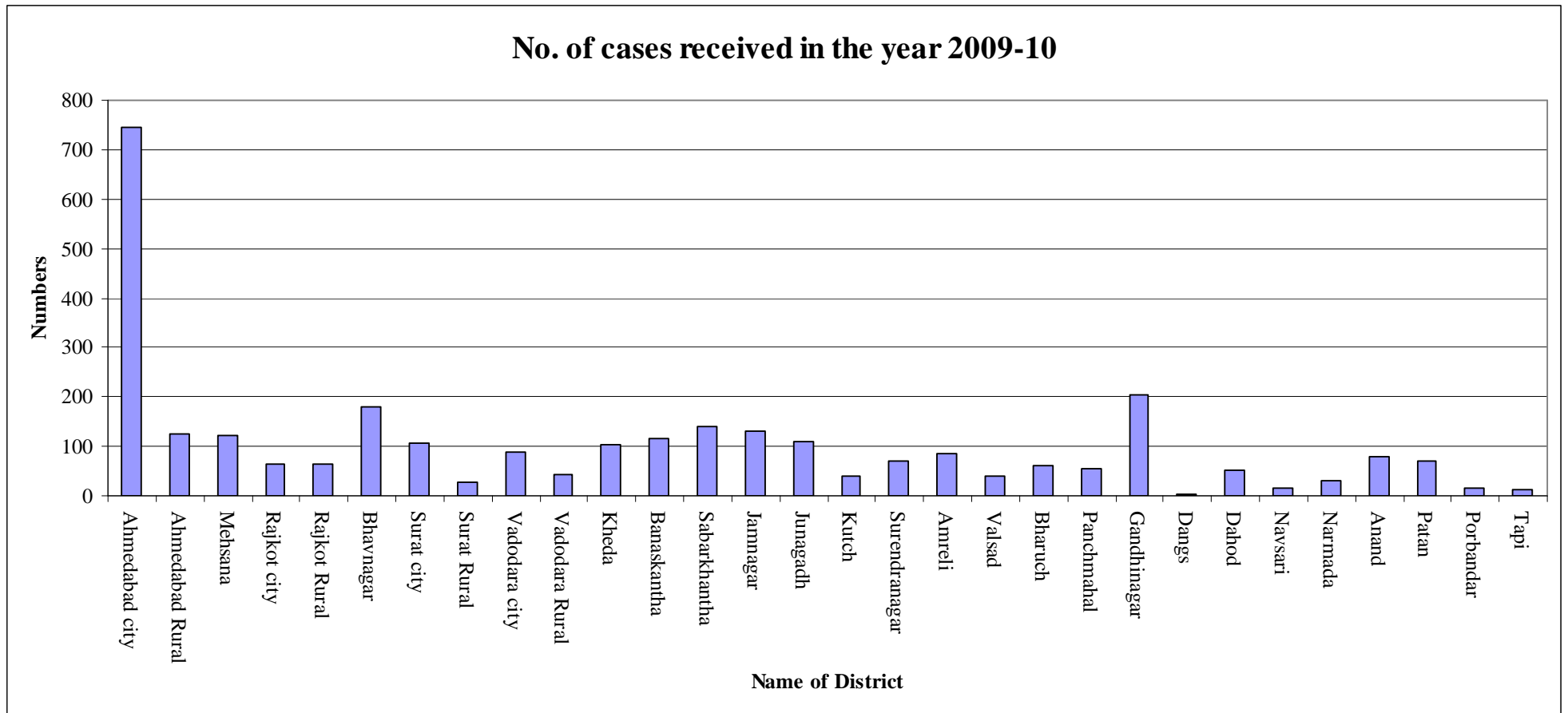
ANNEXURE - 11(6)

Statistical information regarding petitions received by the State Commission - Approved subjects and District wise - 2009-10

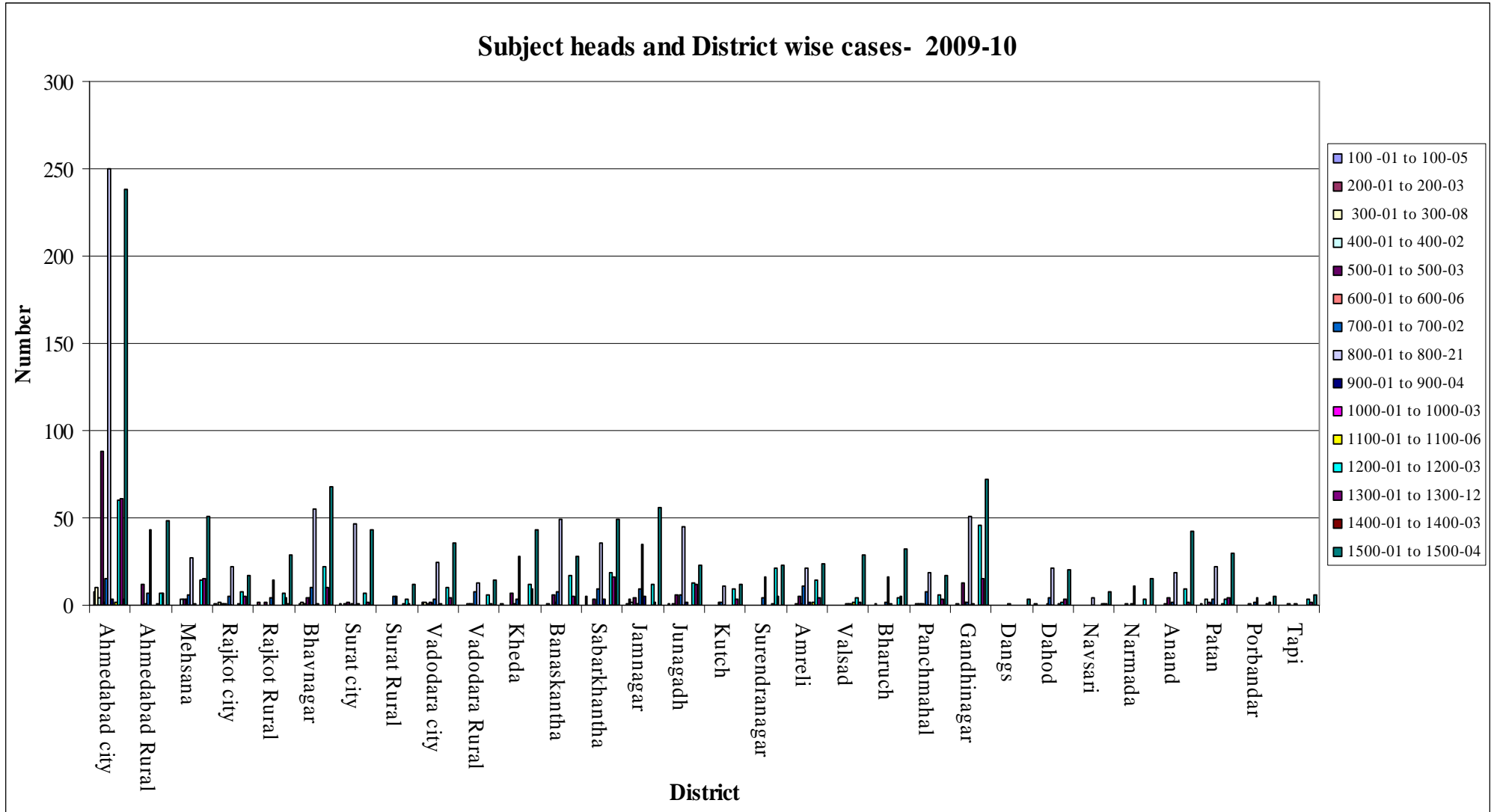
| Sr. No. | Name of Districts | TADA (1400-01 to 1400-03) | | | | Miscellaneous (1500-01 to 1500-04) | | | | | | Grand Total |
|---------|-------------------|-----------------------------------|--------------------------|---|------------------|------------------------------------|-------------------------|-------------------------|---------------------------|------------------|------------------|-------------|
| | | Harassment of detainees (1400-01) | Misuse of TADA (1400-02) | Unlawful detention under TADA (1400-03) | Total (81 to 83) | Disappearance (1500-01) | Land disputes (1500-02) | Hunger strike (1500-03) | Family disputes (1500-04) | Others (1500-05) | Total (84 to 89) | |
| 1 | 2 | 81 | 82 | 83 | | 84 | 85 | 86 | 87 | 88 | 89 | |
| 1 | Ahmadabad city | | 1 | 2 | 3 | | 17 | 3 | 28 | 190 | 238 | 744 |
| 2 | Ahmedabad Rural | | | | 0 | | 18 | | 4 | 26 | 48 | 126 |
| 3 | Mehsana | | | | 0 | 3 | 15 | | 6 | 27 | 51 | 123 |
| 4 | Rajkot City | | | | 0 | 1 | 7 | | 2 | 7 | 17 | 63 |
| 5 | Rajkot Rural | | 1 | | 1 | | 14 | | 3 | 12 | 29 | 63 |
| 6 | Bhavnagar | | | | 0 | | 17 | 2 | | 49 | 68 | 178 |
| 7 | Surat City | | | | 0 | | 14 | | 4 | 25 | 43 | 105 |
| 8 | Surat Rural | | | | 0 | | 6 | | | 6 | 12 | 27 |
| 9 | Vadodara City | | | | 0 | | 7 | | 5 | 24 | 36 | 87 |
| 10 | Vadodara Rural | | | | 0 | | 3 | | 1 | 10 | 14 | 44 |
| 11 | Kheda | | | | 0 | | 10 | 1 | 3 | 29 | 43 | 104 |
| 12 | Banaskantha | | | | 0 | | 9 | 1 | 1 | 17 | 28 | 116 |
| 13 | Sabarkantha | | | | 0 | | 17 | | 4 | 28 | 49 | 140 |
| 14 | Jamnagar | | | | 0 | | 29 | | 5 | 22 | 56 | 130 |
| 15 | Junagadh | | | | 0 | | 7 | | 3 | 13 | 23 | 109 |
| 16 | Kutch | | | | 0 | | 4 | 1 | | 7 | 12 | 39 |
| 17 | Surendranagar | | | | 0 | | 7 | | 2 | 14 | 23 | 70 |
| 18 | Amreli | | | | 0 | | 10 | | 3 | 11 | 24 | 85 |
| 19 | Valsad | | | | 0 | | 8 | | 3 | 18 | 29 | 39 |
| 20 | Bharuch | | | | 0 | | 6 | | 1 | 25 | 32 | 61 |
| 21 | Panchmahals | | | | 0 | | 3 | | 1 | 13 | 17 | 56 |
| 22 | Gandhinagar | | | | 0 | | 21 | | 7 | 44 | 72 | 203 |
| 23 | Dangs | | | | 0 | | 1 | | | 2 | 3 | 4 |
| 24 | Dahod | | | | 0 | | 9 | | 2 | 9 | 20 | 53 |
| 25 | Navsari | | | | 0 | | 4 | | 1 | 3 | 8 | 14 |
| 26 | Narmada | | | | 0 | | 4 | | | 11 | 15 | 31 |
| 27 | Anand | | | | 0 | | 9 | | 4 | 29 | 42 | 79 |
| 28 | Patan | | 1 | | 1 | 2 | 6 | | 2 | 20 | 30 | 71 |
| 29 | Porbandar | | | | 0 | | 2 | | 1 | 2 | 5 | 15 |
| 30 | Tapi | | | | 0 | | 2 | | | 4 | 6 | 13 |
| | Total | 0 | 3 | 2 | 5 | 6 | 286 | 8 | 96 | 697 | 1093 | 2992 |

Note: For the same incident more than one petition has been received.

Annexure - 12 (1)



Annexure - 12 (2)



Annexure - 13

(A) List of sanctioned posts of the Commission - Permanent Posts

| Sr. No. | Name of the post | Nos. | Pay Scale | Grade pay | |
|---------|---|-----------|-------------------------------|-----------|------------|
| 1. | Hon'ble Chairperson | 1 | Rs. 90,000/- Fix + Allowances | - | |
| 2. | Member (Officiating or Retired High Court / District Judge | 1 | Pay as per rules | - | |
| 3. | Member (Social Worker) | 1 | Fixed Pay | -- | |
| 4. | Secretary | 1 | Rs. 67,000 – 79,000 | - | cadre post |
| 5. | Additional Director General of Police | 1 | Rs. 67,000 – 79,000 | - | cadre post |
| 6. | Deputy Secretary | 1 | Rs. 15,600 – 39,100 | Rs.7600/- | cadre post |
| 7. | Under Secretary | 1 | Rs. 15,600 – 39,100 | Rs.5400/- | cadre post |
| 8. | Deputy Superintendent of Police | 1 | Rs. 15,600 – 39,100 | Rs.5400/- | cadre post |
| 9. | Section Officer | 3 | Rs. 9,300 – 34,800 | Rs.4600/- | cadre post |
| 10. | Police Inspector | 1 | Rs. 9,300 – 34,800 | Rs.4200/- | cadre post |
| 11. | Deputy Section Officer | 12 | Rs. 9,300 – 34,800 | Rs.4400/- | cadre post |
| 12. | Police Sub Inspector | 3 | Rs. 9,300 – 34,800 | Rs.4200/- | cadre post |
| 13. | Steno Grade-I | 6 | Rs. 9,300 – 34,800 | Rs.4200/- | cadre post |
| 14. | Steno Grade-II | 1 | Rs. 9,300 – 34,800 | Rs.4200/- | cadre post |
| 15. | Driver | 2 | Rs. 5,200 – 20,200 | Rs.1900/- | cadre post |
| 16. | Police Constable | 8 | Rs. 5,200 – 20,200 | Rs.1800/- | cadre post |
| 17. | Peon | 6 | Rs. 4,440 – 7,440 | Rs.1300/- | cadre post |
| 18. | Cook | 1 | Rs. 4000/- Fix | - | |
| 19. | Hamal Cum Sweeper | 1 | Rs. 4,440 – 7,440 | Rs.1300/- | cadre post |
| | Total... | 52 | | | |

(B) List of sanctioned posts

| | | | | | |
|-----|-------------------------|-----------|---------------------|-----------|------------|
| 1 | Registrar(Legal) | 1 | Rs. 67,000 – 79,000 | Rs.8700/- | cadre post |
| 2. | Legal officer(legal) | 1 | Rs15,600 – 39,100 | Rs.6600/- | cadre post |
| 3. | Section Officer | 1 | Rs. 9,300 – 34,800 | Rs.4600/- | cadre post |
| 4. | Accounts Officer | 1 | Rs. 9,300 – 34,800 | Rs.4200/- | cadre post |
| 5. | Steno Grade-I | 4 | Rs. 9,300 – 34,800 | Rs.4200/- | cadre post |
| 6. | Librarian | 1 | Rs. 9,300 – 34,800 | Rs.4200/- | cadre post |
| 7. | Driver | 4 | Rs. 5,200 – 20,200 | Rs.1900/- | cadre post |
| 8. | Receptionist | 1 | Rs. 5,200 – 20,200 | Rs.1900/- | cadre post |
| 9. | Data Operator cum clerk | 3 | Rs. 5,200 – 20,200 | Rs.1900/- | cadre post |
| 10. | Peon | 8 | Rs. 4,440 – 7,440 | Rs.1300/- | cadre post |
| 11. | Library Attendant | 1 | Rs. 4,440 – 7,440 | Rs.1300/- | |
| | Total... | 26 | | | |

Annexure - 14

Telephone, Fax and Mobile Numbers of the Officers of the Commission

| Sr. No. | Name | Office | Fax (Office) | Residence |
|---------|--|----------------------------------|-----------------|--|
| | | (STD Code: 079) | (STD Code: 079) | (STD Code: 079) |
| 1. | Justice Shri D. S. Sinha, Hon'ble Chairperson | 232 57546 Mobile: 99784 06157 | 232 57546 | 232 59926 232 59927 Fax: 232 59929 |
| 2. | Shri P. N. Patel IAS Secretary | 232 57547 Mobile: 99784 05784 | 232 57596 | 232 41062 |
| 3. | Shri S. K. Saikia IPS Additional D.G.P. | 232 57592 Mobile: 9978406258 | 232 57592 | 26423997 |
| 4. | Shri V.G. Vanzara, Deputy Secretary | 232 57595 Mobile: 94287 59692 | 232 57596 | 232 60605 |
| 5. | Shri K. M. Vaghela Dy. SP | 232 57633 Mobile 9879791951 | 232 57596 | |
| 6. | Shri A. R. Gamara, Section Officer (Legal) | 232 57596 Mobile: 98795 27596 | 232 57596 | 232 87948 |
| 7. | Shri N. V. Shah, Section Officer | 232 57629 Mobile: 94279 89900 | 232 57596 | 232 39522 |
| 8. | Shri J. K. Patel, Section Officer | 232 57629 Mobile: 98252 87578 | 232 57596 | |
| 9. | Shri K. K. Shah Section Officer | 232 57594 Mobile 9904146346 | 232 57596 | |
| 10. | Shri J. R. Hedamba Police Inspector | 232 57526 Mobile: 94275 24644 | 232 57596 | |
| 11. | Kum. S. J. Chaudhary, Accounts Officer | 232 57631 Mobile: 98980 04117 | 232 57596 | |