

## National Human Rights Commission

<b>Diary No</b>	12086/CR/2018	<b>Case / File No</b>	387/13/23/2018
<b>Victim Name</b>	AMOL JADAV, GOPAL SHINDE, PRASHANT PANWAR	<b>Registration Date</b>	24/02/2018

**Action List** (Click on Action given in blue color to view details)

Action No.	Action	Authority	Action Date	Due Date	Completion Date
6	<a href="#">Concluded and No Further Action Required</a>	PUNE,MAHARASHTRA	04/10/2019	15/10/2019	15/10/2019
5	<a href="#">Disposed with Directions</a>	THE CHIEF SECRETARY GOVT. OF MAHARASHTRA, MUMBAI	04/10/2019	15/10/2019	15/10/2019
4	<a href="#">Relief granted [Compensation, Disciplinary &amp; Prosecution]</a>	THE CHIEF SECRETARY GOVT. OF MAHARASHTRA, MUMBAI	04/04/2019	30/05/2019	
3	<a href="#">Additional Information Called for</a>	PUNE,MAHARASHTRA	28/03/2019	28/03/2019	
2	<a href="#">Show Cause Notice Issued (Comments)</a>	THE CHIEF SECRETARY GOVT. OF MAHARASHTRA, MUMBAI	31/05/2018	24/07/2018	08/10/2018
1	<a href="#">Action Taken Report Called for</a>	THE DIRECTOR GENERAL OF POLICE POLICE HEADQUARTERS, GOVT. OF MAHARASHTRA, MUMBAI	08/03/2018	19/04/2018	27/04/2018

[Expand All Action List](#)**Action****Action : Concluded and No Further Action Required(Action No 6)**

<b>Action Date</b>	04/10/2019	<b>Due Date</b>	15/10/2019	<b>Completion Date</b>	15/10/2019
<b>Authority</b>	, PUNE,MAHARASHTRA				
<b>Proceeding</b>	<p>The Complainant, Shri R. H. Bansal, a human rights activist, in his complaint dated 23rd January 2018, alleged that, on 16th November 2018, a Jawan of State Reserve Police Force, killed three innocent persons, namely, Anmol Jadhav, Gopal Shinde and Prashant Pawar by his service firearm in PS Daund, District, Pune Maharashtra. The Complainant has requested intervention of the Commission for action against the culprits and compensation to the next-of-kin of the deceased persons.</p> <p>Pursuant to the directions of the Commission, the Additional Director General of Police,</p>				

State Reserve Police Force, M.S. Mumbai, sent his report dated 20th April 2018, wherein he has confirmed the incident. During enquiry by the Special Inspector General of Police, State Reserve Police Force, Pune; the Armed Police Inspector was suspended on 23rd January 2018, as he was holding charge of Company Commander, and he had appointed Assistant Police Sub-Inspector Sanjay Baliram Shinde as the Head of the Armory (Kot Commander) without considering his service record and also did not follow the instructions given by the ADGP, State Reserve Police Force, M.S. Mumbai's Circular No. 10/2015 which mandated that Kot Commander of Armory should have a clean record and should not have any addictions. Nevertheless, concerned Assistant Police Sub-Inspector, who had around five major defaults (i.e., fine, reprimand, stoppage of increment, suspension, offence registered in Daund PS CR. No. 401/2016 dated 31.03.2016 under Sections 323/504/506/34 IPC) against him, was appointed as such. Considering the serious default of Assistant Sub-Inspector Sanjay Baliram Shinde, and also the case registered against him in Daund PS vide CR No. 51/2018 under Section 302 IPC r/w Sections 3/25/27 of the Indian Arms Act, he was suspended on 18th January 2018 and thereafter dismissed from the service w.e.f. 29th January 2018 Act, he was suspended on 18th January 2018 and thereafter dismissed from the service w.e.f. 29th January 2018.

Therefore, the commission found that it was a clear case of violation of human rights of the deceased and accordingly issued a notice under Section 18(a)(i) of the Protection of Human Rights Act, 1993, to the Government of Maharashtra, through its Chief Secretary, requiring it to show cause, within six weeks, as to why the Commission should not recommend payment of Rs. 200000/- each as compensation to the next-of-kin of the of the three deceased persons, namely, Anmol Jadhav, Gopal Shinde and Prashant Pawar, who were killed by an Assistant Sub-Inspector of the State Reserve Police Force.”

In response to the same a reply dated 15.5.2019 was received from the Under Secretary, Home department, Govt. of Maharashtra. The substance of the reply is that the recommendation made by the Commission has been accepted and a compensation of Rs. 2 lakhs each in favour of the deceased Anmol Jadhav, Gopal Shinde and Prashant Power has been sanctioned and the Commandant Bharat Reserve Batalian, Kolhapur has been instructed to disburse the said amount to the next of kin of the deceased and submit proof of payment to the government.

The Commission carefully considered the materials on record and took note of the facts and circumstances of the case. Since, the recommendation made by the Commission has been accepted and the required fund has been sanctioned and necessary instruction have been issued to the concerned authority for disbursement of same to the next of kin of the deceased, the Commission hopes that the Chief Secy, Govt. of Maharashtra will ensure payment of the compensation to the next of kin of the deceased at the earliest and acknowledge receipt of the proof of payment. In the circumstances the matter requires no further intervention at the end of the Commission. Hence the case is closed.

## Complaint

Diary No	12086/CR/2018	Section	M-2
Language	ENGLISH	Mode	E-MAIL
Received Date	18/01/2018	Complaint Date	17/01/2018

Gist

**Victim**

<b>Victim Name</b>	AMOL JADAV, GOPAL SHINDE, PRASHANT PANWAR	<b>Gender</b>	Male
<b>Religion</b>	Hindu	<b>Cast</b>	Unknown
<b>Address</b>	NOT AVAILABLE,		
<b>District</b>	PUNE	<b>State</b>	MAHARASHTRA

**Complainant**

<b>Name</b>	RAJHANS BANSAL, DIRECTOR		
<b>Address</b>	CENTRE FOR HUMAN RIGHTS, 604, GROUND FLOOR, SHAKTI KHAND-3, INDRAPURAM,		
<b>District</b>	GAZIABAD	<b>State</b>	UTTAR PRADESH ( 201014 )

**Incident**

<b>Incident Place</b>	DAUNDKE NAGAR	<b>Incident Date</b>	16/01/2018
<b>Incident Category</b>	ABUSE OF POWER		
<b>Incident District</b>	PUNE	<b>Incident State</b>	MAHARASHTRA
<b>Incident Details</b>			

**Cause List**

List No	Case / File No	Listing Date	Category
4	387/13/23/2018	25/09/2019	FOR PRELIMINARY CONSIDERATION
3	387/13/23/2018	11/06/2019	FOR PRELIMINARY CONSIDERATION
2	387/13/23/2018	01/04/2019	FOR PRELIMINARY CONSIDERATION
1	387/13/23/2018	28/05/2018	FOR PRELIMINARY CONSIDERATION

## Case Details of File Number: 387/13/23/2018

**Diary No:** 12086/CR/2018

**Name of the Complainant:** RAJHANS BANSAL, DIRECTOR

**Complainant Address:** CENTRE FOR HUMAN RIGHTS, 604, GROUND FLOOR, SHAKTI KHAND-3, INDRAPURAM,

**Name of the Victim:** AMOL JADAV, GOPAL SHINDE, PRASHANT PANWAR

**Place of Incident:** DAUNDKE NAGAR

**Date of Incident:** 16/01/2018

### Action Taken:

The Complainant, Shri R. H. Bansal, a human rights activist, in his complaint dated 23rd January 2018, has stated that, on 16th November 2018, a Jawan of State Reserve Police Force, killed three innocent persons, namely, Anmol Jadhav, Gopal Shinde and Prashant Pawar by his service firearm in PS Daund, Pune District, Maharashtra. The Complainant has requested intervention of the Commission for action against the culprits and compensation to the next-of-kin of the deceased persons. Pursuant to the directions of the Commission, the Additional Director General of Police, State Reserve Police Force, M.S. Mumbai, sent his report dated 20th April 2018, wherein he has confirmed the incident. During enquiry by the Special Inspector General of Police, State Reserve Police Force, Pune; the Armed Police Inspector was suspended on 23rd January 2018, as he was holding charge of Company Commander, and had appointed Assistant Police Sub-Inspector Sanjay Baliram Shinde as a Head of the Armoury (Kot Commander) without considering his service record and also did not follow the instructions given by the ADGP, State Reserve Police Force, M.S. Mumbai's Circular No. 10/2015 which mandated that Kot Commander of Armoury should have a clean record and should not have any addictions. However, concerned State Reserve Police Force's Assistant Police Sub-Inspector had around five major defaults (i.e., fine, reprimand, stoppage of increment, suspension, offence registered in Daund PS CR. No. 401/2016 dated 31.03.2016 under Sections 323/504/506/34 IPC) against him. Considering the serious default of Assistant Sub-Inspector Sanjay Baliram Shinde, and also the case registered against him in Daund PS vide CR No. 51/2018 under Section 302 IPC r/w Sections 3/25/27 of the Indian Arms Act, he was suspended on 18th January 2018 and thereafter dismissed from the service w.e.f. 29th January 2018. From perusal of the report, it is clear that the Assistant Sub-Inspector Sanjay Baliram Shinde, the accused, was appointed as the Head of the Armoury without considering his past service record and he killed three persons by a firearm taken from the Armoury. The Daund PS Case vide CR No. 51/2018 under Section 302 IPC r/w Sections 3/25/27 of the Indian Arms Act was registered against him. Departmental action has already been taken against him, and he has been dismissed from the service. This act of the Assistant Sub-Inspector Sanjay Baliram Shinde, certainly amounts to violation of the human rights of the deceased persons, namely, Anmol Jadhav, Gopal Shinde and Prashant Pawar, as a Government servant with the help of firearm taken from the Armoury, committed the heinous crime. The Government of Maharashtra is, therefore, vicariously liable for violation of human rights of the deceased persons and to pay a compensation to the next of kin of the three deceased persons. Having considered the report, the Commission vide proceedings of 31 May 2018, directed as under:- "In view of the above, issue a notice under Section 18(a)(i) of the Protection of Human Rights Act, 1993, to the Government of Maharashtra, through its Chief Secretary, requiring it to show cause, within six weeks, as to why the Commission should not recommend payment of Rs. 200000/- each as compensation to the next-of-kin of the of the three deceased persons, namely, Anmol Jadhav, Gopal Shinde and Prashant Pawar, who were killed by an Assistant Sub-Inspector of the State Reserve Police Force." In response, the Joint Secretary, Government of Maharashtra, Department of Home, vide communication dated 30 Oct 2018, has forwarded a report dated 01 Oct 2018, of the Additional DGP, Reserve Police Force, MS Mumbai, as reply to the notice. As per the report, the record of ASI Sanjay Baliram Shinde was not clean for posting

as Kot Commander of Armory, as he has around five defaults against him. A Daund PS case CR No. 51/2018, u/s 302 IPC and Sections 3, 25, 27 Arms Act was registered against him and he has been dismissed from service also. It is submitted that so far as the issue of grant of compensation to the families of the deceased private persons is concerned, the Government may take appropriate decision being a competent authority. The Commission has considered the report. Since the human rights of the deceased persons were violated by the action of ASI Sanjay Baliram Shinde and the Government of Maharashtra is ready to consider payment of compensation to the next of kin of the deceased persons, a recommendation should be made for payment of compensation accordingly. The Commission, therefore, recommends to the Government of Maharashtra, to pay Rs.2,00,000/- (Rupees Two Lakh) each as compensation to the next of kin of the three deceased persons viz., Anmol Jadhav, Gopal Shinde and Prashant Pawar, who were killed by an Assistant Sub-Inspector of the State Reserve Police Force. The Chief Secretary, Government of Maharashtra, is directed to send within six weeks compliance report along with proof of payment.

**Status :** Action Taken On 04/04/2019

**Action Due Date:** 30/05/2019