

Agenda No. ---

**National Human Rights Commission  
Director (A) Unit**

**Subject : Visit report of Smt. S. Jalaja to Districts Marathwada, Jalna, Beed and Ahmednagar of Maharashtra from 15-21 May, 2016.**

Smt. S. Jalaja, Special Rapporteur NHRC visited Districts Marathwada, Jalna, Beed and Ahmednagar of Maharashtra from 15-21 May, 2016 on status of Human Rights in the above mentioned Districts, especially with reference to the existing Criminal Justice System.

The visit report of Smt. S. Jalaja is placed at **(Annexure 'A')**.

The observations / recommendations are given below:-

**(i) Improving the criminal justice System:-**

The three main pillars of the system-courts, police and prison administration are in need of urgent reforms although Maharashtra has, over a period of time, introduced some reforms in police and prison administration; comprehensive reforms in the criminal justice system is still due in the state.

**(ii) Guidelines on Arrest:-**

Although guidelines issued by the Apex court in D.K Basu vs the State of West Bengal have been reportedly exhibited in all police stations of the four districts visited, they need to be displayed in a *prominent place* in police stations, both in *English and the local languages*. Awareness about the Guidelines also needs to be generated through other means, including TV / radio / newspapers / workshops / seminars and training programs. By following the guidelines in letter and spirit, the number of indiscriminate arrests by the police could be substantially reduced.

**(iii) Under trials:-**

Reducing population of under trails is one of the important challenges the administration face. For this purpose a variety of interventions listed below are needed.

**(a) Non production of prisoners before courts**

One of the frequent complaints heard from prisoners is their non-production before courts. In many instances only paper production is resorted to the prisoner is not physically produced before the court. For want of timely police escorts prisoners are not taken to courts many a time. Transportation of prisoners to courts is another problem in many places. Police and prison administration has to work in tandem in achieving results.

(b) Facilities at the court

· It is observed that often no facilities are available to prisoners taken to court, including waiting space, non-provision of lights and fans, absence of toilet facilities, no provision of food etc. Necessary funds for providing facilities for prisoners in all courts need to be taken up. Every district administration ought to take a stock of the conditions periodically and take remedial action.

(c) Video-conferencing

This facility is available in all four jails visited. Even if the facility is available, it is generally seen that in many cases, they do not function or the receiving facility in the courts do not work. AMCs are not signed in time in many cases. Thus a fool-proof system needs to be introduced in making the system functional *all the time*. Apart from frequency, *quality of presentation* also needs to be improved.

(d) Release on bail

· There are cases wherein persons who have secured bail cannot be released for want of sureties. They languish in prisons some time for years together. To overcome this problem a provision could be introduced whereby they are released on personal bonds, subject to the conditions laid out.

(e) Legal Aid

· At present, sanction of legal aid is seen as a routine affair. District Legal Services Authorities have been set up in the districts. It is necessary to improve *the quality of legal aid*. While sanctioning legal aid priority needs to be given to women and those belonging to vulnerable groups, since for them this is the only source of assistance for defending themselves in courts. Evaluation of legal aid granted could improve the quality of its administration.

(f) Petty crimes

· Those who commit petty crimes get entangled in the web of law and are forced to spend long times-sometimes years in jail despite regular visits of jails by respective CJM. This is mainly due to the fact that these cases are handled in a routine manner by the authorities. Often case records are not prepared in advance, or are incomplete or not placed before the CJM. Corruption is also an underlying factor in many cases. Police and prison administration ought to jointly look into the matter.

(g) Tracking individual cases

Many of the prisoners are not aware of the status of their own cases pending in courts. Case records need to be computerized in jails so as to track individual cases.

(h) Appeals

Many of those convicted, especially those who are from poorer sections of the society, are unable to file appeals against court verdicts against them. Convicted persons also need to be provided *legal aid in filing appeals*. Data on appeals filed also ought to be maintained.

(iv) . Death in police/judicial custody

Maharashtra ranks the highest in custodial deaths in the country. It is a matter of concern that unnatural deaths in police/judicial custodies are being reported even now. In most cases magisterial inquiries are completed after much delay. It is also seen that accountability is not fixed on the guilty. Often no action is taken or action is delayed indefinitely. District administration ought to be vigilant in such cases.

(v) Women accused

At present there are no special police stations set up exclusively for women in Maharashtra. Only women's cells are functional in regular thanas. Women ordinarily dread to enter a police station manned by male police officials. There is need to set up at least one women's thana in each district. There is also need to review cases against women, especially with children. Wherever feasible they need to be helped to secure bails. Individual cases concerning women ought to be closely monitored.

(vi) Juvenile justice

It is seen that on the directions of the Supreme Court, JJ Boards and Child Welfare Committees (CWC) have been set up in all districts. However, their functioning needs to be closely monitored. Chairmen of the Boards are often on additional charge. Hence they are not able to discharge their duties efficiently. Pendency of cases, non attendance of meetings by all members of the Board, conducting JJ cases in court premises, poor condition of Observation Homes, shortage of staff, paucity of funds are some of the general lacunae observed in the in the system.

(vii) Monitoring of court cases

It is understood that a committee headed by the District and Sessions Judge with DM and SP is functional at the district level. The committee needs to provide guidance for better coordination amongst the courts, police and prisons. Instead of creating new structures, the mandate of the Committee needs to be widened and strengthened.

(viii) Police reforms

The state Government ought to take up comprehensive police Reforms in the state. Sanction of functionaries is critical to better policing. Better buildings, equipment and vehicles are also needed. They also need an enabling environment

to function. Complaints management system for police ought to be further strengthened. Delegation of powers would improve police functioning.

(ix) **Complaints against the police**

Maharashtra has set up a State police Complaint Authority in the state to deal with complaints against the police. But the state government ought to facilitate full functioning of the Authority, without further delay.

(x) **Information, Education and Communication (IEC)**

Not much IEC activities are seen in the districts. Funds for creation of awareness against social evils like dowry, infanticide etc ought to be sanctioned to the districts. A sizable portion of the funds ought to be provided to police administration for IEC activities as well training. Later on, evaluation needs to be carried out on the impact and utility of IEC activities in control of crimes.

(xi) **Jail reforms**

Maharashtra is yet to bring out a new Jail Manual. A Model prison Manual for Maharashtra ought to be brought out without any further delay. As in the case of police administration, strengthening the jail administration is also very much needed. Class-1 and 2 jails ought to be upgraded to full-fledged district jails. Shortage of jail staff is a matter of serious concern. Decentralization and delegation of powers ought to be undertaken for better management of prisons.

(xii) **Attitude towards the accused**

*The key to police /jail reforms lies in bringing about attitudinal changes amongst police/prison officials towards those accused of committing crimes. Training programs need to be organized for police/prison/general category officials with the help of reputed institutions/agencies. Such programs ought to be evaluated independently to assess their impact on functioning of those who were trained and training programs suitably modified on the basis of feedback.*

**REPORT ON STATUS OF HUMAN RIGHTS IN DISTRICTS OF  
AURANGABAD, JALNA, BEED AND AHMEDNAGAR IN  
MAHARASHTRA FROM 15-21 MAY, 2016**

**---S. Jalaja, Special Rapporteur, NHRC**

With the approval of the Commission I visited districts of Aurangabad, Jalna, Beed and Ahmednagar in Maharashtra recently to make an assessment on the drought conditions prevailing therein. I also visited Central Jail, Aurangabad and district jails Jalna, Beed and Ahmednagar. Reports on these visits have already been submitted to the Commission. The present report is on the status of human rights in these four districts, especially with reference to the existing criminal justice system.

**Profile of the districts**

Marathwada region coincides with Aurangabad Division of Maharashtra and comprises of 8 districts namely Aurangabad, Beed, Latur, Osmanabad, Parbhani, Jalna, Nanded and Hingoli. It is considered to be the most backward region of Maharashtra having nearly 30% population below Poverty Line (BPL). All eight districts in Marathwada figure in the list of the 100 poorest districts in the country. According to Maharashtra HDI Report, 2012, HDI for Aurangabad was reported high at 0.732 and Jalna district medium with HDI at 0.646. HDI for Beed district at 0.700 is rated as Medium and Ahmednagar High with HDI at 0.732.

Marathwada region lack natural resources and is prone to severe drought. Nearly 32% of its area comes under the rain shadow region. Annual average rate rainfall in the region is 750 mm and drought is a permanent feature. About 98% of agriculture is dry land farming. Only about 50,000 acres of cultivable land is irrigated. Cotton is the major crop. Due to pests and the vagaries of nature make its cultivation risky. Cultivation of Sugar cane has contributed to acute shortage of water in the area. There is severe shortage of drinking water in the area.

**Area and population**

Population profiles of the districts is given in Table-1.

**Table-1-Population Profile of the districts. (Ref: Census 2011)**

District	Area-sq.km	Population (in lakhs)			Literacy			Sex ratio
		T	M	F	T	M	F	
Aurangabad	10107	37.1	19.24	17.76	79.5	86.82	70.89	923
Jalna	7612	19.59	10.11	9.47	71.52	81.53	60.95	937
Beed	10693	25.85	13.49	12.35	76.99	85.55	67.82	916
Ahmednagar	17413	45.43	23.42	22.00	79.02	87.37	70.89	939
Marathwada	64590	1.87 crore	--	---	76.27	---	----	926

**Administrative units** Details are given in Table-2 below.

District	Sub divisions	Talukas	Gram Panchayats	villages	Municipal corporations	Municipal councils
Aurangabad	05	09	861	1382	01	08
Jalna	02	08	781	973	-----	04
Beed	02	11	1024	1403	----	06
Ahmednagar	07	14	1311	1600	01	01

## Sex ratio

As per Census 2011, Marathwada region reported an average sex ratio of 932, well below the average of 940 for the country. Ahmednagar and Jalna have reported a sex ratio of 939 and 937 respectively. Beed and Aurangabad districts have poor sex ratios (923 and 916).

2001 Census reveals a steady decline in sex ratios across the four districts.

- In Aurangabad district the decline is by one point i.e. 924 in 2001 to 923 in 2011.
- In Jalana the decline is steep from 951 in 2001 to 937 in 2011
- **In Beed district the decline is sharp from 936 in 2001 to 916 in 2011.**
- The decline is of one point in Ahmednagar district --from 940 in 2001 to 939 in 2011.

Apart from social preference for boys, failure to implement the Pre-Conception and Pre-Natal Diagnostic Techniques Act (PC & PNT), which prohibits sex selection before or after conception and regulates diagnostic techniques to prevent misuse for sex determination used in female feticide have been pointed as reasons behind poor sex ratios. According to CAG, in Maharashtra there was a shortfall of 55% in inspections (averaged across all districts) in 2013-14, up from a shortfall of 43% in 2011-12 in the state. Further, Maharashtra registered only 481 cases under the PC & PNDT Act as of March 2014. In drought affected villages the families often have to migrate. Safety and security of young girls in these circumstances is a real problem for parents. More number of residential schools for girls could take care of this problem to some extent.

10 districts of Maharashtra are covered under Beti Bachao Beti Pado scheme (Save the Girl Child), including the four visited. The key interventions include registration of pregnancies in the first trimester with Anganwadi Kendras, improved access to ICDS services, increasing institutional deliveries, registration of births and strict monitoring of Pre-Conception and PC & PNDT Act, as part of 'Beti Bacho' initiative.

Effective implementation of the Right To Education Act, universal enrolment of girls, promotion of girl friendly schools, steps to reduce girl's drop-out ratio are also part of the 'Beti Padhao' initiative.

It is unfortunate that even in an industrialized district of Aurangabad the sex ratio is low. It is very necessary to monitor disaggregated data for different villages in the same district. Major awareness programs need to be launched by the state government with the help of voluntary agencies. ASHAs ought to be sensitized to this issue. Incentives should be provided to ASHAs who make their villages female infanticide free and help increase the sex ratios.

While interacting with villagers in the four districts visited, it was stated that presently the evil practice of sex selection is not being followed. Only the next census data could reveal the true picture.

### **Criminal justice System**

The criminal justice system of any region truly reflects its socio-economic conditions. Marathwada is no exception. In an area plagued by recurring droughts, migration of people in search of employment is integral to the life of ordinary people. Those who stay back are mostly small and marginal farmers who live at subsistence levels. Farmers suicides are common in the area. Women, children, old and infirm are generally left behind. This causes disruptions in family life. Women headed households have a tough time struggling to earn a living. Skewed sex ratios, early marriages, malnutrition affect lives of women in the area. Children who are unattended, take to crimes. Those who are well to do are politicians and sugar barons. Many of them are said to own either a petrol pump or a gas agency. Some operate educational institutions. Nearly 25 per cent of population comprises Minorities in Marathwada region. It was stated that communal tensions flare up every now and then especially in Beed district..

According to statistics published by the State Government, total number of cognizable crimes under IPC reported in Aurangabad district (Rural) was 1678 ; Jalna 3164; Beed district 4634 and Ahmednagar district 7934 in 2014. Rates of crime in districts/Commissionaires per one lakh population in 2014 reported were 182.9 in Aurangabad (Rural), 163.5 in Jalna; 178.7 in Beed and 145.5 in Ahmednagar district. Rate of total cognizable crimes reported was Aurangabad 41.8% (ranking 23); Jalna 56.74 (10); Beed 57.85 (11) and Ahmednagar 35.9 (31).

### **Crime profile-2015**



	M	AM	CH	HU	R	K	D	T	RO	RI
Aurangabad	25	45	02	24	26	34	13	440	49	135
Jalna	40	72	07	-	47	78	11	576	55	216
Beed	66	96	72	-	78	122	32	863	110	376
Ahmednagar	112	71	-	759	105	81	44	1603	35	584

***M=Murder, AM= Attempt to Murder; CH=Culpable Homicide; HU=Hurt; R=Rape ; K=Kidnapping; D=Dacoity; T= Theft ;Ro=Robbery; Ri=Rioting (District police data)***

Analysis of district wise data shows that heinous crimes like murder, attempt to murder, Hurt, Culpable Homicide appear to be high in these districts. Crimes like kidnapping, theft and rioting are very high in Beed district. Incidence of crimes in Jalna, Beed and Ahmednagar are also very high. Underlying reasons need to be looked into and remedial action taken.

### **Police administration**

#### **Aurangabad district (Rural)**

In Aurangabad district Police Commissioner is in charge of the city areas while SP (Rural) is in charge of the rural area. Aurangabad has only one police district with 23 police stations. Separate police stations for dealing with crimes against women and SC/ST *thanas* have not been set up in the district. It was reported that except two, all police stations have their own buildings and that all *thanas* have toilets in police custody.

#### **Jalna District**

Jalna district too has only one police district with 04 Police Sub divisions and 18 police stations. There is no SC/ST or Mahila Thana in the district. It was stated that all police stations have toilets in police custody .

According to SP, Jalna crime situation was normal and law and order stable in the district. 25% conviction was reported . He pointed out that there are no street lights in the city which is a matter of concern. Total cognizable IPC crimes registered in Jalna was 2917 in 2013; 3055 in 2014; 3164 in 2016 and 1059 up to April, 2016. The crimes show an increasing trend which needs to be arrested.

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It was stated that a number of measures for improved policing have been taken up in the district, including armed patrolling, patrolling by SP/Additional SP, theft prevention, installation of 70 CCTVs, prevention of vehicle theft, installation of alarm systems, transfer of accused arrested by one thana to other thanas (Adan-Pradan), action against those involved in extortion, measures for industrial security, meetings with SC/St leaders, security of senior citizens, encouraging villages to adopt prohibition, What's App group information etc and are being closely monitored.

### **Beed district**

The district has two Police Divisions, 6 police Sub Divisions and 27 police stations. Beed has 04 big towns which are stated to be communally and caste sensitive. According to SSP Beed, in the period between 1985-2015 clashes were reported every year. According to him the district has 8,50,000 registered laborers who are traditional sugar cane cutters. 3-4 lakh laborers leave the district for sugar cane growing areas during the season. Since children are left behind cases under POSCO are on the rise. Under *Manodharia* scheme under POSCO 2-3 lakhs are paid per victims.

It was stated that a number of steps have been taken up for improved policing in the district. All police stations have 04 CCTVS each, with lock ups being covered by CCTV. The list of mobile phone numbers of higher officials is displayed outside the police stations to facilitate complainants to contact them. App- called Beed Police has been started on which complaints could be registered directly. What's APP contact numbers have also been circulated and also maintained in the central room. In the last 06 months mobile/vehicle thefts have come down.

All FIRS are registered on the basis of hand written complaints or on the basis of statements which are video-graphed so that there is no suppression of facts by the police. All FIRs and station diaries are displayed on the internet so that all FIRS registered can be accessed by the public. Every Saturday morning complaints are discussed with complainants in each police station. There is also a system by which the complainant is contacted by the police for any complaint.

### **Ahmednagar district**

The district has thirty thanas of which 28 have their own buildings; the remaining two police stations are new. It was stated that all thanas have toilets in police custody. Ahmednagar reported a conviction rate of 22% which needs to be improved..

### **Guidelines on Arrest**

It was reported that the guidelines have been prominently displayed in all *thanas* in all four districts. However, there is need to create greater awareness through IEC programs, as hardly any IEC programs by the police was noticed.

### **Death in police custody**

It is reported that Maharashtra, ranks the highest in custodial deaths in the country. During 1999 - 2014, though there were 106 custodial deaths, only 13 FIRs were registered. Only five policemen had been charge-sheeted and the conviction rate is zero. (The Hindu MUMBAI DATED November 11, 2015).

According to data published by the National Crime Records Bureau (NCRB) Maharashtra accounted for 23.48 per cent of the custodial deaths in the country over the last 15 years. When the matter was brought to its notice, the Bombay High Court directed the State Government to immediately install CCTVs and rotating cameras in all rooms of all police stations for 24 hours and report compliance within four weeks. The court observed that punishment for the guilty would act as a deterrent.

Although a legal provision for magisterial inquiry into cases of custodial deaths was made in 2006, it appears that the amendment in law was not circulated among police stations, until 2016. Amendment made by the Central Government in Code of Criminal Procedure (Cr PC) to Section 176 (1) A provides for the police station to inform the nearest judicial magistrate about a death in custody. Under this provision, the magistrate is empowered to hold inquests by ordering a post mortem of the body within two days and can direct an inquiry thereafter. However, media report (Indian Express, 6th May, 2016) show that it was only on May 3 this year that a circular was issued to police stations across Maharashtra regarding this legal provision. This provision needs to be implemented and closely monitored. No case of custodial death of persons remanded by the courts was reported in Aurangabad, Jalna, Beed and Ahmednagar districts in 2014 but 01 death was

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reported of a person not remanded by the court in Beed district . The reason for death was shown as suicide. It was reported that autopsy was carried out. Magisterial inquiry, however, was not reportedly completed and no charge sheet has been filed. It was stated that in Ahmednagar district, 03 custodial deaths were reported last year. Follow up action taken ought to be reported to the Commission.

In this context it has been pointed out that the Prevention of Torture Bill, which was introduced in order to ratify the United Nations Convention Against Torture passed by the Lok Sabha in 2010, has now lapsed. If this is true, Commission may like to take up the matter with the Central Government.

### **Crimes against women**

The Central and State Governments have enacted various legislations to protect the rights of women for ensuring equal rights, prohibiting social discrimination and various forms of violence and providing necessary support services. The status of crimes against women in all four districts is given below.

**Aurangabad** Total no of crimes against women in the district reported were **513** in 2013; **499** in 2014 and **561** in 2015. The incidence of crime shows an increasing trend. Out of 510 cases registered during 2015, charge sheets have been filed only in 66 cases involving 104 persons ;362 cases are still pending of which 33 cases are pending for more than 06 months; 238 cases are pending for less than 03 months. **34** cases of rape were registered in 2013; **30** cases in 2014; **40** cases in 2015.

The cases relating to outraging the modesty of women u/s 354 IPC reported were **165** in 2013; **174** in 2014 and **245** in 2015. These cases are on the increase in the district. Number of cases of kidnapping and abduction of women u/s 363 has also increased from **29** in 2013 to **50** in 2015. Insulting the modesty of women u/s 509 , increased from 16 in 2013 to 24 in 2014 but declined to 04 in 2015.

*It is a matter of concern that dowry deaths are reported in a district like Aurangabad which is urbanized and industrialized.* Dowry deaths by burning (302 IPC) reported were 02 in 2013 and 2014 each and 03 in 2015. Death by other means reported were 03 in 2013; 04 in 2014 and nil in 2015. Attempt to commit dowry death reported were 01 in 2013;03 in 2014 and 05 in 2015. Attempt to

commit death by other means reported were 03 in 2013 and 2014 each and 02 in 2015. No case of attempt to suicide by burning and other means were reported in the last three years in the district.

232 cases of cruelty by husbands were reported in 2013; 221 in 2014 and 178 in 2015. 23 cases of abetment of suicide were reported in 2013; 27 in 2014 and 19 in 2015. *Only one case each was reported in the last three years on trafficking of women.*

It was stated that women constitute 30% of the police force in Aurangabad. 06 police constables are posted in every police station. All complaints received from women are handled by women police officers.

### **Jalna**

Data on crimes that took place against women in the last three years reported by the District police is given below.

Head of crime	year			
	2013	2014	2015	2016 (up to April)
376 IPC	34	31	42	15
354 IPC	130	179	175	70
304B/306 IPC	55	61	33	09
498-A	348	235	204	96
Total	567	506	454	190

**SSP Jalna** stated that generally the number of crimes against women are coming down. It was pointed out that the number of dowry cases are also on the decrease in the district but the number of cases of rape has increased. According to him most are false complaints. He mentioned that there were altogether 12 dowry deaths reported in 2015. He confirmed that no fast-track court has been set up in the district to handle cases relating to the crimes against women.

It was stated that Damini Squads which consist of women police officers do patrolling of colleges, market area etc to check eve teasing complaints. 535 cases were detected by the squad. 5 family counseling centers are run to deal with domestic violence cases and cases u/s 498 IPC. Mobile based App is also available. A toll-free help line (1091) is also available for women. 60% cases are resolved at the Centre.

The number of cases of Rape reported in **Beed** district in 2013 was 82; 70 in 2014; 78 in 2015 and 13 up to April, 2016. 230 molestation cases u/s 354 IPC were reported in 2013; 273 cases in 2014; 263 in 2015 and 62 up to April, 2016 this year. 382 cases u/s 498(A) were reported in 2013; 316 in 2014 and 362 in 2015 and 104 up to April, 2016.

It was learned that only one case of trafficking of women was reported last year in Aurangabad district. Services of NGOs are utilized in handling cases relating to trafficking of women in Jalna district. It was stated by SSP Ahmednagar that the district is a transit zone for trafficking of women. He himself has been conducting inquiries and raids in this regard.

## **Rights of the child**

### **Crimes against children**

Immoral Trafficking Prevention Act, 1956, Child Marriage Restraint Act, 1979 and Child Labor Prevention Act, 1986 are the chief legislations brought out for protection of the rights of the child in India.

Data regarding important cognizable IPC crimes against children reported by NCRB in 2014 in the four districts concerned are given in the Table below.

**Crimes against children-2014** M=Murder; In= Infanticide; R=Rape; K=Kidnapping (Ref: Crime gazette of Maharashtra-2014)

District	Est Mid Year Pop (In lakhs)	Category of times				Rate	Total	% contribution	Rank
		M		R	K				
Aurangabad	86	03	0	17	12	3.7	86	1.06	37
Jalna	81	08	0	13	05	3.9	148	1.00	34
Beed	143	09	01	42	14	5.3	83	1.76	26
Ahmednagar	135	11	0	48	12	2.8	31	1.66	41

### Child Marriages

Child marriages are common across Maharashtra. cases. Almost 73% of children married are girls in Maharashtra In 2014-15. District wise information in respect of the four districts provided under DLHS-4 is given in the Table below.

#### DLHS-4 Data on Age of Marriage

**T=Total; R=Rural**

In 2014-15, 101 new cases were registered and verdicts were pronounced in 23 cases As far as Child Marriages are concerned no case has been reported from any

	Aurangabad		Jalna		Beed		Ahmednagar	
	T	R	T	R	T	R	T	R
Mean age of Marriage Girls	18.5	18.4	18.4	17.8	18.6	18.3	19.3	18.4
Boys	23.9	23.2	23.5	23.0	23.4	22.6	24.1	23.4
Currently married women married below the age of 18	30.1	30.1	27.6	29.1	24.7	26.1	20.5	23.9
---do---Men-below the age of 21	14.0	17.5	17.2	21.6	13.3	16.4	12.8	14.3
% Currently married women who are illiterate	23.4	27.9	31.8	39.1	29.5	43.9	21.6	27.6

**T=Total; R=Rural**

of the districts in 2014.

### **Missing children**

No data was available on missing children in Aurangabad and Jalna districts. In 2015 in Beed district 49 children (34 boys and 15 girls) were recovered in two different operations. In 2016, 110 (107 boys and 03 girls) and 51 children (39 boys and 12 girls) were found.

In 2014 183 boys were reported missing in Ahmednagar. Missing persons also included 250 girls, 649 women and 540 men. 158 boys, 225 girls, 535 women and 390 men were found. In 2015 the number of missing boys and girls came down to 33 and 27 respectively. But the number of missing men (631) and women (813) increased. 399 men and 125 women were found. In the 2016 also the same trend remains.

It was stated that in Ahmednagar district, Muskan 2 started in July, 2015. 16 boys and 19 girls were recovered in search operations. 200 children were rescued so far.

### **Child Labour**

03 cases concerning child labor are reported in Beed. No case is reported in any of the other three districts. In Ahmednagar district services of NGOs to identify cases of child labor are utilized.

### **Juveniles in conflict with law**

The Supreme Court, through various judgments, has directed the state governments to provide facilities for children in need of care and protection and juveniles in conflict with the law. It is accordingly reported that in Maharashtra Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs) have been constituted in all the 35 districts. Special Juvenile Police Units have been set up in all 35 districts and each district has a designated Juvenile Welfare officer.

One of the criticisms against the JJBs has been that their meetings are held in regular court rooms. It was stated that cases are conducted in its own premises by the Board in Aurangabad district. Services of NGOs are utilized in implementing



the provisions under JJ Act in the district. SSP Jalna stated that crimes committed by juveniles are monitored by CID Pune.

Maharashtra police reported that 132 juveniles were apprehended in Aurangabad (Rural) in 2014 (15 sent home on advice; 21 released on probation; 93 cases pending for disposal). 27 were apprehended in Jalna (105 released on probation and the rest sent to Observation Homes) and 106 in Beed district (22 sent home; 84 on probation). Ahmednagar reported that 92 juveniles were apprehended and all cases are pending.

Juvenile in conflict with law is nil in Beed, Jalna and Aurangabad (R). Among the four districts, Ahmednagar has maximum pendency of juveniles in conflict with law apprehended. No juvenile in conflict with law has been apprehended in Ahmednagar and Beed, during 2014 under S.L.L.

Crimes committed by Juveniles in conflict with law under different crime heads in all four districts are listed below

#### Crimes committed by Juveniles

District	Category of Crime								
	M 302 IPC	AM 307 IPC	CHN M 304 IPC	AM 308 IPC	R	DA	RO	SA A IPC	K
Aurangabad (R)	03	02	0	0	01	02	00	07	01
Jalna	01	02	00	00	02	00	10	09	00
Beed	02	05	00	00	03	00	01	14	03
Ahmednagar	08	01	00	00	15	01	03	06	04

Ref. Crime Gazette of Maharashtra, 2011 Abbreviations: -M=Murder; AM= Attempt to Murder; CHNM=Culpable Homicide not amounting to murder; AM

*Attempt to murder; R= Rape; DA= Dacoity; RO=Robbery; SA= Sexual assault; K= Kidnapping*

No cases were reported under the Arms Act, NDPS Act, Excise Act, Immoral Trafficking Act and Child Marriage Restraint Act.

Data reveals that educationally juveniles taken to crime are mostly above primary school and below matriculation levels and majority are staying with their parents. There is only one Government Observation Home in the district.

### **Atrocities on SC/ST**

Scheduled castes constitute 14.96% and Scheduled Tribes 4.01% of the total population in Marathwada.

**Aurangabad** district has 3.09 lakh ( 14.96% ) population of SC and 1.27 lakh (4.0 % ) ST and nearly 25 per cent Minorities (Ref: 2011 Census). Data on crimes against SC/ST as reported by district police is given below.

### **Crimes against SC/ST in Aurangabad**

	2011		2012		2013		2014		2015	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
<b>Total</b>	40	06	41	09	43	12	29	11	48	10

In 2015 03 cases of murder of SCs, 02 cases of attempt to murder, 02 cases of rape, 10 cases under 354 IPC, 08 cases of riot, 06 cases of Hurt, and 16 other IPC crimes have been reported. As far as STs are concerned, 01 case of attempt to murder, 05 cases under Section 354 IPC, 01 case of grievous Hurt, 01 case of robbery and 01 case under other IPC crime have been reported. It was confirmed that compensation has been paid in almost all cases to victims of atrocities.

**Jalna** district has 2.72 lakh (13.90 %) population of SC and 0.42 lakh (2.16 %) of ST population .78 cases were registered in 2013 on atrocities against SC/ST; 60 cases in 2014; 66 cases in 2015 and 26 cases in 2016 up to April,2016. Of these,

70 cases in 2013, 54 cases in 2014, 58 cases in 2015 and 24 cases in 2016 relate to Scheduled Castes. Only 08 cases each in 2013 and 2015, 06 cases in 2014 and 02 cases were against the ST in Jalna district.

**Beed** district has 3.51 lakh (13.49 %) SC and 0.33 lakh (1.27%) ST population. In Beed district 102 cases of atrocities against the SC were filed in 2013; 120 cases in 2014; 100 cases in 2015 and 34 cases up to April, 2016. 01 case in 2013 and 03 cases in 2014 were stated to be acquitted. 16 cases ended in convictions in 2013; 03 cases in 2014. In 94 cases charge sheets were filed in 2013; in 83 cases in 2014; in 63 cases in 2015 and in 09 in 2016 up to April. The remaining cases are under investigation. It was stated that between 1989 - 2015, 970 cases under POA on atrocities against SC/ST were registered out of which 10 cases were final. Conviction rate reported is only 15%. It was stated that in 50% cases victims turn hostile.

**As per census 2011, in Ahmednagar district** has an SC population of 5.74 lakh (12.63%) (M-12.44 %; F-12.82%) and ST- 8.33% (M-8.16% F-8.50%). 116 cases of atrocities against SC/ST were registered. 03 cases are pending before SC/ST Commission.

It was stated by the SP that registration of cases on atrocities on SC/ST was very high. For the period from 1-1-2015 to 31-03-2015, 119 crimes were reported against the SC and 23 against the ST. Among the crimes reported Murder (04), Rape (13), Molestation (931) Hurt (7), Grievous Hurt(4) Abuse (05) were mostly reported against the SC. Rape (07), Molestation (06), other types of crime were reported against the ST. Only 08 cases relating to SC and 01 case against ST have been disposed of. In 83 cases in respect of the SC, charge sheets have been filed. In 14 cases relating to ST charge sheets have been filed. Out of 142 victims 109 were given financial assistance of Rs. 50,54,750/-No case has been registered under the Civil Rights Act or any of the Special laws in all four districts in 2014.

### **Extremist activities**

Extremist activities were reported as nil in all four districts.

### **Encounter deaths**

No case of encounter death was reported in Aurangabad, Jalna and Ahmednagar districts in 2015. A case reported in Beed in 2014 is reportedly under investigation. The investigation ought to be completed without any further delay and follow up action taken.

### **NDPS**

No case was reported in Aurangabad /Jalna /Beed/Ahmednagar districts.

### **Complaints received from NHRC**

It was reported that no complaints received from NHRC are pending in Jalna and Ahmednagar districts. Information was not made available in respect of the other two districts.

### **Complaints against the police**

In accordance with the directives given by the Supreme Court to all states in September 2006, on police reforms, a Complaints Authority has been set up in Maharashtra. It is probably the first state to do so. The State Police Complaints Authority hear complaints against police personnel, including custodial injury, death and rape, arrest or detention without following prescribed procedure, and misconduct.. The authority is headed by a former high court judge. It is authorized to hear complaints against police officers of the rank of assistant commissioner and above. Similar authorities at the district level, to be headed by retired district judges, would hear complaints against junior officers. The SPCA will also have *suo-motu* powers of inquiry .

It is understood that the Authority is not fully functional at present. The Bombay high court in April 2016 asked Maharashtra government to state the steps taken by it to make the SPCA and those at the district and divisional level functional.

### **Grievances of the police personnel**

While complaints against the police receive attention of the authorities, it is equally important to attend to the grievances of the police personnel. It was learned that durbars are organized separately for male and female police officials for interaction with those who have complaints, in all four districts.

### **Visit to police station**

I visited police Station at Ashti in Beed district .Sri Harshvardhan is in charge of the PS. He has spent two months only in the Thana. A woman officer is also posted in the thana. In addition there are 42 staff members posted in the PS.82 villages under its jurisdiction are divided into 06 Divisions, each under charge of a Havaldar. Crime was said to be under control. Facility for online filing of FIR is now available. Besides station diary is also available online. The PS takes suggestions from the public. Computerization has already been introduced in the thana, improving its efficiency.

The PS is housed in a *pucca* building. Guidelines on Arrest have been displayed, although not in the front part of the PS. Warrants under 107 Crpc were pending for execution in 26 cases. Most of the crimes in the area relate to house braking and body offences u/s 302,307,310, 326 and 376 IPC. In all, there were 290 cases registered. Conviction rate was reported as 25%. It was stated that under Special Acts there were not many cases. No case has been registered under Excise Act. It was stated that there were not many cases on atrocities against SC/ST. Women's Cell in the PS registers crimes against women. There were only 5-6 cases u/s 498.Counseling is also provided to aggrieved women complainants. No dowry deaths were reported in the P.S. There has been no death in police custody. Encounter deaths were reported as nil. Only one case under the NDPS Act was registered two years back.

Adequate facilities are available in police custody, including toilets.

### **Police Reforms**

In India, police is an exclusive subject under the State List ( List II, Schedule 7 of the Indian Constitution). But most of the states are following the archaic Indian Police Act 1861, with a few modifications. The Supreme Court, in a landmark judgment in *Prakash Singh vs Union of India* on September 22, 2006, directed setting up of three institutions at the state level: state security commission with a view to insulating the police from extraneous influences, police establishment board to give it functional autonomy, and police complaints authority to ensure its accountability. Besides, the apex court ordered that the Director General of Police shall be selected by the State Government from amongst the three senior-most

officers of the department empanelled for promotion to that rank by the Union Public Service Commission, and that he shall have a prescribed minimum tenure of two years. Police officers on operational duties in the field would also have a minimum tenure of two years. The court also ordered the separation of investigating police from the law and order machinery to ensure speedier investigation, better expertise and improved rapport with people. The Union government was asked to set up a National Security Commission for the selection and placement of heads of Central Police Organizations, upgrading the effectiveness of these forces and improving the service conditions of its personnel. The aforesaid seven directives were to be implemented by March 31, 2007.

On 8 November 2010 Supreme Court issued notices to four states- Maharashtra, Uttar Pradesh, Karnataka and West Bengal for total non-compliance. It, thereafter appointed a committee to monitor implementation of these directives by the States.

Some of the state governments, including Maharashtra, were of view that if such recommendations are made binding on the state governments, the same would be inconsistent with and contrary to the procedure laid down by the Constitution. Nevertheless, in pursuance of these directives of the Apex court, the State Government issued the Maharashtra Police (Amendment) Ordinance, 2014 which is stated to be a watered-down version of the reforms directed by the Court. NGOs like CHRI engaged in the field of human rights are highly critical of the "reforms" initiated by the State Government.

### **Prisons**

I visited Central Jail, Aurangabad and district jails in other three districts. A detailed report has already been submitted to the Commission. Apart from reducing the under trial population, up gradation of these jails to full-fledged Central/district jails are necessary.

### **11. Socio-Economic and cultural Rights**

Implementation of socio-economic and cultural rights in a drought prone area like Marathwada is a huge challenge to the district administrations in the region. Poverty, non availability of drinking water, subsistence level agriculture, social problems like sex selection, child marriages, low female literacy, discrimination against vulnerable sections, including women and those belong to SC/ST communities affect the quality of life of the people.

Given below is the data on availability of basic facilities to people in the four districts reported under DLHS-4

**Table: DLHS-4 District-wise data on basic facilities**

	Basic Facilities available	Names of Districts							
		Aurangabad		Jalna		Beed		Ahmednagar	
		T	R	T	R	T	R	T	R
1.	% of HH with Electricity	94.7	91.3	93.1	90.0	98.1	96.5	92.8	89.5
2.	Improved source of drinking water	96.2	93.8	82.7	73.1	94.8	96.3	87.1	87.7
3.	Access to improved toilet facility	59.3	36.5	48.8	29.9	51.0	17.8	51.3	37.3
4.	Use of clean fuel for cooking	48.5	27.5	33.3	9.2	42.9	8.7	42.7	21.9

T-total; R-Rural

## Healthcare

According to RHS Bulletin, March, 2012, Ministry of Health and Family Welfare, Maharashtra reported IMR of 24, MMR 87 and TFR 1.8 only. Indicator wise it is one of the better performing states. But regional variations do exist within the state.

Indicator	Maharashtra	India
Total Population (In crore) (Census 2011)	11.2	121.01
Infant Mortality Rate (SRS 2013)	24	40
Maternal Mortality Rate (SRS 2010-12)	87	178
Total Fertility Rate (SRS 2012)	1.8	2.4

Health Indicators in respect of **Aurangabad, Beed and Ahmednagar** districts reported by district administration are given in the Table below. Data in respect of Jalna district was not readily available. Viewed against the goals under NRHM, Aurangabad district has reached the same. All three districts have attained replacement level as far as TFR is concerned; however in respect of IMR both Beed and Ahmednagar districts have to make some more efforts. MMR in these two districts is well below the target fixed under NRHM.

**Health Indicators (source: ( RHS Bulletin, March 2012, M/O Health & F.W., GOI)**

District	IMR	TFR	MMR
Aurangabad	23	2	46
Beed	35	2	54
Ahmednagar	32	2.1	40
<b>NRHM Goals</b>	<b>30/1000 live births</b>	<b>2.1</b>	<b>100/100000</b>

It is possible that some of the areas within each district may have poor indicators. ASHAS need to be effectively utilized in tracking individual cases of maternal and child mortality and also for preventing mortality through timely medical intervention.

Although all three districts report TFR between 2 and 2.1 a detailed look at the data would show that between 15 to 25% women in the age group of 15-49 have birth order of three and above. Unmet need for family planning is around 20%. Male sterilization is yet to be taken up on a substantial level.

**DLHS-4-Data on Family Welfare**

Data on FW (%)	Districts							
	Aurangabad		Jalna		Beed		Ahmednagar	
<b>1. Women aged 15-49 with birth order of 3</b>	T	R	T	R	T	R	T	R



and above	21.7	21.0	26.5	27.6	26.5	26.8	14.4	15.6
2. Unmet need	20.1	21.2	20.6	20.4		20.2	20.2	18.4
3.FP-Any method	61.8	62.5	63.1	63.3	18.9	66.7	65.4	67.7
4.FP- any modern method	59.4	59.2	62.2	62.3		66.3	64.7	67.1
5.Female sterilization	42.0	47.5	50.4	56.2	68.1	60.2	58.3	62.7
6. Male Sterilization	0.3	0.4	0.1	0.0	67.8	59.7	0.4	0.3

I visited some of the health facilities in these four districts. Health facilities in Aurangabad district include a medical college, 03 Sub-District Hospitals; 10 Rural Hospitals ; 01 Health Unit ; 50 PHCs ; 23 -24x7 PHCs ; 33 IPHS Sub centers; 279 Sub centers; 04 Ayurvedic dispensaries and 06-Unani dispensaries. I visited PHC, Jikthan in Gangapur block.

As per data furnished by DLHS-4 Jalna district has 01 district hospital, 03 Sub divisional hospitals, 06 CHCs, 19 PHCs and 23 Health Sub Centers. I visited PHC, Odigodri in the district.

DLHS-4 reports that Beed district has 01 district hospital, 03 Sub divisional hospitals, 06 CHCs, 19 PHCs and 23 Health Sub centers. I saw one health facility i.e. PHC, Kada in Beed district.

Ahmadnagar district has 01 district hospital, 02 Sub divisional hospitals, 11CHCs, 30 PHCs and 39 Health Sub Centers as per data furnished by DLHS-4. I visited PHC, Chas in Nagar Taluka.

A detailed account of the visits is given in my earlier report. Shortage of medical officers, specialists, and paramedical staff were noticed. Indoor facilities are available only for delivery and minor surgeries. Facilities were not satisfactory for treatment of chronic diseases.

In panchayats visited, people complained about absence of doctors, shortage of medical officers and staff, non availability of medicines etc. The State Government ought to have posted adequate number doctors and staff to Marathwada region and made available adequate quantity of medicines, keeping in view the prevailing drought conditions .

## ICDS

A detailed account of the functioning of the ICDS, after visiting some of the Anganwadi centers in the four districts concerned, has already been given in the earlier report on the drought situation in Marathwada. On a visit to some of the Anganwadis in these four districts, it was reported that sufficient attention is not being paid by the higher authorities in running those centers, especially at the time of drought. Low attendance of children, supply of poor quality food, lack of efforts in creating awareness about nutrition, etc were observed. There appears to be a mismatch between the number of cases of malnutrition and severe cases malnutrition reported by the Anganwadis with the data reported in NFHS and DLHS. Periodical surveys need to be conducted. Monitoring underweight and children suffering from malnutrition is important. Primary Health Centers have no facility at present, for taking care of child malnutrition.

Pregnant women are provided dry ration; this in many ways deprives them of a visit to the Anganwadi center, meeting with other women and participating in discussions etc.

Implementation of ICDS programs needs to be reviewed at the top levels.

## Education

Female literacy as per 2011 census reported in the four districts is low, compared to male literacy. The state government has initiated a number of schemes for preventing school drop-outs and promoting girls' education. Once they drop out due to domestic compulsions or reach higher classes, there is nothing for them to look forward to, except marriage at an early age. Therefore, planning for school education for girls is not enough. The entire life-span needs to be taken into account. Skill up-gradation is one of the options. Polytechnics, ITIs, different professional courses-nursing, home-nursing, hotel management, dress-making etc could be pursued. Big industrial enterprises could sponsor many of these programs. Confidence building is a pre-requisite. Kerala model of *Kudumbsree* could be replicated.

Problem with young boys is also almost similar to that of girls. Sustainable agriculture is an area where many could be trained. Unless the future of the young generation in Marathwada is made secure, life will go along the same lines for the people living there for generations to come.

## Food Security

The Food Security Act is under implementation in Maharashtra. Maharashtra adopted the National Food Security Act in 2014. It is learned that the State Government is also providing additional 5 kg of grain per month to farmers, as relief measure. It is seen that barring some complaints, food supply is by and large maintained by the state Government in the region. The Act is only partially implemented so far. Complaints regarding non issue of ration cards, identification of BPL families, lack of timely supply, non availability of ration dealers, overcharging etc need to be looked into. The State should take a lead in improving the spread and quality of the PDS.

Traditionally *Jowar and Bajra* are the main food sources in the area. Through the PDS supply of these items ought to be ensured.

### **MNREGS**

After the 1972 drought, the state government enacted the Maharashtra Employment Guarantee Act in 1977, with the intention of empowering people and providing employment that laid the framework for the National Rural Employment Guarantee Act (NREGA). All districts in Marathwada are implementing the scheme.

MGNREGS is being implemented through Panchayati Raj institutions in the state. Implementation of the scheme is ideal under drought conditions, as it provides guaranteed employment to those below the poverty line.

I visited several of the completed schemes as well as schemes under execution in all four districts. Details have been mentioned in the earlier report. It was already pointed out that the scheme has not provided the intended benefits to those who were to benefit from it, due to a variety of reasons. It is, therefore, seen that in panchayats there are hardly any takers for the scheme. Those who work in MNREGS are mostly women and older men who are usually left behind in villages. It was, therefore, suggested that the scheme be suitably modified by combining it with JYS or with horticulture on community basis or tree-planting work in waste lands/government lands. Further, innovations are necessary, if funds under MNREGS are to be used for drought relief. It was also suggested that the Forest Department ought to take up social forestry work in a big way wherein JYS and MNREGS schemes have already been completed.

### **Jal Yukth Shivar Abhiyan**

Jal Yukth Shivar Abhiyan (JYS), the flagship program of the State Government, is a popular program enthusiastically being implemented, with public participation. Maharashtra government launched the scheme in a bid to make Maharashtra a drought-free state by 2019. 5000 villages are planned to be made tanker-free in the financial year 2015-16. Major emphasis is on special component as well as convergence of all agriculture-related watershed schemes, with focused approach, in selected villages. The project involves deepening and widening of streams, construction of cement and earthen stop dams, work on *nullahs* and digging of farm ponds. It aims to make 5000 villages free from water scarcity every year.

In my earlier report on drought in Marathwada it was stated that *concerns about the safety and technical quality of these works* were shared with the District Collectors. Moreover, very little employment is generated as most works are done with the help of machines. Whether part of the work could be covered under MNREGS needs to be explored. Sustainability of these works also needs to be ensured. Social audit and independent evaluation which are already envisaged under the scheme ought to be strictly implemented.

Another flagship program initiated by Government of Maharashtra is "**Farm Pond On Demand for All**". It is open to farmers who have a minimum land holding of 1.5 acres. Although there are different models for their construction, subsidy depends on the size of the ponds. Maximum subsidy offered is only Rs.50,000/. Farmers were demanding enhancement of this amount, as many of the small farmers find it difficult to meet the expenditure out of their own pockets. This request could be considered by the state government in an appropriate manner.

### **Bonded Labor**

It was stated that no incidence of bonded labor is reported in any of the four districts. During my visits to different districts in India it has been observed that there is considerable resistance on the part of district administration everywhere in admitting the existence of bonded labor in their jurisdiction. Since many laborers migrate from Marathwada and adjoining areas to cities in search of employment, existence of new forms of bonded labor cannot be ruled out. It is important to take care of the rights of migrants, especially contract labor, within and outside the state. Only continued surveys through reputed agencies can reveal the truth.

### **Swachh Bharat Mission**

It is reported that in Maharashtra 41 million people or members of every third household defecate out in the open because as they do not have access to proper sanitation. Government of Maharashtra launched the Swachh Bharat Mission (Gramin) from 02nd October 2014 to put an end to open defecation and adopt better solid waste management practices. Under the Mission it is proposed to construct individual House Hold Latrines (IHHL) / Community Sanitary Complexes (CSC) for rural population. The state government has set a target of making all its 265 cities free of open by 02 nd Oct, 2019. The incentive per IHHL is Rs. 12,000/- (Twelve Thousand Only) which includes construction of toilet, water storage and provision of hand washing facility in rural Maharashtra. The incentive per Community Latrine is Rs. 2, 00,000/- (Two Lakhs) only.

According to data published under DLHS-4 access to improved toilet facility is available only to 59.3% of the total population ( 36.5% rural population) in Aurangabad district; 48.8% ( rural-29.9%) in Jalna; 51.3 % (rural-17.8% ) and 51.3% ( rural-37.3%) in Ahmednagar District. Although construction of toilets under the Swachh Bharat Mission have been taken up in all four district, facing one of the worst droughts in the region's history it is reported that the already constructed toilets are not being put to use, due to scarcity of water.

*Manual scavenging is reported as nil in all four districts. According to data published by the State police no case relating to Manual Scavenging has been filed in any of the four districts in 2014.*

### **Farmer's suicide**

As already mentioned in my earlier report, 1130 farmers have committed suicide in Marathwada region last year alone. The state government sanctions Rs one lakh as ex-gratia to their families which are eligible for assistance. On visiting some of these families, it is seen that the farmers mostly belonged to small and medium categories and have no assets other than a small piece of land. Social security pension has been provided to eligible family members. Priority is stated to be given in the sanction of schemes to eligible families. But on the ground, apart from the ex-gratia assistance of Rs one lakh or sanction of social security pension in some cases, no other assistance to the bereaved families is visible. It was , therefore ,suggested that the grant-in aid provided to the families of the deceased

be enhanced from the current level of Rs. one lakh to Rs. two lakhs. It was also pointed out that the balance loan repayment ought to be restructured as per government policy, or written off entirely or partly, as the case may be.

### **Status of SC/ST**

It was already mentioned in the earlier report on drought in Marathwada, they still remain backward in the fields of education, health, employment, housing etc, despite several schemes taken up for their benefit. Further, almost all families were landless and belong to BPL. Wherever feasible, land ought to be provided to them, along with irrigation facilities. Most men work in private farms or sugar cane fields. Women, however, have no employment opportunities. Wherever MNREGS schemes are taken up, they readily work. Children do go to school, but there were no graduates among the community. Welfare schemes are implemented in a piece meal fashion-sometimes an approach road, at times a community hall, without having a holistic vision of their development. Their health and nutritional status is paid least attention. Bringing about behavioral and social changes amongst the members of the community is a big challenge. It was therefore, suggested that *enlisting services of reputed voluntary institutions and agencies in implementing schemes on a need basis, with community participation, would be desirable.*

### **Role of Civil Society**

It was pointed out in the earlier report that Maharashtra has no dearth of reputed voluntary agencies and institutions doing social work. It is understood that a number of them are engaged in various activities. But it appears doubtful whether their engagement is channelized in an organized manner, except in a few cases, by district administrations. Their experience and expertise ought to be utilized effectively by the district administration. Contribution by industrial concerns/Trusts/voluntary agencies ought to be a part of the budgets.

### **Observations and Suggestions**

Some of the observations/ suggestions regarding criminal justice system in Maharashtra are given below. As far as items of health, education and other basic facilities, food security, MNREGAS, status of SC/ST are concerned detailed accounts have been included in my earlier report on drought in Marathwada. Suggestions/Recommendations in respect of these items also included under respective heads in this report also. Hence they are not repeated here.

#### **1. Improving the criminal justice System**

Bringing about improvements in the criminal justice system is one of the chief challenges faced by all states in India, including Maharashtra. However, as is well known, the status of human rights in any region cannot be improved without making critical changes in the existing criminal justice system. The three main pillars of the system—courts, police and prison administration—are in need of urgent reforms although Maharashtra has, over a period of time, introduced some reforms in police and prison administration; comprehensive reforms in the criminal justice system is still due in the state.

## 2. Guidelines on Arrest

Although guidelines issued by the Apex court in *D.K Basu vs the State of West Bengal* have been reportedly exhibited in all police stations of the four districts visited, they need to be displayed in *a prominent place* in police stations, both in *English and the local languages*. Awareness about the Guidelines also needs to be generated through other means, including TV/radio/news papers/workshops/seminars and training programs. By following the guidelines in letter and spirit, the number of indiscriminate arrests by the police could be substantially reduced. This can go a big way in reducing the under trial population in jails. Detention of women, especially with children, needs to be done with extreme caution.

## 3. Under trials

Under trials form about 64% percent (725/ 1198- 690 male; 35 female) of the jail population in Central jail, Aurangabad. It was approximately 90% each (235/ 254 -222 male;13 female) in district jails, Jalna and Beed (288/ 307--272 male;16 female). In district jail Ahmednagar, it was almost 100% (185/187-178 male;07 female). Jails in Jalna and Ahmednagar are remand jails. *Details regarding length of stay of under trails were not readily available in respect of Central Jail, Aurangabad. 23 under trials (21 male and 02 female) in Jalna, 35 male under trials in Beed and 38 under trials (37 male and 01 female) in Ahmednagar have spent up to 02 years jail.*

Reducing population of under trails is one of the important challenges the administrations face. For this purpose a variety of interventions listed below are needed.

### (i). Non production of prisoners before courts

One of the frequent complaints heard from prisoners is their non-production before courts. In many instances only paper production is resorted to- the prisoner is not physically produced before the court. For want of timely police escorts prisoners are not taken to courts many a time. Transportation of prisoners to courts is another problem in many places. Police and prison administration has to work in tandem in achieving results.

#### **(ii) Facilities at the court**

It is observed that often no facilities are available to prisoners taken to court, including waiting space, non-provision of lights and fans, absence of toilet facilities, no provision of food etc. Necessary funds for providing facilities for prisoners in all courts needs to be taken up. Every district administration ought to take a stock of the conditions periodically and take remedial action.

#### **(iii) Video-conferencing**

This facility is available in all four jails visited. Even if the facility is available, it is generally seen that in many cases, they do not function or the receiving facility in the courts do not work. AMCs are not signed in time in many cases. Thus a fool-proof system needs to be introduced in making the system functional *all the time*. Apart from frequency, *quality of presentation* also needs to be improved.

#### **(iv) Release on bail**

It is seen that there are cases wherein persons who have secured bail cannot be released for want of sureties ( for e.g. in district jail Jalna 03 prisoners are languishing for want of bail). They languish in prisons some time for years together. To overcome this problem a provision could be introduced whereby they are released on personal bonds, subject to the conditions laid out.

#### **(v) Legal Aid**

At present, sanction of legal aid is seen as a routine affair. District Legal Services Authorities have been set up in the districts. However, they need to be activated. A certain number of advocates, both men and women, are deputed to jails for assisting /counseling the prisoners. Legal aid is also provided to prisoners. It is necessary to improve *the quality of legal aid*. While sanctioning legal aid priority needs to be given to women and those belonging to vulnerable groups, since for them this is the only source of assistance for defending themselves in courts. Evaluation of legal aid granted could improve the quality of its administration.



**(vi) Petty crimes**

Those who commit petty crimes get entangled in the web of law and are forced to spend long times-sometimes years in jail despite regular visits of jails by respective CJM. This is mainly due to the fact that these cases are handled in a routine manner by the authorities. Often case records are not prepared in advance, or are incomplete or not placed before the CJM. Corruption is also an underlying factor in many cases. Police and prison administration ought to jointly look into the matter.

**(vii) Tracking individual cases**

Many of the prisoners are not aware of the status of their own cases pending in courts. Case records need to be computerized in jails so as to track individual cases.

**(viii) Appeals**

Many of those convicted, especially those who are from poorer sections of the society, are unable to file appeals against court verdicts against them. Convicted persons also need to be provided *legal aid in filing appeals*. Data on appeals filed also ought to be maintained.

**4. Death in police/judicial custody**

As mentioned earlier in this report, Maharashtra ranks the highest in custodial deaths in the country. In 2014, 01 death was reported of a person not remanded by the court in Beed district. However, custodial deaths have been reported in three jails except Jalana (Aurangabad -12 deaths;03 UT/09 Convicts); Jalna 00 deaths; Beed 01 death and Ahmednagar-04 deaths . It is learned that *inquiry reports are still pending*.

It is a matter of concern that unnatural deaths in police/judicial custodies are being reported even now. In most cases magisterial inquiries are completed after much delay. It is also seen that accountability is not fixed on the guilty. Often no action is taken or action is delayed indefinitely. District administration ought to be vigilant in such cases..

**5. Women accused**

At present there are no special police stations set up exclusively for women in Maharashtra. Only women's cells are functional in regular thanas. Women ordinarily dread to enter a police station manned by male police officials. There is need to set up at least one women's thana in each district. There is also need to review cases against women, especially with children. Wherever feasible they need to be helped to secure bails. Individual cases concerning women ought to be closely monitored.

## **6. Juvenile justice**

It is seen that on the directions of the Supreme court, JJ Boards and Child Welfare Committees(CWC) have been set up in all districts. However, their functioning needs to be closely monitored. Chairmen of the Boards are often on additional charge. Hence they are not able to discharge their duties efficiently. Pendency of cases, non attendance of meetings by all members of the Board, conducting JJ cases in court premises, poor condition of Observation Homes, shortage of staff, paucity of funds are some of the general lacunae observed in the in the system.

## **7. Monitoring of court cases**

It is understood that a committee headed by the District and Sessions Judge with DM and SP is functional at the district level. It is seen that the courts, police and the prisons mostly function independently. The committee needs to provide guidance for better coordination amongst the three. It could also be authorized to monitor implementation of the criminal justice system in the districts under its jurisdiction. Instead of creating new structures, the mandate of the Committee needs to be widened and strengthened

## **8. Police reforms**

As already stated the state Government ought to take up comprehensive police Reforms in the state. Sanction of functionaries is critical to better policing. Better buildings, equipment and vehicles are also needed. They also need an enabling environment to function. Complaints management system for police ought to be further strengthened. Delegation of powers would improve police functioning.

## **9. Complaints against the police**

As mentioned Maharashtra has set up a State police Complaint Authority in the state to deal with complaints against the police, which is a welcome step. But the

state government ought to facilitate full functioning of the Authority, without further delay.

### **10. Information, Education and Communication (IEC)**

Not much IEC activities are seen in the districts. Funds for creation of awareness against social evils like dowry, infanticide etc ought to be sanctioned to the districts. A sizable portion of the funds ought to be provided to police administration for IEC activities as well training. Later on, evaluation needs to be carried out on the impact and utility of IEC activities in control of crimes.

### **11. Jail reforms**

Maharashtra is yet to bring out a new Jail Manual. It is understood that Government of India has already circulated the Model Prison Manual in 2016. A Model prison Manual for Maharashtra ought to be brought out without any further delay. As in the case of police administration, strengthening the jail administration is also very much needed. Class-1 and 2 jails ought to be upgraded to full-fledged district jails. Shortage of jail staff is a matter of serious concern. Decentralization and delegation of powers ought to be undertaken for better management of prisons.

### **12. Attitude towards the accused**

*The key to police /jail reforms lies in bringing about attitudinal changes amongst police/prison officials towards those accused of committing crimes. Training programs need to be organized for police/prison/general category officials with the help of reputed institutions/agencies. Such programs ought to be evaluated independently to assess their impact on functioning of those who were trained and training programs suitably modified on the basis of feedback.*

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