

Case No-4843/13/30/2022

जेवभारत टाइम्स

5-12-2022 Page-2

मुंबई

संगमरमर की टाइल्स गिरने से 4 वर्षीय बच्चे की मौत

आरोप: भिवंडी मनपा की लापरवाही से हुआ हादसा

■ निसं, भिवंडी: भिवंडी मनपा की लापरवाही एक बार फिर प्रकाश में आई है। शहर के न्यू टावरे कंपाउंड स्थित मनपा स्कूल के सामने गेट में लगाई गई संगमरमर की टाइल्स गिरने से 4 वर्षीय एक बच्चे की मौत हो गई।



भोईवाडा पुलिस ने आकस्मिक मृत्यु का मामला दर्ज कर लिया है। इस घटना से मनपा प्रशासन अनभिज्ञ था और घटना के 4 घंटे बाद भी कोई अधिकारी वहां नहीं पहुंचा।

भिवंडी मनपा की तरफ से संचालित स्कूलों की इमारतें ही खतरनाक नहीं हैं, बल्कि बाउंड्री वॉल एवं गेट भी बेकार हैं। स्कूल के शिक्षक एवं स्थानीय जनप्रतिनिधि मनपा से शिकायत कर चुके हैं, लेकिन ध्यान नहीं दिया जाता है। मनपा स्कूल क्रमांक-72 के सामने 14 वर्ष पहले गेट बनाया गया था। इसमें संगमरमर की टाइल्स लगाई गई थीं। पास में रहने वाला आयुष कुशवाहा स्कूल के गेट के नीचे खेल रहा था, तभी टाइल्स उसके ऊपर गिर गई। सिर पर चोट लगने से वह बेहोश हो गया।



उसे आईजीएम उपजिला अस्पताल ले जाया गया, जहां डॉक्टरों ने उसे मृत घोषित कर दिया। यहां संगमरमर की कई टाइल्स निकल गई थीं, जिसकी जानकारी पूर्व नगरसेवक भगवान टावरे ने मनपा प्रशासन को दी थी। लेकिन, मनपा प्रशासन ने कोई ध्यान नहीं दिया।

“मनपा की लापरवाही के कारण यह दुर्घटना हुई है, इसलिए घटना के लिए मनपा प्रशासन जिम्मेदार है।
- भगवान टावरे, पूर्व नगरसेवक





MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001

Tel : 22092857 Email:- court1-mshrc@mah.gov.in

KKT/Suo Moto Case No.- 4843/13/30/2022

Name of Respondent : 1 The Municipal Commissioner
Bhiwandi Nizampur City Municipal
Corporation
Bhiwandi, Thane
2. The Commissioner of Police
Thane
Date : 6th December 2022
Coram : Justice K.K. Tated, Chairperson

PROCEEDING

Not on board. Taken on board.

2. We noticed an article which was published in Hindi Newspaper "Nav Bharat Times" dated 05.12.2022 on Page 2 with title "संगमरमर की टाइल्स गिरने से 4 वर्षीय बच्चे की मौत; भिवंडी मनपा की लापरवाही से हुआ हादसा".

3. It is stated in the said news that in Municipal School at New Tawre Compound, the accident took place in which four year old child died. It is also stated in the said news that several complaints were made about the said dilapidated condition of structure. In spite of that Corporation failed and neglected to take proper steps immediately.

4. Considering these facts the following order is passed:

- a) Office is directed to issue summons to Municipal Commissioner, Bhiwandi Nizampur City Municipal Corporation and Commissioner of Police, Thane

directing them to hold inquiry and submit the affidavit in reply before this Commission on or before 22.12.2022. They are also directed to place on record, what is the position of other Schools run by Corporation in Bhiwandi City.

d) Matter to appear on board before Division Bench of Justice K.K. Tated, Chairperson and Shri. M.A. Sayeed, Member in Court No.1 on 22nd December 2022 at 11.00 a.m.

^{sdr}
(Justice K. K. Tated)
Chairperson



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai – 400 001

Tel : 22092857 Email:- court1-mshrc@mah.gov.in

No. MSHRC/ KKT/04/2023/75)

Date: 25th April 2023

To,

The Municipal Commissioner
Bhiwandi Nizampur City Municipal Corporation
Bhiwandi, Thane

Sub: Order in Suo Moto Case No. 4843/13/30/2022 dated 10.03.2023

I am directed to intimate to you to comply with the orders / directions of the Commission.

You are requested to comply with the orders within one month or as specified in the order. The compliance report be kindly submitted to this office as per Section 18 (e) of the Protection of Human Rights Act, 1993 r/w. Regulation 22 to 24 of the Maharashtra State Human Rights Commission (Procedure) Regulations, 2011.

Encl. Order copy (03 Pages)

(D.B. Gawade, IAS)
Secretary
MSHRC, Mumbai



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DIVISION BENCH

Suo Motu Case No.– 4843/13/30/2022 /751

Name of Respondent : Municipal Commissioner
Bhiwandi Nizampur City Municipal Corporation
Bhiwandi, Thane

Commissioner of Police
Thane

Date : 10th March 2023

Coram : Justice K.K. Tated, Chairperson
M.A.Sayeed, Member

ORDER

(Per: Shri. M. A. Sayeed, Hon'ble Member)

An alarming incident of a boy aged 04 years having met with a fatal accident in Municipal school premises at New Tawre Compound due to falling of piece of marble, published in 'Navbharat Times' of 05.12.2022, caught attention of the Commission, prompting the Commission to take suo motu action by invoking powers u/s.12 of the Act of 1993.

2. Summons was issued to Municipal Commissioner, Bhiwandi Nizampur Municipal Corporation and the Commissioner of Police, Thane. Reports on affidavits with photographs came to be placed on record vide Ex. 'A', & Ex. 'B'. Eventually, report Ex. 'C' dated 10.03.2023 came to be placed on record by Commissioner of Police, Thane.

From a careful reading of the police enquiry report Ex. 'C', it is crystal clear that offence against the erring officials of the Municipal Corporation – Beat Surveillance Officer – Shri Mahendra Jadhav came to be registered

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vide Crime no. 256/22 u/s. 304(A) IPC. Investigation is completed and charge sheet is submitted before Ld. JMFC, Bhiwandi, awaiting trial.

3. No doubt, Criminal Law has been set into motion by the erring officer, but, can it be said that the grieved parents got justice as the commencement of the trial would take its own time. It is shocking to note that though the Disciplinary Committee of the Corporation found dereliction of duties and on the parts of the officer recommending penal action against him, but did not take any steps to award any monetary compensation to the parents. When a query was put across to Ld. Adv. Tariq Momin as to whether any decision was taken by the office of the Municipal Commissioner, Bhiwandi Nizampur Municipal Corporation, on the point of payment of compensation, he tactfully responded by submitting that a direction of payment of compensation be issued by us.

Of course award of monetary relief cannot heal the wounds of the parents as they lost their child under very unfortunate circumstances but atleast can be a solace for their day to day livelihood as they come from a marginalized class of the society.

4. Accordingly, we direct the Municipal Commissioner, Bhiwandi Nizampur Municipal Corporation to pay a compensation of Rs.6,00,000/- (Rupees Six Lacs Only) to the parents of the deceased child with a direction that 70% of the amount be invested in the fixed deposit in the name of the mother with a nationalized bank for a period of three years and remaining 30% to be paid in cash to the mother. It is further directed that interest on the fixed deposit be allowed to be withdrawn by the mother if required to the satisfaction of the bank subject to Rules and Regulations. These directions be complied within one month from the receipt of the order.

Office of the Secretary attached with the Commission to forward the copy of the order to Municipal Commissioner, Bhiwandi Nizampur Municipal

Corporation, for necessary compliance and implementation with accordance with provisions u/s. 18 (e) of the Act of 1993 r/w. Reg. 22 to 24 of the Maharashtra State Human Rights Commission (Procedure) Regulations, 2011.

With these directions present suo motu petition stands disposed off.

Sd/-
(M.A. Sayeed)
Member

sd/-
(Justice K. K. Tated)
Chairperson