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20/1/2023

24/2/2023

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DISPENSE

# महाराष्ट्र राज्य मानवी हक्क आयोग



## Maharashtra State Human Rights Commission (MSHRC) Mumbai

Allotted to Court No. : 1/ 2/ 3

DOCKET SHEET

CASE No. ———/———

### DOCKET SHEET

SUO MOTU CASE NO: 339/13/37/2023

News item appeared in Hindi News Paper "NAVBHARAT TIMES"

On 9.1.2023 in respect of "दम तोड रहा स्वच्छ भारत अभियान"

SUMMARY

# दम तोड़ रहा स्वच्छ भारत अभियान!

## जलाराम बापू नगर में पांच हजार की आबादी के लिए शौचालय सुविधा नहीं

■ निस, वसई

वसई विहार मनपा क्षेत्र में स्वच्छ भारत अभियान दम तोड़ता नजर आ रहा है। वसई पूर्व में स्थित जय संत जलाराम बापू नगर की चौक के हजारों लोगों को शौचालय के लिए पैसे चुकाने पड़ते हैं। पांच हजार की आबादी वाले इस क्षेत्र में मनपा द्वारा बनाया गया सार्वजनिक शौचालय बर्दाहल स्थिति में है। शौचालयों के दरवाजे तक गायब हो गए हैं। महिलाओं को शौचालय तक इस्तेमाल करने के लिए पैसे देने पड़ते हैं। जानकारी के अनुसार, इस इलाके में



शौचालय में दरवाजे नहीं होने से महिलाओं की बढ़ गई है परेशानी।

स्वच्छ भारत अभियान के तहत मनपा ने 8 लेडीज और दो जेंट्स शौचालय बनाए थे। लेकिन इन शौचालयों से दरवाजे चोरी हो गए हैं। महिलाओं को स्टेशन के आसपास बने शौचालयों का उपयोग करना पड़ता है। स्थानीय निवासी चंदा खापेका ने बताया

कि मनपा ने जो शौचालय बनाए हैं, वह गटर के ऊपर हैं। शौचालय में हमेशा गंदगी रहती है।

दरवाजे नहीं होने से महिलाओं की परेशानी बढ़ गई है। कई बार मनपा प्रशासन से शिकायत की गई है, लेकिन अब तक इस समस्या पर ध्यान नहीं दिया गया। कई लोगों को खुले में या पैसे देकर शौचालय जाना पड़ता है। मनपा के जूनियर इंजिनियर सुबोध देशमुख ने बताया कि मनपा ने शौचालयों में दी-टीन बार दरवाजे लगाए थे, लेकिन वहां के लोग ही इन दरवाजों की चोरी कर लेते हैं।



# 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.- 339/13/37/2023

Name of Respondent : 1. The Municipal Commissioner  
Vasai Virar Municipal Corporation  
Virar, Thane

Date : 11<sup>th</sup> January 2023

Coram : Justice K.K. Tated, Chairperson

## PROCEEDING

Not on board. Taken on board.

1. We noticed news appeared in English New Paper Mid Day dated 07.01.2023 with heading "The truth about 'open defecation free' Boast; Toilets with no doors, no water, no electricity" and in Hindi News Paper Nav Bharat Times dated 09.01.2023 on Page 3 with heading "दम तोड़ रहा स्वच्छ भारत अभियान! जलाराम बापू नगर में पांच हजार की अबादी के लिए शौचालय सुविधा नहीं".

2. It is stated in the said news article that the present condition of WC at Jalaram Bapu Nagar is in dilapidated condition. There are toilets without any doors and therefore, women have to face several problems. Not only that some unauthorized person is taking money from women those who want to use those toilets. It is also stated in the said news that inspite of several complaints, nothing is happened.

3. It is stated in the English news article that hundreds of women in Vasai East chawl forced to relieve themselves in the open, say no action from civic officials despite repeated complaints for six months. The Government built nine toilets without any plumbing system for a

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chawl where around 4,500 people live. We not only have to take water with us to the toilet, but also have to deal with the drug addicts there. This is a statement of Ms. Vasanta Kisan Chakhalya, resident of the said chawl.

4. Considering the said article appeared in Nav Bharat Times dated 09.01.2023 and as the issue involved is in the interest of the public at large, Commission decided to take up this matter as suo moto under Section 12 of of the Protection of Human Rights Act, 1993.

5. Hence, following order is passed:

a) Office is directed to issue summons to the Municipal Commissioner, Vasai Virar Municipal Corporation, Virar calling upon them to file affidavit in reply on or before 20.01.2023 on following issues :

- i. When the said toilet was constructed at Jalaram Babu Nagar?
- ii. How much amount is paid by the Corporation till today for maintenance?
- iii. Since when doors of all these toilets are missing?
- iv. Whether any Municipal Corporation Officer placed on record the present condition of these toilets in writing. If it is placed produced the copy of those reports?
- v. Within how much time Corporation is going to repair / renovate all these toilets?

b) **Matter to appear on board before Court No.1 on 20<sup>th</sup> January 2023 at 11.00 a.m.**

  
(Justice K. K. Tated)  
Chairperson



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

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## DIVISION BENCH

### Suo Motu Case No.- 339/13/37/2023

Name of Respondent : Municipal Commissioner  
Vasai Virar Municipal Corporation,  
Virar, Thane

Date : 24<sup>th</sup> February 2023

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

## ORDER

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

'Navbharat Times' of 09.01.2023 came out with a news about want of facilities units to the residents of Jalaram Bapu Nagar and apathy on the part of the Municipal Corporation in rectifying it.. During course of enquiry following directions came to be passed by us on 20.01.2023:

"2.After hearing Adv. Kashyap and the concerned officers for some time we proceed to pass following directions:

- a) Detail comprehensive affidavit covering and explaining the issues pointed out in our order dated 11.01.2023 be filed by the Municipal Commissioner on or before the next adjourned date.
- b) Adv. Kashyap is further directed to submit the colour photographs of the toilets in question (from outside and inside) so as to facilitate us to appreciate the status and condition of the toilets and as to whether they are provided with all necessary appliance like plumbing, flush system etc.
- c) Further clarification on the steps taken for providing sweepers for the said toilets, and any steps taken for posting security guards as it is reported that in the past, doors as well as the plumbing appliances were stolen, are being taken or not.

- d) Municipal Commissioner to explore and examine whether the maintenance and supervision of the public toilets can be handed over to charitable trust/outsource company or agency on appropriate terms and conditions.
- e) A comprehensive affidavit on the above noted issues be submitted on or before next adjourned date.
- f) Stand over to 24.02.2023.

2. Pursuant to the above noted direction, affidavit Ex. 'A', with photographs and relevant documents came to be placed on record by the respondent Corporation. Facts affirmed in para 2 clause (a) to (j) and 3 (a) to (e) are relevant for our purpose and reproduced in verbatim as under:

**"2. I say that with respect to the same, this Respondent wants to state as under:**

- a. The Public Toilet at Sant Jalaram Nagar, Vasai (E) has been constructed approximately 18 years back by the then Navghar Manikpur Municipal Council however the same is not in dilapidated condition as stated in the said news paper article. The said public toilet is situated in Prabhag Samiti "D" under (Ward No. 92) EMANAR [herein after referred to as "said public toilet"].
- b. I say that the population of the slum area of said Sant Jalaram Nagar is approximately 2000 and not 4500 as alleged in the news paper article.
- c. I say that time and again this Respondent has attended the complaints received from the locals, thereby replacing the doors, lights, carrying out wiring, etc. the details of which are reiterated herein after.
- d. I say that this Respondent has spent an amount of approximately Rs. 14 Lakhs from time to time till date on the said public toilet constructed by the then Navghar Manikpur Municipal Council.
- e. I say that since the area is a slum area, some anti social persons for their vested interest are involved in the theft of lights, doors or are also indulged into damaging the public property which would be evident from the events which are narrated herein after. I say that whenever a complaint is lodged with this Respondent about the theft of doors, lights, etc., this Respondent has replaced the same and has attended the complaint of the locals. I say that on 5/6/2022 this



Respondent received a complaint about the damage to the doors of this public toilet, which door was replaced on 20/6/2022. The second complaint about the damage to the door was received on 8/10/2022 which was again replaced 19/10/2022. Once again on 26/12/2022 this Respondent received a complaint about the damaged door, which were now replaced by metal door on 15/01/2023. Hereto annexed and marked as "Exhibit - A" is the copy of the chart and also photographs showing the doors which are replaced from time to time.

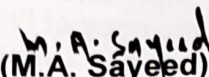
- f. I say that this Respondent has also filed a complaint on 17/01/2023 against the theft of doors, light and etc. Hereto annexed and marked as "Exhibit - B" is the copy of FIR.
- g. I say that around the aforesaid area there are 3 more public toilets (over and above the said public toilet). Further more two more toilets are under construction. Hereto annexed and marked as "Exhibit - C" is the copy of the chart showing number of public toilets in and around that area.
- h. I further say that there is water connection provided in all these toilets separately and the toilets are also cleaned twice a day. Hereto annexed and marked as "Exhibit - D" are the copies of the photographs evidencing water supply and cleanliness.
- i. I say that it would be pertinent to mention here that after recent repairs also the people of the vicinity had immediately broken the flush tank which is evident from the photographs annexed hereto as "Exhibit - E". I say that same was again repaired by this Respondent on 20/2/2023. Hereto annexed and marked as "Exhibit - F" evidencing the repair work carried out by this Respondent.
- j. I say that this Respondent had also repaired the electric boards and wiring system, which is evident from the photograph annexed hereto as "Exhibit-G".

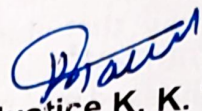
3. I say that this Respondent has completed the following work of the Sant Jalaram Nagar public toilet:

- a. 9 new metal doors have been affixed.
- b. there is a stand post water connection near this public toilet over and above individual water connection inside the toilets. Further more 1000 litre water tank has been affixed near this toilet.
- c. All the electric connection along with bulbs have been affixed newly which were stolen by the anti social persons.
- d. All the toilets are cleaned twice a day and cleanliness of the same is taken care of by this Respondent.

e. All the repair and replacement work is geo tagged for the purpose of record and information. "

3. We are satisfied from the aforesaid affirmed statements as evidently the issue in question has been duly rectified. We are of the firm opinion that further intervention is not warranted, hence present suo motu case stands closed and disposed of.

  
(M.A. Sayeed)  
Member

  
(Justice K. K. Tated)  
Chairperson