



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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

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DIVISION BENCH Suo Motu Case No.– 4843/13/30/2022

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

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.

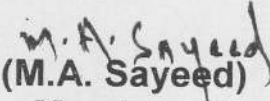
Of course award of monetary relief cannot heal the wounds of the parents as they lost their child under very unfortunate circumstances but atleast can be a solace for their day to day livelihood as they come from a marginalized class of the society.

4. Accordingly, **we direct the Municipal Commissioner, Bhiwandi Nizampur Municipal Corporation to pay a compensation of Rs.6,00,00/- (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.


(M.A. Sayeed)
Member


(Justice K. K. Tated)
Chairperson