



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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



Tel : 022-22092857

E-mail: court1-mshrc@mah.gov.in

No. MSHRC/AMB/04/2026/ 3691

Date: April 2026

12/5/2026

To,

1. The Chief Secretary
State of Maharashtra
Mantralaya, Mumbai
2. The Municipal Commissioner
Municipal Corporation of Greater Mumbai
Mumbai
3. The Director
Maharashtra State Electricity Distribution Company Limited
Mumbai
4. The Principal Secretary
Urban Development Department
Mantralaya, Mumbai

Sub: Order in Suo Moto Case No. 6315/13/30/2024 dated 17.03.2026

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 (06 Pages)


(Pradeepkumar Dange, IAS)
Secretary



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DIVISION BENCH **AMB/Suo Moto No.– 6315/13/30/2024** | 3691

Name of the Respondent

- :1 The Chief Secretary
State of Maharashtra
Mantralaya, Mumbai
- 2 The Municipal Commissioner
Municipal Corporation of Greater Mumbai
Mumbai
- 3 The Director
Maharashtra State Electricity Distribution
Company Limited
Mumbai (deleted as on 18.11.2024)
- 4 The Principal Secretary
Urban Development Department
Mantralaya, Mumbai

Date

: 17th March 2026

Coram

: Justice A.M. Badar, Chairperson
Mrs. Justice Swapna Joshi, Member

ORDER

(Per: Justice A. M. Badar, Hon'ble Chairperson)

1. Our learned predecessor had taken cognizance of news published in the Maharashtra Times dated 05.11.2024 with heading “ना अधिकृत स्मशानभूमी, ना रुग्णालयगोराईतील रहिवासी मूलभूत सुविधांच्या प्रतीक्षेत; स्वातंत्र्यानंतर ७५ वर्षांनीही झगडा सुरूच”. As the news item published in the Maharashtra Times was prima facie depicting violation of human rights of residents of part of Municipal Corporation of Greater Mumbai, fact finding inquiry was directed to be held by issuing summons to the Chief Secretary, State of Maharashtra,

Mumbai, the Municipal Commissioner, Municipal Corporation of Greater Mumbai, Mumbai, the Maharashtra State Electricity Distribution Company Limited, the Principal Secretary, Urban Development Department etc.

2. The matter is pending right from the year 2024. Record shows that Adani Electricity, Mumbai limited appeared in the matter and filed reply stating that the said Company is processing the application for new connection of electric energy made by resident of Gorai. We note that the issue is otherwise. The primary concern shown by our learned predecessor was in respect of non-availability of funeral ground or cemetery in the Gorai area of Mumbai city. Apart from other basic amenities such as hospital etc.

3. Perusal of the record shows that the State of Maharashtra through its Urban Development Department had responded vide communication dated 28.11.2024 stating that the Municipal Commissioner, Municipal Corporation of Greater Mumbai was directed by the State Government to furnish report of the fact finding inquiry to the State Government and accordingly such report is received by the State Government on 28.11.2024 stating there in that the Municipal Corporation of Greater Mumbai is providing medical services by village hospital to Gorai area, but the Municipal Corporation of Greater Mumbai has not provided funeral ground or cemetery at Gorai. Record shows that the Municipal Corporation of Greater Mumbai has filed reply under signature of the Medical Officer of the Health R/ C Ward stating therein that the Municipal Corporation of Greater Mumbai

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has no registered cemetery at Gorai area, but there is dispensary operated by Municipal Corporation of Greater Mumbai at Gorai village.

4. Non-providing of funeral ground or cemetery by the Municipal Corporation of Greater Mumbai is serious breach of human rights of residents of Gorai area of Municipal Corporation of Greater Mumbai. Undisputedly, Gorai, Manori, Culvem area of Mumbai is entrusted to the Municipal Corporation of Greater Mumbai and falls under jurisdiction of the Municipal Corporation of Greater Mumbai.

5. The term human right is defined by Section 2 (1) (d) of the Protection of Human Rights Act, 1993. It reads .

"Section 2 (1) (d): "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India."

6. It is thus clear that rights regarding life liberty equality and dignity of individual guaranteed by the Constitution of India and enforceable by Courts in India are treated as human rights. It is a wide term which encompasses into itself disposal of dead bodies with dignity. In the case in hand, it is really surprising that even after entrustment of the area in question to Municipal Corporation of Greater Mumbai which is one of the richest Corporation in the world, basic facilities for disposal of dead bodies with dignity is not provided by the Municipal Corporation of Greater Mumbai.

7. Ms. Shraddha Anil Malondkar, Sanitary Inspector, R/ C Ward, Health Department, Municipal Corporation of Greater Mumbai is present before this Commission today. She express her inability to enlighten the Commission on this aspect. She is unable to state as to when the Municipal Corporation of Greater Mumbai shall be in a position to comply its statutory duty prescribed by the Maharashtra Municipal Corporation Act.

8. Section 63 falling under Chapter VI of the Maharashtra Municipal Corporation Act prescribes duties of the Municipal Corporation. Maintenance, change and regulation of places for disposal of dead so also provision of new places for disposal of dead so also unclaimed dead bodies is the duty of the Municipal Corporation of Greater Mumbai. Thus, apart from human rights of disposal of dead bodies of human with dignity, it is also a statutory duty of the Municipal Corporation of Greater Mumbai to provide for funeral and burial grounds as well as cemetery within its local limits, adequate in number. For the sake of convenience relevant portion of Section 63 is reproduced hereunder:

"Section 63. Matters to be provided for by the Corporation

Section 63 (11): The maintenance, change and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies."

9. In the light of foregoing discussion on admission of the Municipal Corporation of Greater Mumbai, that it has not provided for a place for disposal of dead human bodies and unclaimed human bodies for Gorai village and its adjoining

areas, case for breach of human rights is made out qua the Municipal Corporation of Greater Mumbai, warranting necessary recommendations on this aspect against the Municipal Corporation of Greater Mumbai.

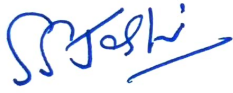
10. It is apposite to quote that recommendations of the Maharashtra State Human Rights Commission are binding in nature and for this purpose it needs to be put on record judgments of Hon'ble Madras High Court in Writ Petition No. 41791 of 2006 in Abdul Sathar Vs. Principal Secretary to Government and Others 2021 SCC Online Mad. 16611 and Hon'ble Allahabad High Court in reported in 2014SCC Online All 6064 (Civil Misc. W.P. No. 7878 of 2014 dated 09.12.2014 (State of U.P. and others Vs. National Human Rights Commission, New Delhi and Others)

11. **Hence, the following recommendations:**

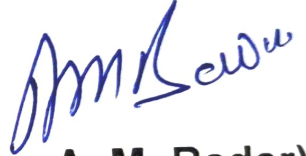
- a) ***The Municipal Corporation of Greater Mumbai through its Municipal Commissioner shall within a period of three months from the date of this order shall perform its duty as envisaged by Section 63 of the Maharashtra Municipal Corporation Act, by providing places owned and registered by the Municipal Corporation of Greater Mumbai for disposal of dead human bodies as well as unclaimed dead human bodies in the area of village Gorai, Manori and Culvem.***
- b) ***The Municipal Corporation of Greater Mumbai shall pay compensation amounting to Rs. 1,00,000/- (Rupees One Lac Only) for violation of human rights of***

the residents of village Gorai, Manori, Culwem by not providing places for disposal of dead as provided by the Municipal Corporation Act to the Maharashtra State Legal Services Authority for spending the same as per the provisions of the governing statute, within a period of one month from the date of this order.

- c) Learned Secretary attached with this Commission is directed to comply with the provisions of Section 18 (e) of the Protection of Human Rights Act, 1993.
- d) With this recommendation complaint is disposed of.
- e) Inform to all the parties concerned.



(Mrs. Justice Swapna Joshi)
Member



(Justice A. M. Badar)
Chairperson