



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

Administrative Staff College Compound, 9, Hajarimal Somani Marg, Opp. C.S.T. Mumbai – 400001.

Suo Motu/Case 1/2013

(Division Bench)

Respondent Name	1. The Regional Transport Office Mumbai.
	2. Commissioner of Police Mumbai.
	3. The Municipal Commissioner BMC, Mumbai.
Date	: 02.01.2014
Coram	: Justice Shri. S.R.Bannurmath (Chairman) Shri Bhagwant More, Member.

ORDER

Per Justice Shri. S.R.Bannurmath Chairperson

This is Suo-Motu case registered on the basis of Newspaper “The Times of India Mumbai dated 20.09.2013 reporting that four children sustained burns after hydro-chloric acid splashed on them while it was been transferred from a tempo at Kandivali to the go-down belonging to an individual.

In pursuance of the notices issued to B.M.C, Police & R.T.O detailed reports have been filed by them. The R.T.O has reported that on inquiry it was found that the vehicle which was transporting the said acid belong to an individual and the R.T.O did not find any illegality or irregularity in the documents concerning the vehicle in question.

So far as police are concerned it is reported that immediately after coming to know of the incident, the police have taken action by registering a case against the owner and the driver of the vehicle in crime no. 257/13 under Section 285, 338 r/w 34 I.P.C Brihanmumbai Mahanagar Palika Act (394 & 471) and the matter is pending an investigation.

So far as the Corporation is concerned the License Inspector, South Ward, Kandivali has filed the report stating that on an inquiry it was found that one Shri.Bhupendra Kumar (Bablu). Z.Chauhan who is the owner of the acid container has not obtained any type of licenses either to possess or store the acid for business or otherwise and in this regard the license department has taken action under Section 394, 471 of M.M.C Act on eight vendors using such acid in the periphery of the incident .

After hearing all the parties at the outset it is to be noted that as the Vehicle Transporting the acid had proper documentation as per the report of the R.T.O there is no need to make any recommendation in this regard. Similarly immediately after the incident the concerned police have taken prompt action and registered a case against the owner and the transporter and the matter is pending for inquiry, the Commission need not to go any further.

However, so far as the B.M.C is concerned it is stated that the license department has no control over loading, unloading activities of the transport goods. It is to be noted that so far as transportation is concerned there may not be any issue but what is important to note that the license department is required to keep check on the storage of dangerous material like acid, in respect of which regular check up has to be done and basically it required a license. The argument of the B.M.C that people illegally store such materials without knowledge of the License

Department and surprisingly it is stated that whenever any action is taken, the owner of the godown or storage area shift the place and hence such illegal storages are not detected easily. This argument does not appeal to us. The License Department which has fleet of License Inspector and other staff have to regularly check the residential areas where such dangerous substances are likely to be stored. Failure on the part of the licensing department to keep proper watch and check in this regard has resulted in unfortunate injuries to the innocent children playing in the vicinity. Had the Licensing Authority or Department of the B.M.C in this area took up proper checks, the incident like this one on hand would not have happened.

Hence this Commission recommends to the B.M.C Authority to keep appropriate checks and inspections about the illegal storage of dangerous materials in any place especially areas where people are residing. Otherwise just because the Licensing Department has no information or complaint, it would be open to anybody to store such dangerous materials in a house or a go-down thereby causing risk to the people of the locality.

In the present case four innocent children have been injured because of the negligence or inaction on the part of the Licensing Department of the B.M.C in not keeping proper checks and inspections. As such the Commission feels that the injured children should be appropriately compensated by the B.M.C. **We direct the BMC to pay a compensation of Rs.10,000/- each to the four injured children within four weeks from receipt of this order and report compliance.** With this order the case is closed for the time being.

(Bhagwant D.More)

(Justice S.R.Bannurmath)

Member

Chairman

Mumbai :-

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