

1075-  
2/27

Recommendations of the Commission is  
prepared and placed on flag A ✓  
for concurrence

35-836/L

3  
1916

Chairman (In charge)

22/6/15 ✓

Issue order

3  
24.6

387 1097

**Before the Maharashtra State Commission for Protection of Child Rights.**

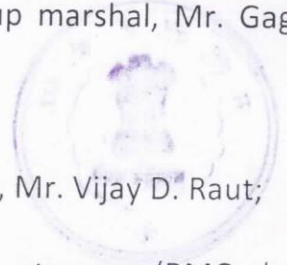
Enquiry, under section 13 (1) and 14 (1) of the Child Right Protection Act, 2005.

Case No.77/2014

**Background:-**

This matter has been brought up before the Commission by Advocate Shehzad Rasiwala on behalf of his client's son name Arya Kotwal, aged 12 year, who was physically beaten up by clean up marshal, Mr. Gajanan Ubale and constable, Mr. Vijay Raut. In the complaint, he has mentioned that both clean up marshals and police constable has violated the right of child on following way:-

- a) Slapping of my client's son by the BMC clean-up marshal, Mr. Gaganan Ubale;
- b) Physical assault of my client's son by the constable, Mr. Vijay D. Raut;
- c) Forcing my client's child into a rickshaw with a stranger (BMC cleanup marshal) against his wishes or without permission from a parent or guardian;
- d) Forcefully restraining the physical freedom of my client's child; and
- e) Attempt by BMC clean-up marshal Mr. Gajanan Ubale t extort money from my client's child.



2. The Commission took the cognizance, issued the notices to the Police Department and Municipal Corporation. Municipal Corporation has filed the reply saying that Municipal Corporation is not responsible for the act committed by clean up marshal who has been engaged by the agency.

3. The Commission listed the matter, heard the parties and after going through the orders, legal issues, coming on the conclusion that in this matter Municipal Corporation is not liable for the act committed by the clean up Marshal who is an employee of agency. Concerned police constable and clean up marshal are in person responsible. Therefore, directing the incharge police officer of Khar Police Station to submit report in this regard. Accordingly, matter is disposed of.

By order and seal of the Commission



(A. N. Tripathi) 24.6.2015

I.F.S.

Secretary

Maharashtra State Commission for Protection  
Of Child Rights.

Date:- 28 JUL 2015