

धा प्रकाशित अंतिम सुनावणी दि. १३ जानेवारी १३
रोजी काली असून आयोगाने एएर अकल
अंतिम अद्ययावतता बांध प्रेस अरे. १०-१०
पाने वृत्तान्त आरपेरेरान अंक ११८८ अटीत
अंक २६० अ एत अत ~~अकल~~ दिव्य अरे,
एत अरेरा निर्गमित अकल अकल अकल.

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५१/११११

observation of Commission in

This matter is prepared and
placed on flag A for
Concurrence.

4/5/2013

Humble chairman
(~~Signature~~) 326/57

Issue order after correction. 1/5

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

**Enquiry, under section 13(1) & 14 of the child
right protection act, 2005**
Case No. 45 / 2011-12

**Shri Y.S.Dube, founder, president of Hind Seva
Parishad, Mumbai ... Complainant**

V/s

M.C.G.M..... Respondent

This matter came before the Commission by filing an appeal / complaint under Right to Education Act 2009 and child right protection Act by complainant Shri Y.S.Dube, founder, president of Hind Seva Parishad, Mumbai. The history of case reveal that complainant run schools and college under the trust called Hind Seva Parishad at Vakola, Santacruz. The school and college, meant for those students who belong from weaker section of society and residing in slum. It is alleged that the respondent No.1 i.e. the Municipal Corporation of Greater Mumbai having authority, to provide free water to the school, under the provision of section 278 of M.C.G.M. Act have been failed to provide water for school, therefore failure to implement the legal provision, attract the provision of section 31 and 32 of Right to Education Act 2009. It is alleged that non supply of water, the statutory body compelled to the school to purchase water from private contractor, which accounted Rs.84000/-

from the school's exchequer. It is alleged that non availability of drinking water affected the education/study of students. Thus commission omission of the M.C.G.M. attract the provision of Right to Education Act 2009 alongwith Child Right Protection Act 2005 thus matter fall with the jurisdiction of commission for protection of child right Act. Accordingly, complainant prayed before Commission to issue direction to the Municipal Corporation to reimburse amount Rs.84,000/- spent by the school. Complainant has alleged that he had approached the sub Engineer, Hydraulic for redressal of his grievance. However, it was advised by engineer, to bring empty water tanker to collect water from water center of corporation after depositing Rs.150/- per tanker. Transportation cost, which would be occurred, shall be borne by the school. The complainant has mentioned that transportation cost was around Rs.1250/- per tanker which was too costly. The commission took the cognizance and issued notices to concern parties. Hearing took place on 23/3/2012, 28/3/2012, 4/4/2012 and 23/1/2013.

2. On behalf of Municipal Corporation; Mr.Sanjeevan A. Pawar working as Sub Engineer has filed his, reply and denied all charges as, raised by the complainant and mentioned that this matter does not fall under Right to Education Act or Child right Protection Act. Complainant was advised to collect potable treated water from the center of corporation; however the complainant engaged private water tanker, and provided contaminate water thus by using such contaminated, polluted, unhygienic and harmful water complainant has endangered the health of

student and for this corporation should not be held responsible and on the contrary, the complainant should be penalised for same. The corporation has denied any allegation regarding violation of child right either in term of Right to Education Act 2009 or Child Right Commission Act 2005 for the payment made by the complainant for private water tanker. Therefore complaint is not maintainable and not sustainable and it does not deserve to be heard by the Commission at this stage and same deserves to be dismissed.

3. After going through the records, submission made by the complainant and respondent and after vetting matter under the purview of Right to Education Act, 2009 and Child Right Protection Act, 2005, it is appearing that matter does not fall under the purview of R.T.E., 2009 and Child Right Protection Act 2005. Hence the Commission's recommendation is as under.

Complaint is not sustainable at this stage.

By order and seal of Commission.



dt 5/7/2013

5-7-2013
(A.N.Tripathi)
I.F.S.

Secretary
Maharashtra state commission for
protection of child rights