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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUO MOTU PUBLIC INTEREST LITIGATION (L) NO. 11654 OF 2024

High Court in its own Motion

...Petitioner

In Re: Article dated 3rd April 2024 by Ms Jyoti Punwani, “Life comes cheap for India’s richest Corporation” and lined Hindustan Times Newsreports.

Versus

State of Maharashtra & Ors

...Respondents

**CORAM G.S. Patel &
Kamal Khata, JJ.**
DATED: 4th April 2024

PC:-

1. Having separately obtained an oral approval from the Hon’ble the Chief Justice, we now proceed to initiate and institute a Suo Motu Public Interest Litigation.

2. This is based on three newspaper articles. The most recent of these appeared yesterday, 3rd April 2024, authored by Ms Jyoti Punwani, in the Deccan Herald captioned “Life comes cheap for India’s richest Corporation”. The article refers to previous news reports of 19th and 20th March 2024 in the Hindustan Times. These reported that two young children aged 4 and 5 years were

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reported missing and were found dead on Monday, 1st April 2024. The bodies were discovered in a water tank in a civic garden at Wadala. The tank that did not have any proper cover or lid. Newsreports indicate that police action is being taken against officers of the Municipal Corporation. The police had a registered a kidnapping case on Sunday, 31st March 2024 after the father complained that his sons had gone missing. The two children had left home at 9.30 am on Sunday to play at the Maharshi Karve Garden at Wadala.

3. The two young boys did not return home. The family could not find them. They approached the police. As they were searching for the boys in garden, the family found that the water tank had a paper cover that was torn. When they lifted it, they found that the two young boys had drowned in the tank. The report says that there is negligence. The 20th March 2024 Hindustan Times article reports that the Wadala Citizens Forum had complained repeatedly to the civic body about the condition of the tank and that it posed a danger.

4. Ms Punwani's report in the Deccan Herald inter alia says that in response to these complaints from residents, the Brihanmumbai Municipal Corporation ("BMC") said that there were "budgetary constraints" and there was not enough funding to provide a proper cover for the water tank. Ms Punwani wrote that the BMC has simply shifted responsibility to the person appointed to maintain the garden. Other incidents are mentioned as well.

5. These three news reports raise a question of public law. What is the price of a human life in this city? Are the so called “budgetary constraints” of the BMC an answer for a failure to provide minimal safety precaution during civic works? There will be issues regarding civic responsibility, questions of negligence and financial responsibility as well, not just for the individual officers of the BMC but also for the Corporation as a body.

6. Indeed, we would venture to suggest that there will be other questions and in fact these may be on a larger canvass. They will affect every local body throughout the State whether under the Maharashtra Municipal Corporations Act 1949 or any other statutes conceivably down to the Gram Panchayat level where any civic body is entrusted with the carrying out and maintenance of civic works in its jurisdiction.

7. We note incidently that the Railways has a policy and a framework in place for compensation and there is a dedicated tribunal for this purpose. Even the Brihanmumbai Electric Supply & Transport undertaking, in its transport division, has a policy in place for accidental injury or death. It seems to us inconceivable that a Municipal Corporation could have no responsibility or liability at all if it is demonstrated that an accident or a death has been caused due to negligence on the part of the Corporation concerned.

8. The Court will need the assistance of Amicus. We request learned Senior Advocate, Mr Sharan Jagtiani and learned Advocate,

Mr Mayur Khandeparkar to assist the Court. They may engage an Advocate on record if so required.

9. The Registry will on the Original Side register a Suo Motu Public Interest Litigation captioned In Re: Article dated 3rd April 2024 by Ms Jyoti Punwani, “Life comes cheap for India’s richest Corporation” and lined Hindustan Times Newsreports.

10. Notice will be issued firstly to the BMC since that is directly concerned. We do not propose at least at this stage to issue notice to every other Municipal Corporation or local body in Maharashtra although the question of law will be much wider. Instead, we propose to issue notice to the learned Advocate General and we will seek his assistance as well in addressing the questions that arise.

11. Once the Public Interest Litigation is registered, it will be placed before the Hon’ble the Chief Justice for appropriate directions and assignment.

12. A printout of the article taken by one of us (GS Patel, J) today, 4th April 2024, is to be included with the papers.

(Kamal Khata, J)

(G. S. Patel, J)