Dr.Kirit Somaiya
Ex. M. P.
Vice President
BJP Maharashtra

Hkkjrh; turk ikVh
Bhartiya Janata Party

CRIMINAL COMPLAINT FILED AGAINST THE GOVT. U/S 304 IPC – MITHI NADI POLLUTION, ENCROACHMENT, FLOOD

4th August, 2005

The Sr. Inspector of Police
Bandra Kurla Complex Police Station,
Bandra (E)
Mumbai 400051.

Dear Sir,

Sub : Complaint u/s 304 IPC against:

1. **The Chief Minister of Maharashtra Mantralaya, Mumbai 400032**
2. **The Chief Secretary of Maharashtra Mantralaya, Mumbai 400032**
3. **The Urban Secretary, Urban Dept., Mantralaya, Mumbai 400032**
4. **The Member Secretary, Maharashtra Pollution Control Board, Nr. Sion Circle, Mumbai 400022**
5. **Vice President, MMRDA, Bandra-Kurla Complex, Bandra (E), Mumbai 400051**
6. **Officer In-charge, Environment Department, MMRDA, Bandra-Kurla Complex, Bandra (E), Mumbai 400022**
7. **The Chairman, Central Pollution Control Board, New Delhi**
8. **The Secretary, Environment Ministry, Govt. of India, Paryavaran Bhavan, New Delhi.**

for the act of omission and negligence in respect of Mithi River which has resulted into the death of more than 400 people due to the negligence of the above accused.

With reference to the above, I have to state that I was the Member of Parliament for the year 1999 to 2004 and as I studied the case of Mithi River, I wrote to & filed complaint dt. 27.1.2003 to the Chief Minister of Maharashtra, Environment Ministry, Central & State Pollution Control Board, Urban Department, Environment Ministry, GOI, and also met with the Chief Minister of Maharashtra & the officials of the above Ministries / Departments, regarding the alarming situation in respect of the illegal encroachment of the Mithi River and I had informed the authorities that the obstruction of the free flow of River will cause havoc in future.

cond...2.

Neelam Nagar, Mulund(E), Mumbai-81. Tel.: 25644151(4 lines) Fax : 25900699 E-mail : kirit@vsnl.in

Dr.Kirit Somaiya
Ex. M. P.
Vice President
BJP Maharashtra

On the part of my complaint raising and issue in parliament, the Central Pollution Control Board has appointed a Sr. Team who investigated the matter on 4th & 5th March 2003, submitted detailed report. Subsequently, a high level 18 members team have jointly visit, inspection on the spot assessment was done on 3rd May 2003.

The Environment Ministry, GOI, the Central Pollution Control Board, the State Pollution Control Board, submitted report, give direction, issued notices to the State Govt. and Mumbai Municipal Commissioner. Directives were given to take up "Cleansing of Mithi River" immediately, urgently. Also cautions were expressed that in heavy rainy day the whole area starting from L & T Jn. (Powai) to Bandra-Kurla Complex will get heavily flooded, will affect a population of 10 Lakhs people. Directives were issued, discussions were taken to start the action, work immediately. It is pity that in 2004, none of the officials followed up and nothing have been done. They did not implement the action plan as the work were discussed and decided.

I say that the above named accused were duty bound for removal of the encroachment, pollution, land grabbing scandal and cleaning the river and if sure in the free flow of the water from the hills of Sanjay Gandhi Rashtriya Udyan, water pipeline area of Arey at National Park, overflow water of Powai-Vihar, Powai to Bandra / Mahim crick .

I say that the above named accused have neglected to perform their duties which has resulted into the loss of life of more than 400 people.

You are aware that on Tuesday the 26th of July 2005, there was heavy rain all over Mumbai City including the heavy downpour in the suburb. However, the worst affected areas were Sakinaka, Kurla, Kalina Airport, Bandra-Kurla Complex running upto the area within your jurisdiction due to heavy rise in the water level of Mithi River about 29 people died at Kalina, and 100s of people at Kurla, Sakinaka nearby areas and this would have been avoided if there was timely cleaning of the river and illegal encroachment was stopped.

Contd...3.

Neelam Nagar, Mulund(E), Mumbai-81. Tel.: 25644151(4 lines) Fax : 25900699 E-mail : kirit@vsnl.in

Dr.Kirit Somaiya
Ex. M. P.
Vice President
BJP Maharashtra

In the above circumstances, the above named accused have failed to perform whatever was expected from them in respect of protecting the Mithi River in terms of cleaning it and avoiding the encroachment which would have resulted in saving of various innocent lives in the circumstances the accused have rendered themselves liable for prosecution u/s 304 IPC for round full killing not amounting to murder (culpable homicide not amounting to murder).

Hence, I lodged the complaint against the above accused and pay for action according to the law. You may kindly obtain necessary sanction if required for taking further action in the matter.

Thanking you,

Yours sincerely,

Dr. KIRIT SOMAIYA
Ex-Member of Parliament

Neelam Nagar, Mulund(E), Mumbai-81. Tel.: 25644151(4 lines) Fax : 25900699 E-mail : kirit@vsnl.in