

# Ex-MP files criminal case against CM

Ganesh Kanade

Kirti Somaiya, former Bharatiya Janata Party Member of Parliament, on Thursday, filed a criminal complaint against Maharashtra Chief Minister Vilasrao Deshmukh and seven Indian Administrative Service officers. The complaint was filed under Section 304 of Indian Penal Code for 'the act of omission and negligence in respect of the Mithi river, which has resulted in the death of more than 80 people in Mumbai'.

Besides Deshmukh, the complaint has been filed against the state chief secretary, secretary, Urban Development Department, member secretary, Maharashtra Pollution Control Board, vice president, Mumbai Metropolitan Regional Development Authority, officer in-charge, Environment Department, NMRDA, chairman, Central Pollution Control Board.

Somaiya said in 2003, the Union Environment Ministry, Central Pollution Control Board and State Pollution Control Board had surveyed the Mithi and had instructed the state govern-



## The political

Kirti Somaiya has not included the city's mayor and municipal commissioner in the criminal complaint. The Brihanmumbai Municipal Corporation is ruled by the Shiv Sena-Bharatiya Janata Party alliance. Somaiya said civil complaints and a public interest litigation will be filed against them in the Bombay High Court.

ment to prepare an action plan to revive the river, and implement the plan at the earliest. The NMRDA, which was entrusted the job, appointed a consultant and got an action plan ready but never implemented it.

# Criminal complaint against CM, courtesy Kirit Somaiya

FPJ POLITICAL BUREAU

MUMBAI

**F**ORMER BJP MP Kirit Somaiya on Thursday lodged a criminal complaint under IPC 304 against the Chief Minister and the Centre for their failure to take steps to remove illegal encroachments along the embankments of the Mithi river and for failing to implement the action plan for the river, prepared by MMRDA.

This is claimed to be the first complaint of its kind. Somaiya filed the criminal case under IPC 304 (culpable homicide not amounting to murder) at the Bandra-East Complex police station against the Chief Minister, State Chief Secretary, Urban Development Secretary, Maharashtra Pollution Control Board, Central Pollution Control Board, and Union Ministry of Environment. He is due to file a civil case against the BMC on Friday. He has filed the criminal case on grounds of their act of omission and negligence in respect of the Mithi river, which has resulted in deaths of more than 400 people due to flooding.

Somaiya declared at a press conference on

Thursday that he would also be filing a Public Interest Litigation (PIL) next week in the Mumbai High Court. Speaking to newsmen he said that following his complaint on January 23, 2003, the State Government had asked MMRDA to prepare action plan to remove the obstructions along the Mithi river. Somaiya stated that had the action plan been implemented then such havoc as of July 26 would not have been caused, resulting in loss of human life and property.

Somaiya added that he also raised the issue in the Lok Sabha in May 2003. The Centre had sent a 18-member high level team for inspection. Even the team had observed that in case of heavy rainfall and flooding, it could seriously affect the lives of nearly 10 lakh people.

However, the action plan which was supposed to have been implemented before the construction of

2004, was put in cold storage by the state government citing the elections in the state. Somaiya declared that the flow of the Mithi river since 2001 was blocked by systematic encroachments along the banks by illegal oil mixing and refinery units.



# मीठी नदी अतिक्रमण के खिलाफ याचिका

## चांद्रा-कुर्ला कॉम्प्लेक्स पुलिस स्टेशन में प्राथमिकी दर्ज

कांग्रेस संवाददाता

मुंबई. एकदिवसीय याचिका में मुंबई जल बोर्ड, इसकी जल-संचयन सुलभ हो गई है. राज्य सरकार अपनी असमर्थताओं के कारण हमलों की शिकार हो रही है, तो जन-निर्वाह दल खास की खास संघर्ष में जुट गए हैं.

भारत के पूर्व सांसद किरीट सोमैया मीठी नदी के किनारे हुए अतिक्रमण के खिलाफ आकाश उदर है, जिम्मेदारी को धर-दबोढ़ने के लिए मुंबई को चांद्रा-कुर्ला कॉम्प्लेक्स पुलिस स्टेशन में प्राथमिकी दर्ज कराई गई है. केंद्रीय पर्यावरण बोर्ड को वर्ष 2003 की रिपोर्ट को आधार बनाते हुए अतिक्रमण के लिए जिम्मेदारी पर भारतीय टैट सीलिंग की धारा 304 के तहत बर्खास्त की गयी है. सोमैया ने अपनी प्राथमिकी में मुख्यमंत्री किशनलाल देसायका तथा मुख्य सचिव सहित सभी संबंधितों को पारो किया है, लेकिन मुंबई नगर को इससे अलग रखा है. इस बारे में उन्होंने बर्खास्त दी है कि पर्यावरण बोर्ड की निष्पत्तियों को आधार बनाकर सरकार व उससे जुड़ी विभिन्न एजेंसियों के खिलाफ अपराधिक शिक्कापत्र की गई है.

यह भी संकेत करना प्रस्ताव को भी सुझाव को निश्चित नोटिस देने, सोमैया ने बताया है कि. अपने 7 दिन

के भीतर मीठी नदी को बचाने के लिए मुंबई जल न्यायपालिका में प्राथमिकी दाखिल होगी.

इस अलावा मीठी नदी में अतिक्रमण के कारण भारत में 12 लाख लोगों की दूध का आभाव कर-पड़ा है. मीठी नदी में बढ़ती अतिक्रमण व प्रदूषण को रोकने के लिए सोमैया की अर्शिल पर वर्ष 2003 में केंद्र की एक टीम मुंबई टी-एन आई थी. केंद्रीय पर्यावरण बोर्ड व पर्यावरण संरक्षण की इस टीम ने मीठी नदी में बढ़ती अतिक्रमण व प्रदूषण पर विचार व्यक्त करते हुए राज्य सरकार को नोटिस भी दिया था. सोमैया ने अर्शिल लक्ष्य कि नगर को राज्य व केंद्रीय संवेदनशील प्रतिनिधि बदलने की सरकार को जारी नोटिस अंटे करने में ताल दी गई. सोमैया के अनुसार चांद्रा-कुर्ला कॉम्प्लेक्स के पुलिस निरीक्षण दिवसीय ने मांगने की जांच का अंतराल दिया है.

सोमैया ने बताया कि मीठी नदी को जलान पर अतिक्रमण रोकने के लिए मुंबई नगर से कर्षण जिला परामर्श जियोकर है. केंद्रीय टीम की निष्पत्तियों को अनुसूची करना इसे भी पढ़ सकता है. टीम के सुझावों को बनाने में मदद होता तो भारत में 10 लाख लोगों की दूध का आभाव नहीं करना पड़ता.

# मिठी नदीच्या प्रकरणावरून मुख्यमंत्र्यांविरुद्ध ३०४ ची तक्रार

मुंबई, दि. ४ (प्रतिनिधी) - मिठी नदीच्या पात्रानुपारणी अतिक्रमणे हटविण्याचा मुंबई नगी आराखडा एकाच ठिकाणीचे घातून आणून २००२ सालीच तयार केलेला असतानाही अतिक्रमण तयारी अंमलबजावणी २ बरकरार राज्य सरकार समोर घडवून आणिलेले अतिक्रमणी अतिक्रमण नियंत्रण मंडळ ४०० नव्यांचा मुसुबाब बजावदार आलेले, असा आरोप प्रदेश भाजपा उपाध्यक्ष डॉ. विजयेंद्र सोमण्या यांनी केला आहे.

या निष्काळजीपणाबद्दल मुसुबाबरी, मुसुबाबरी, नगराधिकार अधिकार, मुंबई महानगर उपनगर विकास प्राधिकरणाचे उपाध्यक्ष, केंद्रीय तयार राज्य प्रमुख नियंत्रण मंडळाचे प्रमुख अति पक्षां बल अधिकार यांच्या विरुद्ध भारतीय संघटनसंघाच्या कार्या ३०४ अल्पचें राष्ट्रीय मनुष्यवाद्यांनी तक्रार त्यांची आज बारा-बुलां पोलिस अदालत दाखल केली. त्यावेळी फौजदारी पात्राधीपदते ते कोलत होते. या फौजदारी तक्रारीतच त्या मुंबई महानगरिका अनुसूच, नगरपालिका असा १४ नगरपालिका विभागीय नगरपालिका कार्यालय दोस्त व त्यांच्या अल्पचें मुंबई नदीच्या पात्रानुपारणी अतिक्रमण तक्रार करत.

असेल्ले सोमण्या यांनी स्पष्ट केले.

२००२ साली लागूद्वार असताना मिठी नदीपात्राधी अतिक्रमणे हटवून पात्राधी नदी वाढविण्यासाठी आणखी प्रयत्न केले होते. त्यावेळीपात्राधी तक्रार मुसुबाबरी, पात्राधीपात्राधी, प्रमुख नियंत्रण मंडळ बजावदार सर्वविभागीय केली होती. लोकसभेसाठी हा मुसुबाब आणखी उपस्थित केला होता असा पारदर्शनीय विजयेंद्र सोमण्या यांनी विधानसभे आणखी केली. या तक्रारी व दोस्त पत्रात, अतिक्रमणमुळे २० लाख नगराधिकार्यांची विविधता विविध झालेला घोषा तक्रार केंद्र केंद्रीय प्रमुख नियंत्रण मंडळाने ६४ जबाबी समिती या प्रकरणाच्या भीतीसाठी नियुक्ती केली होती अति या समितीने त्याकडतया अधिकार अदावलेली सादत केला होता. असेही त्यांनी सांगितले.

त्यामुळे या अतिक्रमणाच्या अनुपारणी विधानसभेची अतिक्रमणे हटवून ही स्पष्ट करणारे असेल्ले सर्वविध मिठीय मंडळांनी राज्य सरकार अति मुंबई महानगरिका अनुसूचाने केली होते. बरकरारी त्यांची तक्रार करणारे. या अतिक्रमण मुसुबाबरीपात्राधीने तक्रारी रफते देऊन

मुसुबाबरी नदी या मोहिमेचा एक वृत्ती आराखडा तयार केला, पात्राधीपात्रे पुनर्बाब वगैरे सर्व बाबी त्यात होत्या. पण आखत त्यामुळेने मुसुबाबरी बरकरारी झाली असतानाच तक्रार सोमण्या यांनी तीच तयार जवळ केला.

मिठी नदीच्या वाढवत आण भंगत साधनाचे कार्याने, वेळाने अति अन्य कडतया भौतिक प्रयत्नाने उपाय आले. त्याचे सगळे साधनाची या नदीच्या मोहिमे आहेत. त्यातच नदीच्या पात्राधी भाग्य टाकण्यात असताने असेल्ले ठिकठिकी ५० मुसुबाबरी हे पात्र अल्प १५-२० मुसुबाबरी झाले आहे, असे विधानसभे विजयेंद्र त्यांनी सांगितले. त्यामुळे या निष्काळजीपणाचा अति ४०० जबाब्या मुसुबाबरी राज्य राजसभे बजावदार आहे, असे त्यांनी स्पष्ट केले. हा भाग अतिक्रमण-पात्राच्या अदालतीत वेत असताने असेल्ले उपाय तयार केलीची फौजदारी तक्रार राज्य साधनांसिद्ध आहे पण त्याच्या विधानी तक्रारीत मात्र मुंबई महानगरिका अनुसूच, नगरपालिका याबाबी बजावदार आहे, असेही त्यांनी एका प्रकरणाच्या उदाहरण सांगितले. प्रसंगी ही तक्रार घेतून राज्यपालांकडे बाबकीची तक्रारी केली असतानाच ती तयारी आणखी नमुदत केले.



મીઠી નદીની સાફસફાઈમાં ઉદાસીનતા

# મહારાષ્ટ્ર સરકાર વિરુદ્ધ પોલીસમાં ફોજદારી ફરિયાદ

ભાસ્કર ન્યૂઝ • મુંબઈ, ૪ ઓગસ્ટ મીઠી નદીમાં સાકસકારીયા અભિયાને ચારેસો વ્યક્તિઓ થયેલાં મોટા ભદ્રક રાજ્ય સરકારની ઉદાસીનતાને કારણેનું રાજાવી ભારતીય જગતમાં જાણના અનુભવે સમગ્ર સભ્ય ક્રિસ્ટિ સોનિયાએ રાજ્યના મુખ્ય પ્રધાન, મુખ્ય સચિવ, નગર વિકાસ ખાતાના સચિવ, એમએમઆરટીએના ઉપમુખ સહિત આઠ જણ વિરુદ્ધ ભારતીય પોલીસ પંચાયત સ્ટેશનમાં આઈપીસીની કલમ ૩૦૨-૨(૧) ફોજદારી કરિયાદ નોંધાવી છે. કેન્દ્રના પોલીસને કન્ટ્રીલ ઓફ ટ્રાફિક ૨૦૦૩માં નિર્દેશ અપાયા છતાં રાજ્ય સરકારે મીઠી નદીની સાકસકારી માટે કોઈ પગલા લીધા નથી. રાજ્ય સરકારની ઉદાસીનતાને કારણે મધ્ય રાજ્યમાં મીઠી નદીને જામીને આવેલા વિસ્તારમાં ભારે પાણી ભરાઈ ગયા હતા. મિથાલાને કારણે ઘણાં પાણી ભરાયા થતા અને અન્ય યજમાનોને પગલે

૫૦ ઘોરમો વ્યક્તિના મોત થયાં હતાં. મીઠી નદી પરના અતિક્રમણ માટે કોલકતરની જવાબદારી ગણવામાં આવે છે. નદી એ કોલકતરની હાલુપરમાં આવતી હોય ત્યાં માટે મુંબઈની જવાબદાર ગણાવી શકાય નથી અને માટે જ પોતે કોલકતરની કોલકતરમાં મુંબઈ કોલકતરને ખાસત રખાયા. હોવાનું ક્રિસ્ટિ સોનિયાએ પત્રકારો સમક્ષ જાહેર કર્યાં હતાં. આ પત્રોમાં પોતે ટીકાની ઢાલો પણ માંગવાર છે. આ ઢાલોમાં મુંબઈ કોલકતરને આપવી છે. આ કારણે એરવોર્ટના રનવેની નીચેથી પણ મીઠી નદી વહેતી હોવાનો તેમણે ઢાલો કર્યો હતો. આને કારણે જ રનવે પર પાણી ભરાઈ જાય છે. સરકાર વિરુદ્ધ 'એક્ટ ઓફ ઓપિશન'ની કરિયાદ કરાઈ છે. સરકાર અને સરકારી અધિકારીઓ નિર્મૂલક અંગેથી જવાબદારી પરીપૂર્ણ કરવામાં નિષ્ફળ જાય તો તેમની વિરુદ્ધ મુનો કાયમ કડી કાયમ છે.



# Somaiya files criminal complaint against CM

Times News Network

Mumbai: The BJP's former MP Kirit Somaiya has filed a criminal complaint against chief minister Vilasrao Deshmukh, chief secretary R M Prvankumar and other officials, accusing them of culpable homicide not amounting to murder for their negligence which he claims, resulted in the deaths of hundreds of people in the recent floods. The complaint was lodged at the Bandra Kurla complex police station on Thursday.

However, Somaiya has not included municipal commissioner Johnny Joseph in his list of "guilty" persons.

The BJP controls the BMC along with the Shiv Sena, and a plaint against Joseph would have been embarrassing for the party. When asked why he did not hold the BMC responsible for the floods as well, Somaiya said that he would include Joseph in a civil complaint to be filed separately.

Somaiya said that for the past three years he had been urging the authorities to remove encroachments along the Mithi river and also put an end to the pollution of the river.

He circulated copies of his correspondence with various authorities to support his claim.

He said a river which was over 80 feet wide was reduced to 15 feet near Kalpana cinema and Air India colony as a result of which the airport was flooded. He said the Central Pollution Control Board had asked the local authorities several months ago to move in the matter but in vain.

"It was the job of the collector to remove encroachments, but he did not do anything. I had warned that if there was a flood, lakhs of people would be affected. But my warnings fell on deaf ears. Had the collector acted in time then Mumbai could have been spared of the tragedy," he said. He plans to follow up his complaint with a PIL.

# Inaction on choked river caused floods

By OUR CORRESPONDENT

Mumbai, Aug. 4: The government was warned in 2002 that the banks of the Mithi river were being encroached upon and action should be taken immediately. But it took no action to put rid of the encroachments.

A major cause for the flooding and cause of human casualties during the recent rains in Mumbai was

the overflowing of the Mithi river that flows through the city and could have been prevented by some timely action.

As per a report made public by BJP leader Kishan Somaya on Thursday, which was prepared by the General Pollution Control Board or CPCB and the Maharashtra Pollution Control Board or MPCB officials in 2003 after a request

was filed by Mr Somaya who was then a member of Parliament.

Mr Somaya filed an FIR at Bandra-Kurla police station on Thursday under section 304 of the Indian Penal Code for culpable homicide not amounting to murder against the chief minister and other authorities.

Mr Somaya has said that he will also be filing a PIL next week in the Bombay

high court against the CM and others. According to Mr Somaya the failure on the part of the authorities to act on the information they had was criminal and the river had been reduced to a stream on account of the illegal encroachments.

He added, "The MMRDA even took Rs. 16 crores as a consultancy fee to make a plan to deal with the encroachments but during

the 2004 elections, leaders like Hanub Malik and Naseem Khan made sure that no action was taken against any of the illegal units.

The report prepared by the CPCB and the MPCB officials who surveyed the creeks of the Mithi river states that there is a high degree of silt and liquid waste that is present in the river water. It also states that there are nearly 3,000 un-

themed industrial units along the river that have been dumping industrial waste into the river. The report also specified that there was a need for a time bound action plan that should be implemented by the various planning authorities like the BMC, the collector's office and Mumbai Metropolitan Regional Development Authority or MMRDA and the MPCB

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MITHI RIVER

