



# NAGRIK CHETNA MANCH

## नागरिक चेतना मंच

Societies Registration Act, 1860-Mah/6199-91/Pune-17/12/1991, Bombay Public Trusts Act, 1950-P 7352(Pune)-24/02/1992, Eligible for benefit u/s 80G of IT Act 1961

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### **Profile - Nagrik Chetna Manch**

#### **The Origin**

Nagrik Chetna Manch was launched on August 15, 1991. It is registered under the Societies Registration Act, 1860 vide certificate number Maharashtra/6199-91 dated 17 December 1991 and under the Bombay Public Trusts Act, 1960 vide certificate number F-7352 (Pune) dated 24 February 1992.

Nagrik Chetna Manch is a non-political organisation, open to all citizens and not affiliated to any political party. The Manch seeks issue-based support from the media and the public and networks with other like-minded NGOs to lend force to issues that the Manch takes up. The Manch largely comprises of senior company executives, professionals, social workers, retired defence officers and civil servants, etc who do not have any political affiliation.

The founder President was Late Lt. Gen. Y. D. Sahasrabudhe, Retd. Late Mr. M. G. Katre and Late Ms. Sarla Datar succeeded Lt. Gen. Sahasrabudhe. Each of the above had three-year tenures. Maj. Gen. S. C. N. Jatar, Retd is now in his fifth term.

#### **Our Mission**

To inculcate thrift and scrupulous behaviour at various levels, and to bring transparency in governance by functioning as an active pressure group and conscience-keeper.

#### **Our Objectives**

1. To bring transparency in governance and eradicate corruption by using the RTI Act extensively.
2. To take steps to ensure that the citizens have good mobility, basic water supply, proper management/handling of MSW, good health and clean environment.
3. To improve the quality of life of every citizen.
4. To prevent wasteful expenditure in society – both public & private – at the local and national levels.

#### **The Strategy**

1. To be assiduously apolitical.
2. To build a membership of experienced senior corporate executives, professionals, social workers, retired defence officers & civil servants, etc. with a good record and public orientation.
3. To ensure that all proposals taken up by the Manch are within the four corners of the law and are ethical.
4. To carry out detailed studies on every issue that the Manch takes up to

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understand its social, political, technical, economic and financial implications.

5. To use any or all means - be it arbitration, negotiation, lobbying, activism, pressure group, courts etc. - to deliver on the purpose of the Manch.

6. To seek the co-operation of like-minded persons & organizations (including the media) to lend force to issues that the Manch addresses.

7. To act as catalysts with other NGOs for implementation of our Mission.

8. To raise the level of awareness / affirmative action by the public at large on matters that affect the long-term quality of human life & welfare.

9. To ensure a safe, clean, green, hygienic environment within the country and more particularly under PMC & PCMC jurisdiction.

### **Overall Image of the Manch**

An institution that has a positive outlook is ethical and does not support policies that obstruct growth and development.

### **Forecast of Projects for 2015-16 and 2016-17**

#### **National**

1. UID Aadhaar Card

#### **Pune**

2. Public Transport, BRTS and Metro.

3. Municipal Solid Waste Management and Handling.

4. Water supply.

5. Development Plan, City Development Plan and Regional Plan.

6. Protection and preservation of trees.

7. Flyovers as per IRC specifications, laws in force and industry practices.

8. Public Interest Litigations, Writ Petitions, Regular Civil and Criminal Suits, applications to NGT etc. concerning TDR, BB-Paud Road, Flyovers, Kondhwa RF, Study Tours by councillors, BRTS and Tree Authority.

### **Activities, Achievements & Impact**

#### ➤ **Comprehensive Transport Policy**

The Manch has played a proactive role in finalising the note on Comprehensive Transport Policy for Pune Municipal Corporation. One member of the Manch was a member of the committee for its preparation. The General Body of PMC has approved the policy document.

#### ➤ **Traffic Advisory Committee of Pune Police**

The Manch has representation on the Traffic Advisory Committee of Pune Police. As well as the committee formed by RTO.

#### ➤ **Comprehensive Mobility Plan**

The Manch is also part of a committee formed by the PMC for preparing a comprehensive mobility plan (CMP) for PMR. Wilbur Smith Associates has prepared the CMP on behalf of IL&FS. After WSA finalised the CMP, the GB formed a committee in 2008 of a member each from the representative political parties

to consider it, which failed to do so. The Commissioner then again placed the policy document before the general body of the PMC for approval in 2012 and the GB approved it in May 2012 with a proviso that all projects sanctioned by the GB would form part of the CMP. NCM views this as a negation of the CMP prepared by world-renowned experts and considers that there is no clear approval to the CMP.

➤ Steering Committee for Preparation of Development Plan 2007

A member from the Manch is on the steering committee for preparation of Development Plan 2007 and is the convenor of its traffic & transportation sub-committee. The PMC is yet to finalise the DP. NCM had recommended that the draft DP be scrapped because it had not followed the laws of the land but mostly catered to the requirements of various lobbies with active connivance of councillors. The State Government has now cancelled the DP and a formed a Committee to finalise it. The PMC is in the process of challenging the decision of the State Government in High Court.

➤ Road & Traffic Management Committee of MCCIA

The Manch was represented on the Road & Traffic Management Committee of the Maharashtra Chamber of Commerce, Industry and Agriculture (MCCIA).

➤ Encroachments & Unauthorised structures

The Manch has actively taken up with the PMC the question of encroachments on front margins / footpaths / pavements and unauthorised constructions. The Manch brought to the notice of the Municipal Commissioner the existence of a circular issued by the PMC in February 2001, which indirectly granted extra FSI to the builders and allowed encroachments on footpaths / pavements by allowing construction of ottas in front of commercial shops. The PMC has cancelled the circular. The PMC has put the list of unauthorised constructions on its website at [www.punecorporation.org](http://www.punecorporation.org) although it requires updating. The Manch is continuously monitoring the removal of encroachments and unauthorised constructions. However, there is need for the Manch to take up this issue more vigorously.

➤ People's Commission of Enquiry (PCI)

The then Municipal Commissioner, Shri Mahesh Zagade had put up a proposal to the Standing Committee dated 23 June 2010 to appoint a committee headed by a retired judge of the High Court with senior retired IAS officer as a member. The committee was to inquire into the encroachments, unauthorised constructions, occupation without occupation certificates, diverting the natural watercourses etc. to pin point the responsibility and then to suggest ways to ensure that such occurrences do not recur. As the Standing Committee failed to take any decision, the Manch along with Surajya Sangharsh Samiti approached Justice P. B. Sawant (Retd) formerly of the Supreme Court, to head a People's Commission of Inquiry (PCI). He readily agreed and desired to work without any remuneration. We thus launched the Pune PCI on 15 October 2010. The PCI followed all the norms and principles governing an official Public Commission of Inquiry and forwarded the findings to Pune Municipal Corporation for action. PCI completed the hearings for 22 complaints from 16 to 18 March 2011 and from 8 to 10 June 2011. PCI

completed the process from 16-20 August 2011, hearings of 9 matters. There were very few complainants who wanted to see through an issue till its end. Two of the major complainants have now changed their mobile numbers without informing us with the result that we are no longer in contact with them. The complainants expect NCM to pursue the cases, which we do not do on principle.

A few complainants appear to have compromised with the PMC as they have suddenly lost interest in pursuing the matters. There were two cases where PMC had agreed to give us information but stopped short because there was change in PMC Commissioner. We processed these and all other cases where Justice P. B. Sawant has passed judgments and PMC was to take action by using the RTI Act. There was partial success.

➤ Occupation without completion or occupation certificate

As for unauthorised constructions and occupation of buildings without completion or occupation certificates, the main culprit is MSEDCL. It is axiomatic that there can be no occupation without electricity. There are two types of unauthorised constructions:

a. In old buildings where additional construction is done, the citizen applies for assessment of property tax even before obtaining completion certificate or occupying the premises. PMC readily does so because it is in need of revenue. Further, charging property tax even for unauthorised buildings is legal as per a High Court judgment. Once the citizen obtains tax payment certificate, he or she applies for electricity connection. As per the Electricity Rules, MSEDCL has to verify that the premises are occupied before giving the connection. Instead of demanding occupation certificate, the MSEDCL relies on tax payment receipt and gives electric connection. The citizen moves in and is not concerned with obtaining completion or occupation certificate anymore and is free to build as much unauthorised construction as he or she possibly can.

b. In the case of new construction (e.g. housing complexes), the developer applies for charging the meters once he obtains part completion for a few apartments that he has constructed in full. At the commencement of construction, the developer has assessed the requirement of basic electrical infrastructure (sub-station, meter boards etc.) from MSEDCL, which developer completes along with before completing construction of apartments. After obtaining part completions for a few apartments, the developer applies to the MSEDCL to charge all electric meters in the complex, even those that do not have completion certificates. MSEDCL obliges. Thus the developer is free to resort to all kinds of unauthorised acts because the citizens move in half completed or illegally built flats, as there is electricity provision.

c. Justice Sawant too has ruled in our favour. We had approached MERC earlier but lost the case. There appears to be realisation amongst the authorities that the main culprits are the urban local bodies and MSEDCL. There are moves within the government in this regard. The Manch is satisfied that we have made the

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authorities aware of this malaise. Recently, the High Court, in its judgment in WP No. 829 of 2013, has reiterated that it is illegal to move into a building without an occupation certificate.

➤ Misuse of official vehicles

Nagrik Chetna Manch succeeded in prevailing upon the Commissioner to curb misuse of official vehicles, especially outstation to places of tourist/religious interests by the councillors. Accordingly, the Commissioner issued a circular that a councillor may visit places outside PMC area only on written approval by the Mayor/Commissioner, failing which the administration would initiate disciplinary action against employees concerned who have permitted the vehicles to proceed outside PMC limits. Thus, Nagrik Chetna Manch succeeded in enabling the recovery of close to Rs. 75 Lakhs as dues from the councillors. The Manch continues to pressurise the PMC in this regard.

➤ Right to Information Act 2005

The Manch acts as a pressure group by continuously invoking the Right to Information Act, 2005 to get information and take up public interest litigations, where necessary. E.g. on expenses connected with official cars, holiday tours undertaken under the guise of study tours, construction of environmentally harmful Bal Bharati-Paud Road, misuse of transfer of development rights at Kothrud, unauthorised constructions and encroachments, conversion of forest land into residential without authority, construction of flyovers without proper justification, direct and indirect compulsion for Aadhaar card, lapses in implementation of BRTs according to accepted concepts & features, installation of information boards on public work sites, etc.

➤ Information Boards on Public Sites

The Manch has vigorously taken up the issue that all PMC's departments, it's contractors; third parties who are issued work order must adhere to installing information boards as part of dissemination of relevant information of on-going works at public sites. These boards should display title of project, start & end date, name & contact of contractor, as well as name & contact of supervising PMC officer. After much follow-up, it was agreed by the PMC Additional Municipal Commissioner on 14<sup>th</sup> November 2014 that instructions would be passed to concerned departments. Yet again after prolonged follow-up with Road Department, this important point was incorporated in the work order. It was followed by the contractors and third parties for just one month, after which it stopped when rampant digging was on-going before end of financial year 31<sup>st</sup> March 2015. Another issue which the Manch has taken up that there should be a single window created in PMC for this purpose of application for digging by third parties as well as PMC departments themselves. And necessary approval of the same. This would result in weeding out of unauthorized digging which is making a huge dent in public exchequer. Our efforts on this will be on-going until a positive solution is found.

❖ Bus Rapid Transport System

The Manch has been at the forefront of a relentless follow-up on the BRTS transport issue since 2006 when the BRT Pilot Project was being mooted. The Manch has

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supported the network of a qualitative and efficient public transport system. However, we have insisted on execution & implementation of the same according to accepted concepts and features of BRTS. The Pilot project is an abject failure today, with PMC cannibalising the median BRT meant for public transport (at the cost of Rs. 130 crores), by making way for flyovers & grade-separator for private transport (at a projected budget of plus Rs. 200 crores).

PMC not being satisfied with just one failure of the Pilot BRT Project, took up another one on the Nagar Road-Sangamwadi-Vishrantwadi corridor at the cost of about ₹ 1100 crores. This too has been followed up relentlessly after receiving almost 10,000 documents from JnNURM department PMC, UDD Maharashtra & Ministry of Urban Development, all through RTI applications over two years. The Manch has also sent an application for constitution of an enquiry commission to probe into irregularities, mismanagement, misuse and delay in project completion. And to bring to book those found guilty of negligence and dereliction.

➤ Brief to NITI Aayog on PMC's SWM model

In the backdrop of PMC's presentation to NITI Aayog on "Motivating citizens and administration for zero waste cities : the case of Pune, NCM sent a detailed analysis to counter PMC's unsubstantiated claims. PMC does not practise 'zero waste' or the basic principal of "Avoid, Reduce, Reuse, Recycle, Recover, Treat and Dispose" both of which are simple to enforce with minimal costs. Unfortunately PMC resorts to high cost projects which ultimately do not work for the purpose they were installed.

➤ Brief on Restriction on use of plastic in the packaging industry to NGT

As part of an ongoing hearing with NGT New Delhi, NCM sent a comprehensive paper to support the application on prohibition on the use of plastic packaging in non-essential items.

➔ For details refer to NCM's recommendations, papers, correspondence & opinions in the press on the NCM link under related subjects).

### Court Cases

❖ Municipal Court SCS 1/2005 & RCS 772/05

The Manch has pending court cases regarding unauthorised 'study' tours of the members of PMC Child Welfare & Women's Committee (1/2005 Municipal Court) and the Tree Authority (772/05 Municipal Court) to recover from the members the costs because the amount for such unauthorised trips is from public funds. The District Court has dismissed the appeal filed by the Municipal Corporation on 3 April 2008 that the Municipal Court is not competent to hear the SCS 1/2005. The 'pleasure' trips by the councillors have now stopped due to NCM's pending court cases.

❖ High Court WP 3189/2011

However, the PMC/GoM waited for almost a year more asking for dates from the municipal court before filing a writ petition in the High Court for squashing the order of the District Court in Criminal WP 3189/2009. The matter was on the board of the High Court on

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18/11/2011 but it was not heard. No new date has been posted since. As per the regulations of the High Court, the petitioner is to give a copy of his petition to the defendant. The petitioner has not given us a copy in spite of two summonses that were received by us. This is typical of our bureaucracy to delay justice.

❖ High Court PIL 127 of 2006

The Manch filed a PIL (127/06) against the PMC for irregular grant of TDR for 36100 sq. ft. amounting to about Rs. 80 Crores on 20 September 2006. The High Court has admitted the our PIL. The Manch has succeeded in ensuring that the PMC approves the launching of prosecution against six public servants from the PMC and carries out departmental inquiries, which is a basic right of the employee. The Manch was able to access the original ACB report in which the senior officers were also held responsible and the Manch is now assisting its counsel to argue before the Hon'ble High Court that the irregularity could not have happened without the active collusion of senior officers in the PMC and that the Hon'ble High Court should pass appropriate orders in the matter. The last date of hearing was 17 March 2014.

❖ High Court PIL 156/06

Nagrik Chetna Manch has succeeded in obtaining a stay from Bombay High Court on the construction of Bal Bharati-Paud Road in its PIL (156/06) launched on 20 November 2006. The Municipal Corporation requested the Manch to discuss the issue rather than continue with the court case.

Accordingly, an expert committee with members from the Manch and other institutions (Parisar, Gomukh, Pedestrians FIRST and CDSA) along with the officers concerned from the PMC (Road, Traffic and Garden Departments) with the Manch President as the Chair submitted its report on 10 October 2007. The major recommendations were that the PMC should carry out environmental impact assessment and establish its necessity by traffic studies and working out the ERR/IRR. In the hearing on 28 February 2008, the Hon'ble Bombay HC took on record the report of the above committee. The PMC entered into an agreement with Shrishti Eco-Research Institute, Pune. Shrishti submitted its report in May 2010. In sum, the Report recommends building of the Road provided no construction activity takes place along side it for 100 years by legislative mandate. We had major reservations about the manner in which Shrishti has prepared the report and submitted our comments to the PMC. The PMC convened a meeting of the Expert Committee on 18 January 2011. The EC was of the unanimous view that the Report did not keep the basic objective of the Survey/Study in view and the report is thus not acceptable to the EC. The EC unanimously decided that the failure to deliver on the part of SERI in spite of detailed discussions with the institution prior to the survey calls for strict action and termination of contract. However, the EC desired to give SERI one more chance to correct all the anomalies in the Report and submit a revised report. Meanwhile, the PMC placed the same report on its website sometime in early February 2013 but changed its date to 'August 2012'. We immediately contacted the Additional City Engineer (Roads) and convened the meeting, which the EC discussed. The recommendation of the NGO members was that the mitigation measures such as a legislation for no encroachment, no construction etc. for 100 years, a public audit during construction and operational phases etc. clearly showed that the Road is not environmentally viable and hence it should be scrapped. The Additional City Engineer, in connivance with the Director of Shrishti, then changed the report mainly diluting the mitigation measures and placed the

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amended copy of the Report on PMC website recommending the construction of the Road. PMC, however, slipped in not changing the date of 'August 2012'. Thus there are two reports from Shrishti with same date but diametrically opposite recommendations. During the hearing on 19/03/13, NCM took the stand that both Shrishti and the Additional City Engineer (Roads) should not now have to do anything with this project because of making devious and underhand changes possibly under pressure from vested interests because the land along this road is privately owned by some developers of Pune. As per the order of the Hon'ble High court dated 21 November 2014, "If pending the petition, the Municipal Corporation is permitted to construct 100 feet wide road through the hill known as Law College Hill from Paud Road to Balbharati gate, the very object of admitting the petition will be frustrated. There is a material on record to show that the hill has been afforested. The Pune Municipal Corporation has passed a resolution for constructing the 100 ft. wide road through the said hill from Paud Road to Balbharati Gate. Thus, in effect the Municipal Corporation wants to carry on construction by cutting or pulling down the trees forming part of a green cover. Therefore, the ad interim relief granted deserves to be continued. Accordingly, we direct that the ad-interim relief granted earlier shall operate as interim relief."

❖ Supreme Court IA 2079 of 2007

The Manch filed an Interlocutory Application in the Supreme Court on 3 October 2007 in the Writ Petition (Civil) 202 of 1995 by IA No. 2079 / 2080 to restrain Richie Rich Cooperative Housing Society from carrying out any construction and non-forest activity on the land notified as reserved forest in Survey No. 21 (old 20) in District Pune. The land admeasures about 29 acres with its current value after development at over Rs. 1000 Crores. The Supreme Court heard the case on 23 November 2007 and ordered issuance of notice and for Central Empowered Committee (CEC) to conduct inspection and submit its report. The CEC heard the case on 16 January 2008. During the hearing, the Nodal Officer Maharashtra Forest Department informed that the area in question is a notified forest area and the Government never de-reserved or diverted it for non-forestry purposes. It issued a letter on 21 February 2008 strongly advising the Chief Secretary, Maharashtra to stop immediately the non-forest activity going on in violation of the provisions of the Forest (Conversation) Act, 1980 and the Hon'ble Supreme Court order dated 12.12.96. The CEC also said that there would be a site visit. The status of the case is as follows:

- The Manch immediately sent a letter on 25 February 2008 (by name) to the Chief Secretary, Pune Divisional Commissioner, Pune District Collector and Commissioner PMC to stop the construction activity at the site in view of the CEC letter. The PMC issued a 'stop-work' notice on 5 March 2008 after personal intervention of the President. As the work continued, the Manch informed City Engineer accordingly on 14 March 2008. On the same day, the City Engineer lodged a complaint with the Police Sub Inspector Kondhwa Budruk Police Station and informed the Assistant Police Commissioner to ensure that the work stops on 18 March 2008. The work then stopped.
- The CEC appointed Shri J. N. Saxena, former Principal CCF of Maharashtra as its invitee. Shri Saxena carried out discussions with the Revenue and Forest authorities in Pune and inspection of the site on 31 March and 1 April 2008. Both Mr. Saxena and later the CEC fully supported the contention of the Manch. The Supreme Court in its order dated 8 May 2009 appointed Shri E. N. Rammohan, IPS and Director General of B.S.F. (Retd.) as the one

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Member S.I.T. The Supreme Court formed the SIT to examine details of reserved forest under the administrative control of the revenue department in Pune, which the department has allotted/allowed for use in the past without obtaining approval under the Forest Conservation Act, 1980.

- The Supreme Court allowed Mr. Rammohan, to take the assistance of any person he desires and call for any documents/records or seek personal assistance of the concerned State Officer/State functionary in discharge of the duties. The Supreme Court asked the Special Investigating Team (SIT) to file its report for Pune Division preferably within a period of four months but the SIT has failed to do so.

- The matter came up for hearing before the Special Forest Bench of the Supreme Court on 5 February 2009. The bench comprises Chief Justice K G Balakrishnan and Justices S H Kapadia and Aftab Alam. The Bench discontinued the SIT (headed by E. N. Rammohan, former DG BSF) constituted by it on 8 May 200 and constituted a new SIT. Mr. Rammohan, some how never initiated the process. The Bench then heard the matter pertaining to 29 acres of reserved forestland at Kondhwa wherein advocate Harish Salve (amicus curie) started his arguments in the case by reading out parts of the CEC report. Harish Salve mentioned that the matter involved land worth more than one lakh crores and that in blatant violation of the Forest (Conservation) Act, 1980; the State Government de-reserved the land for the housing project. One of the queries raised by the bench was the possibility of imposition of Net Present Value for the diverted forestland. The matter remained part heard. While the matter was on board on 5 and 12 November, the Bench did not hear it due to lack of time.

- Meanwhile, Mr. P. V. Jayakrishnan, Chair CEC, Mr. M. K. Jiwrajka, Member Secretary CEC and Mr. A. D. N. Rao, Learned Amicus Curiae carried out a site visit from 25 to 27 May 2010 and submitted its report after due discussions with the officials of Maharashtra Government. The report pertains to 5 acres of reserved forest in Survey No. 11A (old 10A) in Village Undri, Taluka Haveli, District Pune and the subsequent permission granted to sell the land to Greenfield Cooperative Housing Society Ltd. The CEC reiterated its recommendations in PIL 2079/2080 launched by Nagrik Chetna Manch to restore the land as forest and launch criminal prosecution against senior functionaries and officials responsible for this lapse. The CEC considered a number of other cases involving use of reserved forest / forest forests. The CEC has filed separate reports in these cases.

- As mentioned earlier the Supreme Court admitted our PIL and asked the Central Empowered Committee to investigate. CEC's report was in our favour. Based on the CEC's report, the SC ordered status quo in 2008. The last hearing took place on 19/03/2010.

❖ High Court PIL 73/2010

The Manch has launched, along with Parisar, a PIL (73/2010) in the Bombay High Court against indiscriminate construction of flyovers in Pune without carrying out studies mandated by the Indian Roads Congress and without catering for them in the Development Plan. The DPRs are mostly fabricated. PMC has approved construction of a 2-tier flyover at COEP junction at a cost of over Rs. 100 crores. NCM studied the detailed project report and found that the consultant had fudged traffic counts. We have therefore filed an amendment to the

original PIL. The High Court has allowed the amendment. Hearings have since taken place and our first prayer of interim injunction has not yet been granted on heritage grounds. However, we have filed our plea and have every hope of getting an interim injunction because of the huge waste of public funds.

❖ High Court CP no. 610 of 410

The Manch filed a CP (610/2014) against the PMC for having disobeyed the orders passed on 20 September 2013 in PIL no. 93 of 2009 in the matter of constitution of a Tree Authority and appointment of a Tree Officer in line with directions given by the Court. NCM has prayed that the Respondent be held guilty of civil Contempt of Court to be punished / fined accordingly. The matter was heard on 1 December 2014. There were four hearings after that with the last one on 13 August 2015. The PMC has yet to file its say in the matter.

❖ High Court PIL no. 70 of 2014 Affidavit no. 7711 of 2015 and CA 22586 of 2015

The Manch sent a detailed analysis of the data with regards to Municipal Solid Waste Management to the High Court to reach it for consideration on the ongoing PIL no. 70 of 2014. To this were added photographs and news articles to request Bombay HC to allow *sou mou* intervention. This detailed brief reached the date of hearing i.e. 8 July 2015. In its order of 8<sup>th</sup> July 2015, the Hon. Bench has stated "the data which is sought to be placed on record by the said Nagrik Chetna Manch appears to be useful. A prayer is made in the letter for allowing intervention by the said institute. We direct the Registry to issue a notice to the President of NCM ... A notice shall also be issued by E-mail to the Secretary of the said institute". NCM appeared and deposed on 4<sup>th</sup> Aug 2015 as directed by the Hon'ble High Court and submitted an affidavit no. 7711 on 20<sup>th</sup> Aug 2015 on the next date. On the same day, the Manch also filed a Civil Application with stamp no. is 22586 of 2015 which was admitted immediately.

❖ Competition Commission of India, New Delhi

Nagrik Chetna Manch on the issue of bid rigging, scrutinised tenders numbers 34, 35, 44, 62 and 63 of 2014 opened by PMC. The tenders are for "provision of machines for processing of SWM in the Ward itself and producing manure by the micro-organic process within 24 hours". Prima facie, there is violation of the Competition Act and Prevention of Corruption Act in the above tenders. The Manch wrote to the Mayor and the members of the Standing Committee demanding that the tenders be cancelled forthwith, officers who have dealt with these tenders be posted to other posts, re-tender the bids with new terms and conditions and take action against the officers concerned. The Manch also recommended to the Competition Commission of India for an inquiry. The serious issue in this case is that two companies having the same address have quoted for the tenders. One company has given its income tax return while the owner has given his IT return for the other company. It was suspected that one person owns both the companies. In all the five tenders, one company Ecoman has got tenders worth over ₹. 16 Crores. NCM noticed from the PMC's website that those not technically suitable have been qualified. Wholesalers in medicines or distributors in steel and cement pipes have been qualified technically. Other errors are: quoting for the wrong capacity of the machine, not having LBT, quoting for the wrong ward, not having relevant experience, etc. Two or more companies have made the same mistakes and quoted the same model. It is clear that the above deviations have been created to eliminate competition. That is why the Manch has alleged that there is violation of the The Competition Act and Prevention of Corruption Act, 1988. The Manch has appeared for the hearing in New Delhi on 5<sup>th</sup> August 2015. The order is awaited.

❖ Supreme Court PIL 932 of 2013

The Manch has taken up with the Supreme Court the matter regarding scrapping of Aadhaar number as it affects personal liberty, compromises security, opens up avenues for siphoning of money etc. Our plaint has been tagged along with other petitions. The SC granted an interim stay on 23 September 2013, "In the meanwhile, no person should suffer for not getting the Aadhaar card in spite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar number voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant." As there was no further progress, we filed a civil application with prayers in brief as follows:

- (i) Direct that all money transfers through any Aadhaar Based Payment Systems and accounts opened with Aadhaar number as the sole KYC be suspended.
- (ii) Direct that no individual, organization or ministry may cause or be caused to link the Aadhaar number or the UID framework, with their own information or databases etc. or for any transactions including but not restricted to money transfers and loans.
- (iii) Direct that all bank accounts opened with the UID/Aadhaar number as the sole KYC be frozen pending verification and audit by the CAG.
- (iv) Direct that all electoral rolls prepared with the UID/Aadhaar numbers as proof of identity etc. be revised intensively as per Electors Rules 1960.
- (v) Issue an order to stay the compilation of the National Population Register.
- (vi) Restrain the Respondents from any further expenditure of public funds on the UID/Aadhaar numbers.
- (vii) Direct to appoint independent bodies/agencies to investigate, etc. the action taken by the Respondents in this regard. The Manch has also filed for early hearing of the case.

Hearing on the main and tagged PILs including NCM's WP no. 932 of 2013 started on a very positive note from 21<sup>st</sup> July 2015 with the constitutional bench hearing it for about 3 days per week since then. In it's order of 11<sup>th</sup> Aug 2015, the Hon'ble has referred the issue of privacy to a larger bench. Meantime following has been ordered "

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;
3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;
4. The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by by a Court for the purpose of criminal investigation."

❖ Supreme Court CP no. 21656 of 2015

The Manch filed a Contempt Petition on 6<sup>th</sup> July 2015 initiating proceedings for committing civil contempt of the Hon'ble Supreme Court by violating it's interim orders dated 23.09.2013 and 16.03.2015 in Writ Petition (Civil) 494 of 2012 and dated 24.02.2014 in Special Leave Petition (Criminal) 2524 of 2014. The contemnors are (1) Pradeep Kumar Sinha, Cabinet Secretary, Union of India, (2) Swadheen S Kshatriya, Chief Secretary Government of Maharashtra, (3) Raghuram Rajan, Governor, Reserve Bank of India (4) Nasim Zaidi, Chief

Election Commissioner, Election Commission of India. This was after the Manch noticed that there was a spurt of directives in the last few months by both the Central and State governments violating the orders of the Supreme Court by mandating linkages of benefits to the possession of Aadhaar number.

So far, the Manch has had good success in its court cases.

### **Discussions & Interactions**

The Manch has been inviting the Commissioners of Police and of PMC every year to address the members. The functions have always evoked excellent response. We have not called the past few municipal commissioners because of lack of response from them towards NGOs.

- On 12<sup>th</sup> June 2015, the Manch arranged a presentation by Prof. Pratap Rawal, a highly qualified Town Planner who research areas cover Sustainability, Urban & Regional Development, Planning and Infrastructure as well as Strategic Environmental Assessment. He proceeded to de-mystify the crisis in Pune's Draft Development Plan 2007-2027 and the way forward.

- NCM organised an interaction with Mr. Satish Mathur, Police Commissioner on 12<sup>th</sup> November 2014. Mr. Sarang Awad, DCP Traffic and Mr. Solunke, Additional CP Crime accompanied him. Discussion covered traffic issues, security issues, methods to decrease crime figures, training of police personnel amongst wide ranging topics.

- The Manch organised a Panel Discussion on the Garbage Conundrum on 4 August 2012. There was representation from PMC, MPCB and Ranjai (a NGO). The discussion was very lively. There was marginal improvement in the working of the PMC towards segregating the garbage at source as per the orders of the Central and State Governments and the Supreme Court. It was the best-attended events of the Manch with an attendance of over 250 persons. We have been monitoring the implementation of MSW Management and Handling Rules, 2000 and find that there is much to be desired. PMC has set up plants, which accept mixed garbage with the result that there is no incentive either to the citizens to segregate garbage at source as per existing instructions or for the PMC to implement segregation. The result is that mixed garbage is being used and the by products mainly Refuse Derived Fuel (RDF) and manure, both of which are contaminated. This is because PMC is not ensuring segregation of even hazardous materials from MSW (Municipal Solid Waste). Both major plants of PMC (Hanjer and Rochem) suffer from this drawback. Rochem is worse because it is located within 100 meters of residential area and has not been planned as an integral part of the landfill site as mandated in the MSW M&H Rules, 2000. The Manch has handed over the matter of illegalities in Rochem plant causing a loss to the PMC of over ₹. 10 crores so far. The main illegality is that the plants do not have 'consent under the Air Act and the Water Act. Further, the PMC pays ₹ 300 or more per tonne of MSW accepted by the private parties. This is where all the trouble lies because PMC's incentive is not to segregate at source so that the private parties get more MSW and hence more the so-called 'tipping fee'.

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- Mr. Abhay Firodia addressed NCM members on 11 August 2011 on Jan Lokpal Bill and Anna Hazare movement.
- The Manch organised a panel discussion on “24/7 water – a myth or a reality” on 7 June 2012. It was a very live issue and the audience gathered in large numbers, interacted profusely with the panel members.
- The Manch organised a seminar on “Ethics and Values towards Good Governance” on 30 March 2008. It was one of the best-attended events of the Manch with an attendance of over 220 persons.
- The Manch conducted a workshop in September 2001 for the engineers of PMC on construction and repairs of roads including the norms for speed breakers etc.
- The Manch conducted a seminar on Earthquake Relief & Rescue Plan on 4 March 2001.

### **Current Membership**

Currently the Manch has a membership of 100, out of which 92 are life members. Updating for additions is an on-going process.

### **Managing Committee**

The Managing Committee as on 04 March 2015 comprises the following:

- Maj. Gen. S. C. N. Jatar (Retd), President
- Mr. B. D. Sharma, Secretary General
- Ms. Qaneez Sukhrani, Secretary
- Ms. Roda Mehta, Treasurer
- Mr. Kersee Kabraji, Member
- Lt. Gen. Amit Mukherjee (Retd), Member
- Col. B. F. Choudhari (Retd), Member
- Mr. P. C. Jain, Member
- Gp. Capt. S. R. Purandare (Retd), Member
- Col. Jayant Nadkarni (Retd), Member
- Dr. Anupam Saraph, Member

**Updated 31 Aug 2015**