

# Mumbai Meri Jaan



**Forward This To All - And All Forward - Together**



**Editorial**

## Supreme Court and Electoral Reforms

The criminalisation of politics has been a matter of great concern, particularly in the last two decades. Critically examine how both the Supreme Court and the Election Commission of India are becoming instrumental in cleaning politics.

In 2002 the SC made sworn affidavits necessary giving details of qualifications, assets and liabilities and criminal records if any.

In 2013 the SC debarred for 6 years, candidates convicted for 2 years and more from standing for elections.

In 2014 the SC made it compulsory to add NOTA in EVMs.

In 2018 the Supreme Court made it compulsory to include "the source of Income" in affidavits.

What the lawmakers and the government avoided the SC did to ensure an "Informed Choice" for voters.

**MMJ**

## Who will pay for losses incurred due to recent bandh?

**Raju Vernekar**

The Mumbai police have estimated the loss incurred due to the bandh in the city, following clashes in Bhima Koregaon village in Pune, cost the city Rs. 88 lakhs. The violent incidents occurred during the bi-centenary celebration of the battle between Dalits and Peshwas.

According to well-placed sources, the police have prepared a report taking stock of the loss, including the vehicles damaged, during the bandh on January 2 and 3 in Mumbai and its adjoining areas. The violence had sparked off protests in various parts of the state, including Mumbai where protesters had staged a 'rail roko' in suburban Chembur.

In all 674 vehicles were damaged. They included 263



BEST buses, 171 ST buses, 3 police wireless vans and nearly 240 private vehicles. The report prepared by the police is expected to be submitted to the suburban district collector to recover the loss from the organizers of the bandh. In addition, the state has reported a loss of revenue to the tune of Rs. 1.70 crore. Besides the railways lost Rs 3.40 crore due to disruption of services.

It may be recalled that Bharipa Bahujan Mahasangh (BBM) President Prakash Ambedkar, on January 2, had called for a Maharashtra bandh on January 3, as a protest against the state government's alleged

**contd. on Page 4**

## SC push for electoral reforms - source of income a must

*The landmark order is intended to bring in more transparency in the poll process and comes ahead of elections scheduled in various states. So far, candidates only needed to reveal their income, not the sources.*

Candidates contesting polls will now have to disclose their sources of income and that of their family members. The Supreme Court allowed a petition filed by NGO Lok Prahari which sought a direction to this effect. The landmark order is intended to bring in more transparency in the poll process and comes ahead of elections scheduled in several states. So far, candidates only needed to reveal their income, not the sources.

S N Shukla, the general secretary of the NGO, had contended that candidates while filing their nomination papers, declare their assets, assets of their spouse, children and other dependents, but do not reveal the sources of income. He sought a direction to include a column in the nomination form to list details of a candidate's sources of income.

During the hearing, the Central Board of Direct Taxes had told the court in an affidavit that a "prima facie verification" of election affidavits of MPs and MLAs by the Director General of Income Tax has "indicated discrepancies" in income disclosure **Contd. on Page 3**

## MahaRERA provides relief to 550 home buyers

**Naresh Kamath**

**The MahaRERA order stated that in case of failure to hand over apartments within the stipulated time period, including a three-month grace period, builders would be penalised to pay interest till the date of possession.**

In a major decision which gave relief to 550 flat buyers, the Maharashtra Real Estate Regulatory Authority (MahaRERA) has asked the builder of a project in Mira Road that has been stalled for the last seven years to hand over possession to the buyers by December 31, 2019.

The MahaRERA order stated that in case of failure to hand over apartments within the stipulated time period, including a three-month grace period, builders would be

penalised to pay interest till the date of possession.

Tanvi Eminence Phase 1 and Phase 2, a mega-residential project on Mira road, was started in 2009 and hit a roadblock in 2011. The project got stalled due to environmental clearances. However, even after the environmental clearances, an internal dispute between the partners of Kashmirira Ceramic Products LLP brought the project to a standstill.

550 homebuyers booked the

apartment s between 2010 and 2017, and were still uncertain a b o u t

whether or not they would get possession of the apartment. The flat buyers then formed the Tanvi Eminence Owners Welfare Association and took their case to MahaRERA. Representing them, housing guru Ramesh Prabhu said that the buyers **contd. on Page 4**



# Swachha Mumbai Abhiyaan

## BMC takes preventive steps in garbage lifting fraud

 **Sweety Adimulam**

To stop fraud in the city's garbage lifting process, the Brihanmumbai Municipal Corporation (BMC) has now decided to award the contract to only one contractor who will do everything. For example, the appointed contractor should have his own garbage compactor (vehicle) to collect the garbage, labourers to load and unload the waste till dumping ground and provide bins to the societies.

Presently the BMC appoints a contractor to provide large garbage bins in housing societies, while BMC labourers are seen lifting the bins and loading them into the vehicles. Meanwhile, transportation of garbage is the responsibility of a contractor to whom the work is awarded while the vehicle belongs to another. Then at the dumping ground too there are BMC workers who are involved in unloading garbage from the vehicles. But now as per the new contract format all the work will be allotted to one agency alone.

According to a senior civic official, the only reason to have such a contract is not to give any opportunity to contractors who usually give excuses that the garbage-lifting vehicles are of someone else, the labourers are of BMC, which also proves an easy way for them to escape whenever they are found doing any fraud. But, no more passing of the buck will be possible after introducing the new contractor format. In a pilot project, such a contract will be first implemented in wards namely R-South, which includes Kandivali, Charkop and Poisar; R-North, which includes Dahisar; R-Central, which consists of Borivali, Gorai, Magathane and T ward



–Mulund. The contract period would be of seven years while the total contract cost for this period is estimated to be Rs. 400 crores. These wards have been selected as the garbage transportation contracts have expired.

The senior civic official added that the plan to introduce such a contract was decided in 2017 January itself. Tenders were called, however, the interested bidders' price amount was 40 per cent to 50 per cent more than the estimated cost. Therefore, the tenders were reevaluated and have been called again.

The civic corporation has been drawing flak when it had recently proposed to increase the contract period of garbage contractors for another six months despite filing police complaints against them for cheating the BMC by mixing debris with garbage. Recently two out of the seven contractors have been served a show cause notice as to why they should not be blacklisted considering that on four occasions the two were caught mixing debris with garbage.

**MMJ**

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Special  
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10th March 2018**

## Borivli society in power-saver mode

**SMART DEAL** *Bhoomi Green society installs 256 solar panels atop 3 buildings, saves Rs. 96K on electricity a month*

 **Badri Chatterjee**

An increasing number of residential buildings are now shifting from conventional electricity to renewable power sources like solar.

In one of the largest residential solar rooftop grid powered systems in suburban Mumbai, Bhoomi Green CHS Limited in Borivli (East) with eight buildings and 256 flats, has been using renewable energy since December 2017 to save Rs97,000 per month, or Rs11.7 lakh per annum, in electricity bills.

The complex only pays the nominal monthly charge for grid supply by a private electricity distributor.

A 74 kilowatt-power (kWp) setup with 256 solar panels atop three buildings helps the society power 100% of its electricity requirements by lighting up all common areas, CCTV cameras, lifts, water pumps and fire alarm systems in the complex.

The estimated electricity generation per day would be anywhere between 240 and 274 kilowatt-hour (kWh), depending on partly cloudy skies and clear conditions.

An average two bedroom-hall-kitchen apartment in the city needs 10-12 kWh electricity per day.

“Energy consumption in cities is responsible for creating a lot of pressure on the environment. The only solution is turning towards a more sustainable way of life,” said Jayshree Mahajan, managing committee member who is also in-charge of the solar project at the housing society.

“We were ready to undertake this, as it is cost-effective and promotes green energy. For a



large society, it is a massive solution to the city's ever-increasing pollution problem.”

According to the solar rooftop carbon calculator by the Ministry of New and Renewable Energy (MNRE), a 74 kWp system can help save over 2,276 tons of carbon from being released into the air over 10 years.

The savings in carbon emissions is equivalent to planting 3,641 full-grown teak trees.

Solar energy is a free source of renewable energy that does not cause pollution and instead reduces carbon emissions that come from burning coal, gas and oil for electricity generation.

The housing society managed to install the entire system within one month with the help of Saur Engineers Consultants Private Ltd. and expects to recover the cost of installation, which is Rs47 lakh over the next four years.

“We got a subsidy from the state government of Rs. 12.81 lakhs at 18,300 per kWp for the project in December itself, which helped our expenditures. Now, it will only be savings from here on,” said Dharmendra Songira, treasurer of the society.

“This system is registered in the national data repository as a part of MNRE's National Solar Mission which is an honour for us as citizens,” said Ajit Desai, secretary of the society adding that after the idea was floated with society **contd. on page 3**

## Meeting of the H/W Ward JAAG with the Senior Traffic Inspector Sharad Ovhal

 Lilian Paes, Coordinators H/West Ward

The following points were discussed:

1) Overloading of rickshaws by school children. Twelve packed in the rickshaw, and more than 2 children even sitting next to the rickshaw driver. If the vehicle overturns it will be fatal for several children.

2) Rickshaw drivers occupying pavements on Carter Road Khar to sleep, bathe, gamble, etc.

3) The Traffic police have written a letter to the BMC regarding permissions to be given to hawkers, depending on footpath width and 50 metres from junctions. We will be given a copy for follow up.

4) The St. Elias School Khar – Chuim children are at risk as the footpaths leading to the school are encroached upon. Two boys have been knocked down and rushed to hospital. A request was made that an Inspector should be present on site when school opens and closes.

5) Narrow one way roads like Chapel, Waroda, and Bazaar Road have tempos, bikes, and rickshaws breaking rules. There



is no police availability to fine them. Though there are CCTV cameras none of them is working.

6) Zebra crossings, irrational double-parking, bikes and cars parked for months to be looked into. A dedicated telephone number is needed, to call for towing away these vehicles.

7) During peak hours certain junctions have terrible traffic snarls. These were identified and a request made for an Inspector to be present to control the traffic.

Movement of traffic at Reclamation connecting to Sea Link is slow due to illegal parking; Lilavati Hospital has “underground parking space” but the board says “FULL” as it is being used for other purposes. Mr. Ovhal has personally started looking into this matter. Hope he will also look into the other complaints given in writing. **MMJ**

## Electoral Reforms - Source of income

Contd from Page 1 made by seven Lok Sabha MPs and 98 MLAs, the Supreme Court was told.

This came in response to a direction by the court seeking details of action initiated against lawmakers, some of whose assets had seen a quantum jump between two elections.

The Association for Democratic Reforms (ADR) that works for electoral reforms and was a party in the matter, noted that the assets of four current Lok Sabha MPs had increased by 12 times while 22 others had declared five-fold increase in their assets. **MMJ**

## Borivli Society in power saver-mode

contd. from page 2 members, “there was full cooperation and support from each member.”

A net-metering system was installed with the solar setup, which allows surplus power generated to be exported back to the grid and any deficiency is imported from the grid.

At the end of a financial year, the society will be charged by the power supplier only for the 'net usage'.

“The net usage savings can be diverted through the grid, and can help electrify over 125 houses without electricity,” said Mahajan adding that the idea was to create better surroundings for future generations. **MMJ**

## S Ward News Pamela Cheema, Coordinator, S Ward

AGNI organized a delegation from S ward, Powai, to meet their MLA Naseem Khan to sort out urgent issues of the ward. Some of the problems were:

□ The BMC's arbitrary increase in the number of hawker pitches in Powai. These very pitches were rejected by residents and NGOs in 2007 and have again been imposed on citizens in a completely unjustified manner. The delegation vehemently opposed the BMC's proposal.

□ The degeneration of Lake Powai is in free-fall and the residents apprised the MLA of the urgency of the issue.

□ The state government has proposed an elevated Metro to connect Jogeshwari and Kanjurmarg. According to the state government's plans, the Metro will be built on a large part of Lake Powai's promenade and thus will destroy open spaces which citizens now enjoy and some of the last vestiges of greenery in the area apart from ruining the environment and the aquatic life in the lake.

□ The preservation of some of



Nassem Khan with Manini Nerurkar, Pamela Cheema & Vivek Khanna



Foxtail palms planted near Hiranandani Hospital, Powai

the last remaining open spaces, particularly in the Hiranandani Gardens complex in Powai.

AGNI has also been deeply involved in the greening of various areas of Powai. The NGO has collaborated with the BMC to plant native trees in open areas, particularly in front of residential complexes like Jal Vayu Vihar. Foxtail palms have also been planted close to the Hiranandani hospital thus increasing the greenery of the area. **MMJ**

### AGNI Ward Coordinators

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## Who will pay for losses incurred due to recent bandh?

contd. from Page 1 failure to stop the violence at Bhima-Koregaon village in Pune district on first January. He had held the Hindu Ekta Aghadi responsible for the violence. While announcing the bandh, he had also claimed that the Maharashtra Democratic Front, Maharashtra Left Front and 250 other organizations, had supported the call for the bandh. The violence in Pune on January 1, had led to the death of one and vandalising of several vehicles that were stranded on the Pune highway for hours.

He had also alleged that villagers were provoked by the Shivraj Pratisthan while the Hindu Ekta Agadhi hurled stones at people going towards the Koregaon war memorial. After the bandh he had called for a judicial probe into the violence, headed by a Chief Justice of the High Court and not by a sitting judge.

Until now, the only known case in which the organisers had paid for was when the Shiv Sena and BJP paid Rs. 20 lakh each for damages due to a

bandh called by them in July 2003. In another case, the Mumbai collector ordered the organisers of a rally held at Azad Maidan in August 2012, to pay up after riots at the area led to public and private property being damaged. According to the collector's notice, Raza Academy, one of the organisers, had to pay Rs.2.73 crore. The collector had also issued a notice to the Maharashtra Navnirman Sena (MNS) after party workers damaged toll booths at the Bandra-Worli Sea Link in 2014, leading to financial losses. As both cases are pending in different courts, the collector is yet to recover his dues.

In 2009, the Supreme Court had laid down detailed guidelines in the matter of large-scale destruction of public and private properties in the name of agitations, bandhs, hartals etc. The SC had stated that any such loss should be recovered from the organisers of the bandh. It had also made the recommendation that the Prevention of Damage to Public Property Act, 1984 (PDPP Act) be amended as to incorporate a rebuttable presumption that the accused is guilty of the offence. It had also suggested that the PDPP Act should contain provision to make the leaders of the organisation, which calls for direct action, guilty of abetment of the offence and the act should also enable the police officers to arrange videos of the acts of damaging public property.

The police have already booked over 100 agitators and some of them have also been released on bail. Now it is to be seen how the loss will be recovered.

Meanwhile, AGNI and PCGT are in the process of filing a PIL in the Bombay High Court to recover the losses from the bandh.

# RTI Bachao

 **Shailesh Gandhi, former Chief Information Commissioner**

**R**TI Users have been deprecated as undesirables and blackmailers by many in power.

We had a meeting of over 50 citizens on 7 February and have decided to say: **ENOUGH.**

Resolutions passed on 7 February by a group of citizens to safeguard their fundamental rights.

There has been an increasing denial of information under the RTI Act to citizens. This illegal denial is justified by creating a falsehood that RTI users are disrupters and anarchists, and most of them are blackmailers and extortionists. Consequent to this, illegal actions arbitrarily denying information are increasing. The arrogant and corrupt fear the empowered citizen. Citizens have now decided to take action to defend their fundamental right and self-respect in the Mumbai Municipal Corporation, specifically in the following matters:

1. We will not tolerate RTI users being labeled as blackmailers and extortionists. The Corporation must issue a circular to all its officers to treat RTI requesters with respect.
2. The Corporation must display all RTI requests and responses on its website. This is a requirement of Section 4 which has been reiterated by a DOPT OM and a Maharashtra Government GR. This will lead to better compliance and reduced corruption. In case there is some collusive corruption, putting the information on the website will stop it.
3. In an unprecedented move the corporation has decided not to give information to the employees of Praja Foundation using RTI. This is an illegal action. The corporation must



rescind this order and apologise for issuing it.

4. We also resolve that whenever an RTI user gives prima facie evidence of threats of assault an FIR must be registered by the police. Investigations must be undertaken promptly and action taken as per law.

We the People shall monitor the government and public servants shall treat us with respect.

### Action

Spread this note to all your contacts and persuade them to contact elected representatives and record the interaction. If possible conduct meetings to discuss these issues.

**MMJ**

## MahaRERA

contd from Page 1 were ready to take over the project.

“This made all the difference as the promoters then resolved their differences and signed new consent terms with the association,” said Prabhu.

The promoters have now allowed Dahyabhai Sutaryia, one of the original partners, to take over the whole project. Sutaryia, along with a new stakeholder, Dhaval Darji, will now be responsible for the project.

Ever since MahaRERA came into force last year, it has served to provide respite to many homebuyers who have been waiting for years for possession. It has received kudos from real estate experts for its speedy disposal of cases.

**MMJ**

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