



## **Nagrik Chetna Manch**

### **Minutes of the Managing Committee Meeting held on 10<sup>th</sup> April 2016 at Qaneez Sukhrani's residence**

The following MC members were present :

1. Maj. Gen. S.C.N. Jatar (Retd) – President
2. Mr. B.D. Sharma – Secretary General
3. Ms. Qaneez Sukhrani – Secretary
4. Ms. Roda Mehta – Treasurer
5. Lt. Gen. A. Mukherjee (Retd) – Member
6. Mr. P.C. Jain – Member
7. Dr. Anupam Saraph – Member
8. Gp. Capt. S.R. Purandare (Retd) – Member
9. Col B.F. Chaudhari (Retd) – Member
10. Col. Jayant Nadkarni (Retd) - Member
11. Mr. Kersee Kabraji – Member

**The meeting commenced at 11.15 pm on completion of quorum.**

**Agenda Point no. 1 : Confirmation of the Minutes of the Managing Committee meeting held on 16<sup>th</sup> December 2016 => Minutes were confirmed unanimously.**

**Agenda Point no. 2 : Status of all cases and CCI => President shared the following updates**

- (a) PIL 127 of 2006 - Last date was March 2014. Has not come on board since.
- (b) PIL 70 of 2010 - Although the board has changed, this matter is still before Justice Abhay Oka because it pertains to heritage. We will make a request to our lawyer to get it on board soonest.
- (c) CP 610 of 2014 - Order of Bombay High Court in CP 610/2014 dated 26 November 2015 reads, "As per order in Contempt Petition No. 610 of 2014, one of the breaches alleged is of the directions contained in paragraph 17 of the Judgment and Order dated 20th December 2013. Therefore, before prayer of the Pune Municipal Corporation for extension of time is considered, it is appropriate to consider the issues in the Contempt Petition. 2. Accordingly, we direct that the Contempt Petition shall be listed on 17th December 2015. Civil Application No. 163 of 2015 shall be tagged along with the Contempt Petition." However, in the subsequent order, the Bombay HC allowed the continuance of the Tree Census tender without considering the issues in the Contempt Petition. This specific order has not yet been uploaded on Bombay High Court website.
- (d) Municipal Court PMC Study Tours no. RCS 1 of 2005 and RCS of 772 of 2005 - No change.
- (e) High Court MSW case no. 70 of 2014 : Affidavit filed along with CA 135, Listed on 15th Dec 2015 but was not heard. Argued that PMC's action plan does not have a timeline nor resources allocated or accountability. Lower on board on subsequent days and hence not heard.
- (f) High Court Rochem case PIL 18 of 2015 - NCM's intervention filed on 15th Dec 2015 admitted.

- (g) High Court Balbharati-Paud Road Case no. 156 of 2006 - Hearings are over and Court's orders received in our favour. Final order circulated to all the members.
- (h) High Court Jalbiradari & Baner Area Sabha Case no. CP 230 of 2012 - Not in cause list on 7 April although listed on the website. Lawyer informed that the matter will be mentioned.
- (i) Supreme Court Kondhwa Case no. IA 2079 of 2007 - In hibernation as there has been no hearing for the past six years.
- (j) CCI 50 of 2015 - Bid rigging in MSW contracts: Case was filed before Competition Commission of India, New Delhi in July 2015 where NCM alleged that prima facie there were clear indications of bid rigging in tendering of machines for processing of SWM at ward level. Hearing took place in Aug. 15. Our inspection in March 2016 of documents reveal that the Commission has found a prima facie case and ordered an inquiry by their DG, which is to be completed by May 2016.

**Agenda Point no. 3 (a) : Status on Aadhaar case** => Dr. Anupam Saraph shared the following brief

Aadhaar Act 2016 had been pushed through as a money bill which does not have to be placed before the Rajya Sabha. Lok Sabha hurriedly approved it without discussion although several RS members had placed their objections and wanted to be heard. Said Act has left numerous loopholes viz. identity theft, money laundering, surveillance, etc.

Complete status is captured in Resolution no. 12/2016.

**Agenda Point no. 3 (b) : Smart Cities Pune listing** => Dr. Anupam Saraph gave his perception of the Smart City proposal, which was duly noted by the MC

**Agenda Point no. 4 : Report on IPT Coastal Road** => Qaneez Sukhrani shared that Maj. Gen. SCN Jatar was invited to be a commissioner at the public hearing (called the Independent People's Tribunal) which was conducted by Human Rights Law Network, Mumbai on Friday, October 9th, 2015 on Mumbai's Coastal Road Project. Several eminent persons were on the panel as well as persons from various backgrounds ranging from the fishing communities, architects, town planners, transport unions, environmentalists and experts in the field, were invited to depose. This public hearing was conducted as it was felt that not, only will it affect the environment but also marginalize communities, like fisher-folk whose livelihood depends on the marine life of the coast. The project would only cater to the rich who use private cars resulting in increase in vehicular traffic. Since no public transport would be allowed, it would be of no use to the poor and the middle class. The astronomical cost of constructing the road will serve no public purpose and will be a drain on the Public Exchequer. The findings / recommendations signed by 16 of the panelists were presented to Mumbai's Municipal Commissioner, as well as released to the press on 14<sup>th</sup> March 2016.

**Agenda Point no. 5 : Progress and status of collaboration with INHAF, SI & Srujan to conduct a joint survey, prepare a report & hold seminars on BRTS in Pune** => Qaneez

Sukhrani shared that

Nikhil Mijar has been appointed with effect from 1<sup>st</sup> March 2016 to prepare the report, conduct the survey and submit the report. This study will be a proactive initiative to list the deficiencies and benefits and therefore bring about future changes in planning and implementation of BRTS in other Indian cities. This would primarily be a tool for advocacy to influence and nudge decision making in the right direction. This study would cover various aspects such as → the Journey of BRTS in India,

Reference documents, Surveys and quantification thereof, Expert opinions, Official speak, etc. The findings including interviews, videos, photos would be uploaded on the four NGOs websites.

**Agenda Point no. 6 : PIL on illegality of Sweekrit Prabhag Samitis** => Qaneez Sukhrani shared

We had received stamp no. 4990 / 2016 after PIL was finalized and submitted. Few requirements / objections were received from Registrar and replies have been submitted. Petition has been numbered as PIL no. 62 / 2016 and date of 12.04.2016 has been fixed for pre-admission arguments.

**Agenda Point no. 7 : Status of other issues taken up by NCM as part of Secretary's Report** =>

#### **Guest Speaker for next interaction**

Dr. Usha Ramanathan has been invited by NCM for a talk in Pune in Hindi & English. She is an internationally eminent expert on law & poverty and has been long in opposition of the mandatory imposition of the UID Aadhaar due to security and surveillance threats. The talk has been confirmed at Patrakar Sangh on 21<sup>st</sup> April 2016

#### **Expose of PMC's Security Dept. Fraud**

NCM has met investigating officer DySp Satav & PI Borakotgi when they called for a meeting to ask questions, verify and clear doubts if any.

#### **Speedbreakers**

NCM had taken up this issue to get a commitment that PMC would conduct survey throughout Pune. PMC appointed consultant, survey was completed, discussed with NCM. The President stated that such surveys are being routinely carried out by the PMC for the past decade or more. Suggested that Speed breaker policy document be prepared for which would guidelines to fix standards according to IRC. Survey has been sent to Traffic Police for verification and review but is still lying with them after two months. NCM stand is that the IRC Codes should be followed.

#### **Information Boards**

Two important facts have been accepted by PMC through consistent follow-up meetings i.e. information boards and single window clearance & monitoring of road digging by various departments and third party agencies. Trenching Policy Guideline has been prepared with NCM's suggestions on inclusion of these two points suggestions on mandatory installation of information boards, single window and process flowchart for single window permission. Policy is now awaiting approval from GB. Instructions already exist regarding mandatory display of boards, which are followed more in their breach.

#### **Exercise of roads contract DLPs / DLCs**

Through RTI application, NCM had obtained two complete road contracts of Nagar Road executed under JnNURM. PMC had conveniently avoided exercise of provisions of DLC for repair, creating footpaths & cycle tracks on 4 km stretch, although DLP is valid until 2017 & 2020. Through repeated meetings with PMC & Contractors, it was made amply clear that NCM would not tolerate such nonsense. Both contractors have corrected the defects and PMC has handed over the photos, report and confirmation in writing.

#### **Updation of NCM's Website**

Updation of backlog is 100% complete. Links and titles have been re-furbished and re-worked.

## **Permanent registration from Social Forestry Division, Govt. of Maharashtra for Nagrik Chetna Manch**

Social Forestry Division, Government of Maharashtra granted permanent registration to *Nagrik Chetna Manch* and its representative Dr. Anupam Saraph in terms of its certificate dated 26 February 2016 (enclosed) in response to our application in terms of Section 3 of the Maharashtra (Urban Areas) Trees Protection and Preservation Act, 1975 and Bombay High Court Order dated 20 September 2013 in PIL 93 of 2009. Thus, *Nagrik Chetna Manch* is the only NGO that fulfils the criteria specified in the Maharashtra (Urban Areas) Protection & Preservation of Trees Act 1975 and the Rules there under as well as the Rules and Regulations promulgated by the Social Forestry Division of the Government of Maharashtra for registration of NGOs. And in view of this, NCM has written to MC, Mayor, leaders of majority & opposition, heads of all parties demanding that NCM be made a member.

**Agenda Point no. 8 : Consider accounts for FY 2015-16 and recommend for submitting to the General Body for approval =>** Treasurer's detailed report is attached

**Agenda Point no. 9 : Continuation of Shete & Shete as auditors for the year 2015-2016 =>**

This was unanimously approved by the Managing Committee

**Agenda Point no. 10 : To confirm the following resolutions which were approved by circulation =>**

(a) Resolution no. 11/2016 to authorise Ms. Roda Mehta to redeem FDs which were maturing with Bank of Maharashtra and opening of new FDs with HDFC Ltd

(b) Resolution no. 10/2016 to authorise Maj. Gen. S.C.N. Jatar to sign the TOR on behalf of NCM against a contribution of about Rs. 2 lakhs towards a project in collaboration with INHAF, SRUJAN and SI. And to represent NCM for all activities connected with the preparation of the report, "Story of BRTS - Ahmedabad and Pune". Any additional monetary contribution, if any will be referred to the MC for information as and when necessary.

Both Resolutions were confirmed unanimously by all members present.

**Agenda Point no. 11 : Any other points with the permission of the Chair =>**

**Sub-point no. 11 (a)** Following two resolutions were approved by the Managing Committee

### **Resolution no. 12 / 2016**

#### **Background**

In view of the fact that the Aadhaar Act 2016 had been pushed through as a money bill which does not have to be placed before the Rajya Sabha. Lok Sabha hurriedly approved it without discussion although several RS members had placed their objections and wanted to be heard. Said Act has left numerous loopholes viz. identity theft, money laundering, surveillance, etc.

#### **Recommendation**

To consider an amended petition or a fresh petition before the SC highlighting the issues resulting from the implementation of the Act. The following resolution is, therefore, put up for approval of the Managing Committee:

**Resolved that:**

“Maj. Gen. S. C. N. Jatar (Retd) President of *Nagrik Chetna Manch* be and is hereby nominated as the authorised representative of *Nagrik Chetna Manch* to file amended petition, as necessary, regarding the WP 932 of 2013 and Dr. Anupam Saraph as the authorised representative of Nagrik Chetna Manch for filing a fresh WP/PIL in the Supreme Court of India and seek appropriate legal help in the above matter.”

**Resolution no. 13 / 2016**

**Background**

Large scale irregularities were evident in the tree census tendering & re-tendering process by PMC.

**Recommendation**

To cancel the Tree Census tender no. 338 of 2016, retender and take action against the bidders as well as the PMC officials associated with the irregularities. The following resolution is, therefore, put up for approval of the Managing Committee:

**Resolved that:**

“Maj. Gen. S. C. N. Jatar (Retd) President of *Nagrik Chetna Manch* be and is hereby nominated as the authorised representative of *Nagrik Chetna Manch* to file complaints, as necessary, regarding the irregularities in bid no. 338 of 2016 with the Government of Maharashtra, Municipal Commissioner, PMC and with Superintendent of Police, Anti-Corruption Bureau, Pune and file a complaint with the Competition Commission of India and/or file a PIL in Bombay High Court and seek appropriate legal help in the above matter.”

**Sub-point no. 11 (b)** Following suggestion was made by Ms. Roda Mehta: to find benefactors to donate so that NCM could proceed undeterred on it's path. It was decided to form a sub-committee who would approach various philanthropists. Maj. Gen. Jatar would frame the letter to NCM members and others. The sub-committee would comprise of Maj. Gen. Jatar, Ms. Roda Mehta & Mr. Kabraji. Mr. Sharma stated he would approach people in his circle independently. It was also recommended by Maj. Gen. Jatar that MC members should come forward to voluntarily donate to NCM.

**Sub-point no. 11 (c)** Mr. Sharma stated that all MC should try to lessen the burden on the current President Maj. Gen. Jatar. He proposed that President designate should take over court cases in phases.

**Sub-point no. 11 (d)** Distribution of duties and responsibilities for the forthcoming talk by Dr. Usha Ramanathan was discussed and agreed upon. A separate note on this would be sent by the Secretary to all MC members latest by 11<sup>th</sup> April 2016.

There were no further points and hence the meeting was concluded at 1.00 p.m. with a vote of thanks to the Chair. This was followed by lunch hosted by Qaneez Sukhrani.

**Qaneez Sukhrani**

**Secretary**

**17<sup>th</sup> April 2016**