



Nagrik Chetna Manch

Minutes of the Managing Committee Meeting held on 16th December 2015 at Mr. B.D. Sharma's residence, Pimpri

The following MC members were present :

1. Maj. Gen. S.C.N. Jatar – President
2. Mr. B.D. Sharma – Secretary General
3. Ms. Qaneez Sukhrani – Secretary
4. Lt. Gen. A. Mukherjee – Member
5. Dr. Anupam Saraph – Member
6. Col B.F. Chaudhari – Member
7. Col. Jayant Nadkarni - Member
8. Mr. Kersee Kabraji – Member

The meeting commenced at 7.00 pm

Leave of absence was granted to Gp. Capt. S. R. Purandare (Retd), Mr. V.K. Jain and Ms. Roda Mehta.

Agenda Point no. 1 : Confirmation of the Minutes of the Managing Committee meeting held on 30th July 2015 =>

Minutes were confirmed unanimously.

Agenda Point no. 2 (a): Brief on Aadhaar WP no. 932 of 2013 and CP 21656 of 2015 by Dr. Anupam Saraph

- Hearing on the main PIL and other tagged PILs, including NCM's WP no. 932 of 2013 started on a very positive note from 21st July 2015 with the constitutional bench hearing it for about 3 days per week since then. CP no. 21656 of 2015 also came up for discussion on 30th July 2015 with former AG Gopal Subramaniam arguing it on behalf of NCM. Prima facie, the judges appear to be convinced of contempt on the part of the state and central governments.**further current update of past two hearings are awaited from Dr. Saraph**

Agenda Point no. 2 (b): Smart City proposal for Pune → Discussion included two viewpoints :

- Dr. Anupam Saraph's view was that privatizing the project by forming SPV would lead to parallel governance as the public body would divest itself from its basic role and relevance. That would compromise public interest and destroy

democratic mechanism by PMC handing out all functions of the corporation to private parties using sec 66 and 66A of the MMC Act 1949

- Maj. Gen. Jatar's view was that Pune does not have in place basic facilities and systems and hence, Smart City initiative is likely to give the citizens basics. Hence NCM should not oppose it. He further stated that Dr. Saraph's views were based on the draft proposal which was posted on PMC's website initially. After that there was a meeting conducted by Sakal Papers where political party heads, some NGOs (NCM being one of them) and the Municipal Commissioner were invited. At this meeting, all political parties listed their objections where the MC agreed to revise the Smart City plan which would be subjected. Later, the GB too has approved the draft by which most of the powers are now with the GB. Dr. Saraph will study the approved proposal and critically analyse it so that NCM could take up any issues that still remain deficient.

Agenda Point no. 3 : Commercialisation of Education for which it was decided at AGM held on 11th Sept 2015 that Mr. B.D. Sharma

- Mr. Sharma requested some more time to analyse if this particular subject would fall under the purview of NCM's vision & mission statement. The President opined that we should also check whether this item within the objectives of the NCM.

Agenda Point no. 4 : President briefed on the following ongoing Court Cases =>

- Case was filed before Competition Commission of India, New Delhi one year ago where NCM alleged that prima facie there were clear indications of bid rigging in tendering of machines for processing of SWM at ward level. Maj. Gen. Jatar attended the hearing on 5th August 2015 in New Delhi. Orders are still awaited.
- Supreme Court Kondhwa Case no. IA 2079 of 2007: In hibernation as there has been no hearing for the past six years. This case has not been transferred to the NGT.
- High Court Jalbiradari & Baner Area sabha Case no. CP 230 of 2012: No change
- High Court COEP flyover Case no. PIL 73 of 2010: No change after last hearing 8th January 2015
- High Court TDR Case no. PIL 127 of 2006: No change as matter was heard last in May 2014
- High Court Balbharati-Paud Road Case no. 156 of 2006: Hearings are over and Court's orders are awaited.
- High Court Tree Authority Case no. CP 610 of 2014: Listed on 17th December 2015 but not heard. The next date is 23 February 2016.
- High Court Rochem case PIL 18 of 2015 : NCM's intervention was filed on 15th Dec 2015.

- High Court MSW case no. 70 of 2014 : Affidavit filed along with CA 135 : listed on 15th Dec 2015 but was not heard.
- Municipal Court PMC Study Tours no. RCS 1 of 2005 and RCS of 772 of 2005: No change.

Agenda Point no. 5 : Seminar on IPT Coastal Road

- Maj. Gen. Jatar was invited to be a jurist at a public debate on IPT Coast Road in Mumbai on 9th October 2015.

Agenda Point no. 6 : Proposal from INHAF

- Maj. Gen. Jatar shared that NCM had been approached by INHAF with the intention of jointly analyzing facts and figures regarding BRTS in Pune & Ahmedabad. The study would involve collation of documents received through innumerable RTIs so that other cities opting for BRTS would become aware and deal with planning in advance.

Agenda Point no. 7 : Status of Accounts

- Maj. Gen. Jatar shared that the Treasurer was on vacation. However since the AGM, two donations had been received (a) From Mr. Nilkanth Sudhir Jatar Rs. 10,000/- (b) From Mr. Shrikant Patil Rs. 5,000/-. Expenditure was mainly for the ongoing PILs, CPs and intended cases.

Agenda Point no. 8 : Status of new PIL on Sweekrut members on Prabhag Samitis

- Secretary shared that it had taken about four months to obtain documents from 5 wards, analyse and select the correct ones, after which they were sent for translation from Marathi to English as per Hon'ble Court requirements. The brief framework had been prepared by her and sent to the advocate in Mumbai along with all exhibits. Advocate would draft the PIL and Secretary would meet advocates in the week of 21st Dec 2015 so that an clarifications and doubts could be sought and settled across the table.

Agenda Point no. 9 : Status of other Secretarial points

- Expose of PMC's Security Dept fraud

Thorough investigation of documents was undertaken from documents received through RTI. After preparing the chronological points, approached PMC SC Chair & MC who did not give due attention. Hence exposed this fraud and both print & electronic media covered it extensively.

➤ Speed-breakers

NCM had taken up this issue of various designs of speed-breakers, most of them installed without NOC from Traffic Police. NCM through consistent follow-up obtained a commitment that PMC would conduct survey throughout Pune. PMC had thereafter appointed a consultant, after which the survey was completed. PMC has discussed this survey with NCM whereby inputs were given to prepare a dedicated Speed-Breaker policy with mandatory designs and norms. This suggestion was accepted by PMC. Currently the survey report has been sent to the Traffic police for their inputs. Earlier NCM had written directly to IRC to ask their opinion. Reply that we received was completely ambiguous giving extracts of norms which are already in public domain.

➤ Information boards

On NCM's demand Trenching Policy Guideline has been prepared by PMC. Following important points made by NCM have been accepted by PMC during the course of consistent follow-up meetings i.e. (a) information boards must be mandatorily installed at all public work sites (b) single point permissions & monitoring of unbridled road digging by various departments and third party agencies (c) Single window clearance must be under Road Dept (d) Prepare forms for compliance and make Ward Office more accountable. Policy Document was edited with help from NCM and is awaiting final approval from MC.

➤ Exercise of road contract Defect Liability Period & Clause

Through RTI, NCM had obtained two complete road contracts of Nagar Road executed under JnNURM. PMC had ignored forcing the contractors who were conveniently avoiding to exercise of provisions of DLC for repair, creating footpaths & cycle tracks on 4 km stretch. NCM started chasing JnNURM as it was noticed that DLP was valid until 2017 & 2020 respectively. Through repeated meetings with PMC & their contractors, it was made amply clear that NCM would not tolerate such lack of accountability. Thereafter one contractor has already started sealing the gaps, craters & potholes since past 10 days.

➤ Implementation of Hawker's Policy through re-location

NCM had attended PMC's meeting comprising of resident forums and unions on 30th Dec 2014. There, Secretary offered that Viman Nagar could be the first residential area where re-location could start when categorization & permits had been finalized since ground work to select location had been done by her. By mid 2015, Secretary was successful in breaking barriers in getting PMC, Traffic Police & Station House Police & Hawker Union for a joint survey so it would not waste time for the approval to move from one authority to another. Traffic Police gave written NOC within one month with minor changes. Now awaiting physical marking of location and shifting. This could become a model re-location protocol for other areas to follow.

➤ Manholes & grills on road surface

Recent issue taken up was on manholes, grills, protrusions, etc being above or below, but never on level with ground. NCM has demanded a Pune wide survey so the results could be analysed in order to correct these dangerous locations.

- Circular issued by MC for recording minutes of meetings

After this circular was issued as a result of RTI First Appeal, lot of people had doubts on whether meetings would be minuted. However PMC has minuted every single meeting that the Secretary has attended. And minutes were sent to her without reminders.

- Circular issued by MC for filing FIRs under MPDP ACT 1995

Through sheer persistence, it is noted that PMC depts. are taking note of the importance of this circular. After one month of date, various RTIs will be filed. Under those RTIs, Secretary has already started receiving replies along with copies of FIRs filed for illegal hoardings, garbage, defacement and damage which is cognizable offense.

- Updation of website

Secretary stated that 80% complete and completion had taken extra time because the Domain Manager's mother was critical. However, it is to be stated on record this has taken long because data, most of it not in chronological order had to be located, formatted, scanned for uploading. Secretary will continue to keep a close watch for completion of this job.

Agenda Point no. 10: Guest speaker for next interaction in Jan 2016

On Secretary's suggestion, all members unanimously agreed that invite for next speaker should be extended to Mr. S. Chokalingam, Div. Commissioner for sometime in January 2016

Agenda Point no. 11: Confirmation of two resolutions which were approved by circulation

(a) Resolution no. 9/2015 to authorise Maj. Gen. S.C.N. Jatar to file Intervention Application to PIL 18 / 2015 with regards to irregularities in various aspects of operation of the Rochem plant in addition to IA in PIL 70 / 2015 MSW.

(b) Resolution no. 8/2015 to authorise Qaneez-e-Fatemah Sukhrani to file PIL with regards to irregularities, violations and breach of law as laid down in MMC Act 1949 and the Indian Constitution during selection / co-option from representatives of Social / Non-Government Organisations during two election terms

Both resolutions were confirmed unanimously by all members present.

Agenda Point no. 12: Any other point

Secretary suggested that each MC member endeavour to induct at least 5 new members during the next one year. This proposal was unanimously accepted.

As there were no further points, the meeting was concluded at 8.30 pm with a vote of thanks to the Chair.

And special thanks to Mrs. And Mr. B.D. Sharma who had graciously hosted the meeting followed by dinner at their residence.

Qaneez Sukhrani
Secretary
24th December 2015