

**President's Closing Remarks
AGM 2012-13 held on 29 September 2013**

Introduction

There are a few marked deviations in our functioning the past year. This is mainly due, as I assess, to increasing tendency on the part of the Municipal Corporation and the Government to avoid being transparent in governance. The result is reduced interaction with officials at all levels.

A few examples would illustrate our plight:

- a. If one brings to the notice of the authorities any violation of the law, we are told that they are aware of it but their hands are tied. "Why don't you approach the courts?" they ask.
- b. Another attitude is that all illegalities are being committed by the citizens or because of them. If footpaths are occupied by tea vendors or eating houses, we are blatantly told, "Why do the citizens patronise such eating houses?"
- c. RTI Act apparently is still feared. Hence, devious means are found to get around the Act. If we ask whether the contractor has obtained consent under Act X, they enclose "authorisation under Act Y" and not "consent under Act X" as asked for. Then the circle of appealing commences, which can put us off by as much as two to three years.
- d. NGOs insist on preparing a DPR before undertaking a project. The newest tactic adopted by the authorities is to fudge the DPRs. We have seen it in so many projects, e.g. flyovers at Magarpatta, CoEP and Swar Gate. They do not even know how to fudge reports. In the case of Swar Gate flyover, MSRDC consultant brought out that within two to three years of completion, the flyover would be congested. The PMC has gone ahead nevertheless to construct the flyover at a cost of over ₹. 155 crores.

Undermining the RTI Act

RTI Act

Coming to the RTI Act. There is a deliberate attempt to weaken the Act. This is a conspiracy hatched by the politicians with active support from the bureaucracy. The tactic adopted is to give evasive answers. When appealed against, the appellate authority upholds the petitioner's viewpoint. But the PIO does not give the information as asked for. One then reminds the appellate authority. There are a couple of calls and then the answer comes, which is either half-baked or misleading. So, one has to put in the second appeal. The information commissioner is presently tackling second appeals of June 2011. The idea is to make the information irrelevant.

Appointment of Information Commissioners

A large majority of information commissioners are appointed for their proximity to the establishment. Hence, there is no hope of getting justice. Even after proving your point, it can take months before the IC gives his orders.

Exempting Political Parties from the Act

Other events such as exempting political parties from the ambit of the RTI Act are well known. Nagrik Chetna Manch has supported the demand of the civil society that political parties must come under the Act but with a caveat. The caveat is that if scrutiny of political finance and the powers to penalise those that break the code of conduct regarding political finance, are entrusted with the Election Commission, political parties need not be brought under the RTI Act. This is because corruption is at the root of all evils, e.g. economic, political and social. Hence, the imperative need to control political finance. NCM is perhaps the lone voice in this regard. I often get suspicious whether the civil society has actually identified the root cause and whether it is interested in eradicating it.

Management & Handling of Municipal Solid Waste

Waste to Energy (W2E) Plant – Rochem at Hadapsar

NCM undertook a detailed study of the Waste to Energy Plant set up by Rochem Separation Systems Pvt Ltd at Survey No. 86, Ram Tekdi Industrial Area, Hadapsar. Adjoining it is a MSW Processing Plant run by Disha Waste Management Pvt Ltd at Survey No. 87, which makes vermi-compost. We carried out two visits to the site and have sent a letter giving details of violation of environmental laws, such as EP Act, Air Act, Water Act, MSW (Mgt & Handling) Rules etc to PMC, MPCB and CPCB. We are awaiting a response. Here, I would like to make a special mention of Shrikant Patil who was the main driving force in our venture. In sum:

- a. Both plants do not have consent under the Air & Water Acts.
- b. PMC/MPCB do not test ambient air, ground water and odour as mandated resulting in not even knowing the pollution levels.
- c. EagleBergmann from Germany, possessing land near these plants, abandoned expanding its business.
- d. Rochem Plant technology (Blue Concord) has not yet generated electricity on a continuing basis. The project was to be completed by 23 May 2012 and is thus delayed by 494 days as of 29 September. In fact, we have evidence to show that there has been an unreported industrial accident in the Plant, which has damaged the plant prohibiting generation of electricity.

- e. PMC routinely allows erection of MSW processing plants on land that is not reserved as public utility in violation of Maharashtra Development Plans Rules, 1970.
- f. PMC has suffered a loss of over ₹. 4.35 Crores as on 29 September and continues to suffer about ₹. 90000/- per day in terms of penalty that is not being charged to Rochem. Additionally, as per the LoI, ₹. 2 crores bank guarantee should have been revoked, which is not done.
- g. We have requested MPCB, CPCB & PMC to close these projects pending corrective measures failing which we shall be constrained to approach the National Green Tribunal.

City Compost Manufacturing by Hanjer Biotech

We successfully followed up our findings regarding the sub-standard City Compost manufactured by Hanjer Biotech Energies Private Ltd. As the PMC and the MPCB appeared reluctant to take action, we requested the Agricultural Commissioner to take action on two counts; a) sub-standard City Compost and b) misleading the illiterate farmers by making false claims about the potentiality of the City Compost. Happily, the Agricultural Commissioner has revoked the Certificate of Production of Hanjer Biotech and has ordered a hearing.

Assessment Regarding MSW Mess

Our assessment is that the various MSW Processing Companies such as Hanjer and Rochem are holding the PMC to ransom because PMC is unable to enforce segregation of MSW at source as per the orders of the State and Central governments and the Supreme Court. This is because of the abhorrent attitude of our political class duly supported by the officials that garbage should be disposed only by particular classes of society and not by those who produce it.

Court Cases

I now come to the court cases. We have one PIL in the Supreme Court (IA 2079 of 2007) and four in the High Court (TDR 127 of 2006, Paud Road 156 of 2006, Flyovers 73 of 2008 and appeal by the government in WP 3189 of 2011). Additionally, there is a regular civil suit 772/2005 in the Municipal Court, Pune.

Flyover – PIL 73 of 2010

In the flyover matter, we were successful in admitting our petition to include the CoEP flyover as part of the original PIL. Our major contention in the PIL is that the DPRs are fudged. Unfortunately, the matter has not come up for hearing. Here, we had to change our lawyer as the original advocate expressed his inability to take forward our PIL. We suspect this sudden turnaround is under political and bureaucratic pressure.

BB-Paud Road PIL 127 of 2006

In the matter pertaining to BB-Paud Road, there were interesting developments because the PMC acted hand in glove with the builders lobby that wanted the road so that they could develop the hill commercially. The consultant fudged the report and changed the original recommendation making the road environmentally viable. We brought this to the notice of the PMC to no avail. We then submitted an affidavit to the High Court bringing out the fudging. You will be shocked to know the following:

- a. The consultant claimed that the Paud Phata Bal Bharati road will decrease air pollutants in the area around Law College Rd by 98% (page 108)
- b. They came to this figure of 98% reduction in NO_x due to a simple error in multiplication of the equation $23317 \times 3 \times 4.95 \times 10^{-6} \times 365$ (page 105). The correct answer to this is 126.38. Consultant's answer is 11463 (which is off by a factor of 100!)
- c. If the mistake is corrected, the correct figure for reduction in NO_x will be 9.7% and not 98%.
- d. The consultant calculates an aggregate carbon footprint of 41,66,142.49 tonnes/year (page 108). They claim that a reduction of this number by 98% will earn PMC carbon credits to the tune of ₹. 467 crores per year (page 5)!
- e. The Consultant has used emission levels of NO_x - a generic formula for Nitrogen dioxide (NO₂) and Nitric Oxide (NO) - for calculating the carbon footprint using the wrong convertibility factor! NO_x is an air pollutant but it is NOT a direct greenhouse gas. The Consultant has used the multiplication factor meant for N₂O (Nitrous Oxide) and wrongly applied it to NO_x.
- f. Need we say more about the professional integrity of PMC (both councillors and officials) and their cohorts?

TDR PIL 127 of 2006

In the TDR PIL, there has been no hearing since April 2012 in spite of our lawyer mentioning it twice for early hearing. It is probable that there is a high level political and bureaucratic conspiracy at the highest level in the government to stymie our PIL because Municipal Commissioner is involved. The PMC has cancelled departmental inquiries against the officers of the City Engineer's office and of the IAS officers on flimsy grounds against the findings of the ACB and the orders of the High Court. The PMC has further reinstated all the officers involved in the fraud except the junior-most, who they want to hold responsible for the swindle! We have collected all the evidence and are awaiting a hearing for the past over 17 months.

Other Court Cases

The case in the municipal court (RCS 772 of 2005) is stuck for want of serving summons. In the other case (WP 3189 of 2011) case, an appeal by the PMC and the State Government against the order of the District Court, which supported our stand, has delayed the hearings.

Contempt Petition 230 of 2012

In PIL 41 of 2011, Jalbiradari and Baner Area Sabha prayed for banning all concretisation of water bodies. The High Court approached the Ministry of Environment and Forests (MoEF) and obtained six guidelines for treatment of the water bodies. These guidelines, among other things, prohibited concretisation, ordained planting of trees along the water bodies and removal of all encroachments. PMC flagrantly violated these guidelines. Hence, Jal Biradari filed a contempt petition 230 of 2012 in which President of NCM was a member in the 4-member committee formed to ascertain the authenticity of the allegations. Two of us submitted a separate report because the other two members (retired chief engineers from Maharashtra government) representing the PMC did not agree with the documentary and visual evidence shown to them proving that the Commissioner and the Additional City Engineer had flouted High Court Orders. We submitted the report to the High Court in 16/02/13. The next hearing is on 4/10/13.

Conclusion

I am unhesitant in saying that governance has become a casualty and poor governance a means to make underhand money. Towards this end, the politicians and the officials adopt every crooked means including forgery and fudging of documents.

We shall continue our fight with patience uncompromisingly and honestly. In this fight of *Nagrik Chetna Manch*, all of us are involved intimately, for which I would like primarily to thank all the members for their unstinting support. The Managing Committee has stood by the objects of the Trust relentlessly and supported every cause for which I would like to thank them individually, Mr. BD Sharma, Col. Chaudhary, Lt. Gen. Amit Mukherjee, Mr. PC Jain, Gp. Capt. Purandare, Mr. Kabraji, Col. Jayant Nadkarni and Mr. Sanjiv Mehta. Col Chaudhary has been a great support in all activities. I would particularly like to mention Sanjiv for his dedicated work in making all our ventures successful. I can say that he easily qualifies to be the best Secretary of the *Manch* so far!

Thank you.

Maj. Gen. S. C. N. Jatar, Retd
29 September 2013