

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

## Editorial

### No partyless BMC elections 2022 responds Maharashtra SEC to MMJ editorial

*The intent of the lawmakers was to keep only the Gram Panchayats apolitical. The election laws and rules of Gram Panchayats provide for free symbols while the municipal laws don't, says UPS Madan, State Election Commissioner.*

In response to the editorial of February 2021 in MMJ in respect of the subject Party-less BMC elections 2022, Mr. Atul Save, Tahsildar, SEC, Maharashtra states as under:

- In the Rule No. 16 of the Maharashtra Village Panchayat Act/Election Rules, it is specifically mentioned that, in case of every contested election the Returning Officer shall assign to each candidate any one of the symbols stipulated in the Rules and there is no any mention about allotment of symbol which is specifically reserved for candidate belonging to any particular political party. Hence it becomes clear that the elections to the Village Panchayats are not held on political party basis.

- However, in case of other local bodies such as Zilla Parishad / Panchayat Samiti / Municipal Corporations, elections are held on political party basis; there is a mention of choosing of election symbol by the candidates from the list notified by the Election Commission and accordingly the SEC has been issuing orders from time to time about the allotment of symbols with separate and specific mention on symbols reserved for each of the registered and recognized political party, in front of the name in the Annexures-1 and the list of free symbols is given for the candidates who contesting elections as an independent in Annexure-3.

Also, in case of conduct of Election Rules for Zilla Parishad / Panchayat Samiti / Municipal Corporation there are certain provisions in the election rules which indicates conduct of election on political party basis.

Hence in view of the existing in-built provisions in the different Rules in Vogue the conduct of elections to respective local bodies; your request to conduct elections of local bodies (especially MCGM) on the lines of Village Panchayats cannot be entertained by the Commission as it is beyond its jurisdiction and falls within the legislative domain adds Shri Save Tahsildar.

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### City gets its first fragrant garbage segregation centre

The word garbage is always associated with stench and filth, but the garbage segregation centre in Wadala is nothing of the sort.

In a first, the BMC with the help of local Corporator Shri Amey Ghole turned an unbearably stinky garbage segregation centre into a fragrant one. The segregation centre that was an eye-sore for the residents of Sahakar Nagar in Wadala because of stench emitting, has now been

covered with a vertical garden over all the outside walls.

The Corporator Amey Ghole came up with an idea of decorating the segregation centre with a vertical garden with his corporator's fund. This helped us resolve the problem and still have the segregation centre at the location, said a F/North ward official.

The effort to beautify this way is certainly inspiring and can be replicated in other areas by other ward offices

## SC issues notice to Centre, EC on plea to nullify election result if NOTA gets most votes

**The plea also sought a direction to the Election Commission to restrict those candidates and political parties, whose election has been nullified, from taking part in fresh polls.**

The Supreme Court sought response from the Centre and the Election Commission on a plea seeking to direct the poll panel to nullify an election result and conducting a fresh poll if the maximum votes are for NOTA in a particular constituency.

A bench comprising Chief Justice S A Bobde and Justices A S Bopanna and V Ramasubramanian issued notices to the Ministry of Law and Justice and the Election Commission of India while seeking their replies on the plea.

Senior advocate Maneka Guruswamy appeared for the petitioner.

The top court was hearing a plea filed by advocate and BJP leader Ashwini Kumar Upadhyay which also sought a direction to the Election Commission to restrict those candidates and political parties, whose election has

been nullified, from taking part in the fresh polls.

"The right to reject and elect a new candidate will give power to the people to express their discontent. If voters are dissatisfied with the background or performance of the contesting candidate, they will opt for NOTA (none of the above) to reject such candidate and elect a new candidate," the petition said.



*In November 2018, the Maharashtra State Election Commission announced that if NOTA gets the maximum votes in an election, re-elections would be held. The order would be applicable to polls and by-polls to all municipal corporations, municipal councils and nagar panchayats with immediate effect. If NOTA gets the highest number of votes in the re-election as well, the candidate with the most votes, excluding NOTA, will be declared the winner. However, the rejected candidates are not barred from re-elections.*

*The Haryana SEC followed suit too, declaring in November 2018 that NOTA would be treated as a fictional candidate and re-elections would be conducted if NOTA won the majority vote in the upcoming Municipal Elections in December 2018.*

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## March events in Juhu

 Zahida Banatwala

While the month of March began with the good news that 60+ could now avail of the vaccine, the sad news is that the pandemic continues to dominate our lives with no light at the end of the tunnel. In Juhu with our lady Councillor Ms Renu Hansraj at the helm of the affairs, this time chose to honour the women of Ward 69. Women from all walks of life from Gaothans, slums, high rises and Bungalows.



Women's Brigade

Delightfully the MC for the evening was a male and cheered the women who were felicitated. Amongst the women were Teachers, Doctors, health care workers, beauticians, dancers, singers musical instrument players and yes a lady Pilot. The event was so appreciated and applauded by all those present.

What came as a pleasant surprise was an invitation from Juhu Police station that they were hosting an event on 8th March, International Women Day to show their appreciation to the women officers and to some women of the area. We



Police event

were indeed bowled over by the gesture and informed Senior PI Shasikant Mane that since he had initiated this event we would look forward to it every year. Each of the lady officers was asked to speak on the occasion so also the guests for the evening. The lady officers were felicitated with flowers and gifts from the police station as well as NGOs. We were informed that a house break in had taken place in Juhu where a lady had lost gold ornaments worth 21 lacs. With some quick action and investigation, the case was solved in 4 days and her jewelry recovered. At the event that evening, the lady was presented her jewelry by the senior Police Inspector. She was so happy to get back her jewelry and applauded the Juhu Police station staff for the support and help they gave her and solved the case in record time. Publicising such events brings lot of confidence in the relationship between the police and citizens.

**Zahida Banatwalla is AGNI's Coordinator in K/W ward**

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## Public toilet at Powai

 Triloki Mishra

Lions Club of Powai has adopted the Public Toilet at IIT Main Gate, Powai, Mumbai under the Leadership of President Lion Kapildeo Singh & Lion Bhavani Shankar Sharma, renovated and opened it on 28<sup>th</sup> March 2021 for the public. A symbolic opening was done by Shri Shrinivas Tripathi, the Municipal Councillor (Ward 122). PMJF Lion Dr Triloki



Mishra, Lion Priyadev Sreemanglam, Lion Ashok Singh & Lion Ashutosh Shrivastava were present on this occasion.

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## Mission accomplished- FOB at GMLR in Indian oil nagar

 Uma, Sitalakshmi and Kala, M ward AGNI members

This is what Wikipedia says- Jeejabai Bhosle Marg, the official name of the Ghatkopar-Mankhurd Link Road (GMLR) is a road in eastern Mumbai connecting the suburbs of Mankhurd and Ghatkopar.



It connects to the Mumbai Pune Expressway via the Sion Panvel Highway. The road is 4 km long and 200 feet wide. The width of this road is 200 feet with 14 lanes! It was widened in 2010 when major traffic plied over it from the Sion-Trombay road.

**So why are we talking about this road?**

This is to highlight the serious issue of crossing this mighty road faced by the residents of some high rise buildings in the Premjyot/ Shankara Colony / Indian oil nagar complex off the GMLR . It was not only a nightmare but the sorrow of the residents staying there.

**Premjyot ALM swings into action**

Soon an ALM called Ecoprem ALM was formed by residents of Premjyot with help from our M ward AGNI coordinator Rajkumar Sharma in the year 2004. Kala Suresh started representing this ALM discussing multiple issues the area faced, but the core issue was a Foot Over Bridge for crossing the road which could save many lives! Many fatal accidents were reported here in newspapers yet the authorities did precious little. This did not deter the ALM, and they kept pursuing this issue relentlessly refusing to remove it from its agenda so that the ward officers of M/East always remembered this pending issue. Like a drop in the ocean, in every meeting some papers were moved, emails were sent.

Finally, in 2012 the FOB was sanctioned. The MMRDA even did some work to test the soil for laying the foundation. This

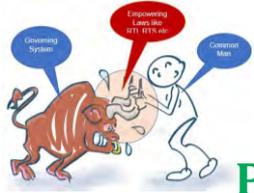
was even reported by Mumbai Mirror Though we saw hope, the work never commenced. The authorities indulged in short term temporary measures like providing traffic constables to help the people cross the road. Later they installed solar panels which sadly never served the purpose. The fight has been going on since 2008 but today we are in 2021, and finally an FOB has been constructed! Though the FOB is a reality today, some work still remains, like a roof over the FOB and adequate lighting to use at night. Desperation drives the people to use it right away. We had requested an escalator keeping in mind the needs of senior citizens, however only staircases were provided.

It's worth mentioning that some Netas even put up hoardings in the area saying they were installing an FOB here to woo their voters when in reality the FOB was already sanctioned and on the cards. It was as if they were spending their own funds and not the taxpayers' money!

ALM member Kala Suresh even moved to a different locality in the interim but handed over the reins of the ALM to other resident members Uma and Sitalakshmi who tirelessly pursued the issue in every meeting. Patience and perseverance wins the race and it did for this ALM and its residents

It was mission accomplished for the ALM when we see the FOB for which we have waited for more than a decade!

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## Take the Bull by the Horns How to make the Governing System work for Citizens - 6 Police matters Shrikant Soman

The tail of the bull of governing system can be tweaked to make it work for the citizens. There is a method and a means to do it. One must know how to do it and also, most importantly, he should be ready to go that extra mile in taking the actual ground action. At AGNI we have an army of silent warriors spread out all across Mumbai for accomplishing this task in a mission mode. We have JAAG - Joint Area Action Groups of local NGOs and citizens in various administrative municipal wards.

In our earlier Articles, we have seen the scope and functioning of RTI Act (Right to Information) and its companion - RTS Act. (Right to Service). We have also seen some actual examples of the success stories arising out of effective and intelligent use of these Acts. We will now have a look at the rights of citizens in the area of Law Enforcement - Police and Judiciary.

1 In order to have a check on police harassment, there are specific guidelines issued by the courts which state that a police officer cannot harass citizens during investigation. He has to note down minutes of the investigation in the station diary or the daily diary.

2 If a person is called to the police station when he is named in a complaint or is identified as a witness then a WRITTEN summon u/s 160 of CRPC is required. It should specify the date and time of appearing.

3 If a cognizable offence is revealed in the complaint then the police MUST register an FIR. He cannot stall the process under the guise of preliminary inquiry. Preliminary inquiry can only be conducted if the information does not reveal a cognizable offence and to the

extent of finding cognizability of a crime.

4 In the event of the refusal of the police officer to file an FIR, the complainant can submit a complaint in writing to SP. He can also lodge a complaint with the Magistrate.

5 A police officer "who shall offer any unwarrantable personal violence to any person in his custody" is liable to be punished with 3 months imprisonment as per S29 of Indian Police Act.

6 As per the directives of Supreme Court in 2006, Police Complaint Authority is established to look into the complaints of:

- Death in police custody
- Grievous hurt in police custody
- Rape or attempt to rape in police custody
- Extortion
- Land/house grabbing
- Incident involving serious abuse of authority

7 When police arrest a person, they have to prepare Inspection Memo (IM) and Memo of Arrest (MOA). IM notes the physical close body inspection of the arrested person at the time of lockup to ensure that the person is not injured during the investigation. MOA records detailed information of the arrest along with signatures of witnesses. This is to check any concoction of stories by the police about the arrest.

..... to continue  
**Shrikant Soman is AGNI's Coordinator in R/N Ward**

A MASK is better than a ventilator.  
HOME is better than ICU.  
PREVENTION is better than treatment.  
It's not curfew.  
It's CARE FOR U.



## Jack and the Beanstalk: A tale for government and the BMC

Farokh Mehta, Nepean Sea Road Citizens' Forum

Most of us have read the children's story of Jack and the Beanstalk. How Jack threw the magic beans out of his window one night and the next morning was amazed to see a giant beanstalk climbing up, up, up and up into the sky.

Neither our government nor the concerned BMC senior officials could have read this fable because there is a lesson in it and that seems to have been overlooked.

In Mumbai alone, we have read of several cases where buildings have been constructed beyond the permitted approvals. AFTER they are up, and in several cases AFTER they have been occupied.

The question is: How and when did these constructions appear? Certainly not overnight. Will "beanstalks" continue to sprout freely in Mumbai? There are several old and dilapidated buildings waiting for 'Development'. So it is in the interest of us all that we ask government and BMC to introduce a simple but effective deterrent.

BEFORE even a spade full of

earth is shoveled, the developer will need to set up a large board (15 metres x 15 metres or larger) at the site with the following information:

- Plot / CTS number
- Total area (length and breadth)
- Proposed built up area
- Set-back from the road and adjacent buildings
- Structure --Basement levels, Parking levels, open parking spaces, Residential levels and total height
- Name, address, phone numbers and email address of the developer
- Ditto of the BMC sanctioning officer

Interested flat buyers and activist citizens can click pictures for their record and follow up. All this plus the builder's plan should be available to interested citizens at the site –and on the BMC's Buildings Proposal Department website.

Like all good fairy tales, the idea is simple and has a moral: Prevention is Better than Cure.

Will the government and the BMC dismiss this as another airy-fairy goody-good idea?

## An appeal for donations

AGNI is a movement managed and run by volunteers. Being a voluntary movement, AGNI needs the support and contribution of every citizen to continue its work. Citizens are invited to contribute their indispensable ideas, time, effort and financial support. Send Cheque / DD in favour of "AGNI" to any of our Ward Coordinators as listed on Page 4 or to AGNI Office: Chadha

Bldg, 1st Floor, Plot no. 95, Wadala (West), Mumbai 400 031  
Bank Details for donations transferred electronically:

**Account Name: AGNI,**  
**SBA/c No.: 000710210000005**  
**Bank of India, Breach Candy Branch, Mumbai 400 026.**

**NEFT / IFSC: BKID0000007**  
AGNI is a Charitable Trust. Donations are eligible for exemption under 80G of the Income Tax Act.

**A VERY BIG THANK YOU**  
**for Donations received**

**in the month of March 2021:**

**Mr. Gerson daCunha Rs.50,000/=**

**Ms Prabha Krishnan Rs.50,000/=**

**Mr. Cyrus Guzder Rs.35,000/=**

**Mrs. Anagha Anil Patankar Rs.25,000/=**

**Mr. Azeem Banatwala Rs.20,000/=**

# Participatory budgeting: Mumbai's health budget 2021-2022

 **Divya Pinge & Antaraa Vasudev, Founder - CIVIS**

*This report has been presented to Mr. Asif Zakaria, Standing Committee Member, MCGM and also to Dr. Saeeda Khan who is a medical doctor turned Corporator, and is a part of the Health Committee at MCGM.*

**C** O V I D - 1 9 has demonstrated the grave impact that an uncontrolled and unknown virus can have. It has also demonstrated the resilience and fighting spirit of Mumbaikars and the civic authorities who have spared no effort to combat and manage the pandemic.

While the city now resumes life as it knew earlier, the lessons from the past year can serve as a guidance for better planning and management of resources to be able to tackle an exigency of this nature. It was with this intention that the Civic Innovation Foundation supported by the A.T.E. Chandra Foundation carried out a public survey to ascertain citizens' sentiment and gather feedback on the list of areas they want MCGM to prioritise during their planning and budgeting exercise for the health sector for the year 2021-22.

The feedback gathering was

carried out through two channels online responses —where residents responded on Civis' website and on-ground responses from Mumbaikar's with little or no digital literacy.

### Feedback report overview

Mumbai's unique and complex demographic necessitated having a representation of voices across varied socio-economic strata and the responses illustrated the diversified priority areas that emerged across the two demographic segments.

### 1045 responses were gathered across Mumbai

The feedback across both channels displayed a nuanced and detailed understanding of Mumbai's civic issues and stemmed from lived experiences. The feedback points give rich insights into the minds of the average Mumbaikar across the city's length and breadth and the enhancements that they would

like to see in their city's health infrastructure.

The COVID-19 pandemic and the impact that it has had on the citizens' psyche could be noted from the suggestions they made. From enabling food delivery apps to support the elderly with customized meal plans, to awareness programs to combat the increasing challenge of mental health issues, a host of ideas and recommendations from the collective feedback have emerged.

It was also interesting to note that while the pandemic remained an area of concern, the overall situation of the city's health infrastructure remained topmost on the minds of the citizens. It was pertinent to note that the social background of the respondent and their life challenges dictated the areas of priority that they defined. Close to 40% of the total on-ground respondents cited access to

medical supplies as the topmost priority area under the budget for Covid-19 expenditure, whereas close to 50% of the online respondents stated upgradation of hospitals as the mainstay. However, the two groups unanimously agreed that a separate allocation of resources and funds was inevitable in order to effectively manage an emergency situation, should it arise again.

While the respondents did share their suggestions for improving the city's public health infrastructure they also acknowledged the efforts put in by the MCGM towards managing a crisis that had been uncalled for.

We believe that such a proactive approach by citizenry to participate actively in their city's functioning can go a long way in democratising Mumbai's civic infrastructure. A detailed illustration of the response trends and intuitive insights shared by citizens can be had from Antaraa Vasudev <[antaraa@civis.vote](mailto:antaraa@civis.vote)>

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**To volunteer in AGNI or to form Advanced Locality Management (ALM) contact your respective Ward Coordinators below**

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