

MUMBAI MERI JAAN

THE MONTHLY NEWSLETTER OF AGNI



Editorial

India's FIRST voter Negi dies at 105 – An inspiration to many non-voters

Shyam Saran Negi, an Indian school teacher in Kalpa village in Himachal Pradesh, who cast the first vote on October 25 1951 general election—the nation's first election since the end of British rule in 1947—died on November 5th 2022 at the age of 105.

Although most of the polling for that first election took place in February 1952, Himachal Pradesh went to the polls five months early because the weather there tends to be



inclement in February and March and heavy snowfall during that period would have made it impossible for citizens to reach the polling stations. Thereafter he voted in every election until his death.

Negi was honoured in 2010 by the then Chief Election Commissioner of India, Navin Chawla, who visited his village as part of the Election Commission's diamond jubilee celebrations.

In 2014, Google India made a public service announcement in which Negi mentioned his participation in independent India's first election, and reminded viewers of the importance of voting. He died just four days after he cast his last vote for the Himachal Pradesh assembly elections.

Negi was an icon for voters not only in Himachal Pradesh but across the country. He was an ambassador for the Election Commission.

I hope Negi will be an inspiration for all voters who don't cast their vote.

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MMJ

#Refill don't #landfill – Again

Lillian Pais, H/West Ward Coordinator

In the recent past the Care for Creation group of St Peter's Church has been promoting the Refill concept to reduce plastic and packaging waste. On Sunday, October 30th they had another drive in the church compound to entuse more parishioners to participate in this eco-friendly concept.

The common question asked still is why should I refill when my traditional cleaners cost the same? By refilling you only pay for the product, not the packaging making low-waste living easy. Even if you are the only person refilling you will be saving 600gm of plastic from reaching a landfill every month. On Sunday the October 20th,



despite the scorching sun, 80L of liquids were dispensed which directly saved 24Kg of plastic containers from entering the landfill or oceans. Imagine the environmental impact we would have if we all joined in the refill revolution! Do give this a thought!

Let's reduce plastic and packaging waste by buying refill home care products every time. Be a responsible consumer. Refill don't landfill!

MMJ

BEST BUS ROUTE NO 627

Zahida Banatwala, AGNI Trustee

The road from Juhu Centaur to Chandan Cinema, on the western side is full of narrow roads, dotted with housing societies, bungalows, and Gaothans and five and three star hotels. Dozens of restaurants and commercial establishments line the roads, along with schools and places of worship. Hawkers and

handcarts occupy whatever vacant space is available. One cannot forget Juhu is a tourist destination, and we have the iconic Hare Krishna Temple. To add to all this is also the number of Banquet halls in the area.

Within this chaos, jostling for space are pedestrians, private cars, rickshaws, 2 wheelers and the BEST **contd. on Page 4**



SAVE RANI BAGH BOTANICAL GARDEN FOUNDATION celebrates

RANI BAGH – 160 YEARS
MUMBAI'S HERITAGE BOTANICAL GARDEN
November 19, 1862 - November 19, 2022

JOIN US TO COMMEMORATE THIS HISTORIC OCCASION!

Venue: Cama Hall, K.R. Cama Oriental Institute,
136 Mumbai Samachar Marg Mumbai 400023 (Opp. Lion Gate)
Date: Saturday, November 19, 2022 Time: 6:00 p.m.

Guest of Honour: Mr. D.M. Sukthankar
formerly Chief Secretary Maharashtra and
Chairman Mumbai Heritage Conservation Committee

Programme:

Screening of Foundation's film, Rani Bagh – Mumbai's Heritage Botanical Garden	6:00-6:10 p.m.
Foundation Struggle Update	6:10-6:20 p.m.
Speakers:	
Mr. D.M. Sukthankar	6:20-6:30 p.m.
Mr. Bittu Sahgal, President Bombay Natural History Society and Founder Sanctuary Nature Foundation	6:30-6:40 p.m.
Dr. Pheroza Godrej, art historian; President Emeritus National Society of the Friends of the Trees	6:40-6:50 p.m.
Ms. Nayana Kathpalla, Trustee NAGAR, OVAL Trust and Urban Design Research Institute	6:50-7:00 p.m.
Mr. Cyrus Guzder, environmentalist and heritage expert; formerly Member Mumbai Heritage Conservation Committee	7:00-7:10 p.m.
Ms. Sumaira Abdulali, noise and illegal sand mining activist; Founder Awaz Foundation	7:10-7:20 p.m.
Concluding Remarks and Vote of Thanks	7:20-7:25 p.m.
Tea and Refreshments	7:25 p.m. onwards

RSVP: info@saveranibagh.org; Call/Text/WhatsApp: 9820685929; 9819887277

Citizens initiative reclaims open space after nine years

A citizens' initiative to reclaim an open space in south Bombay has borne fruit – resultantly, a well-designed garden at the Jawaharlal Nehru Garden, opposite the Life Insurance Corporation of India, will be built soon

The Nariman Point Churchgate Citizens Association (NPCCA) initiative to reclaim an open space in south Bombay has finally borne fruit—result, a well-designed garden at the Jawaharlal Nehru Garden, opposite the Life Insurance Corporation of India, will be built soon. It is no small victory of the NPCCA, that filed a PIL in the Bombay high court in 2013 to rid the space of encroachments.

After the court ruled in NPCCA's favour in 2015, the space was cleared of encroachments, at the behest of former municipal commissioner, Ajoy Mehta. Most encroachments were cleared by 2020, but the pandemic stalled further plans of development. Now, Brihanmumbai Municipal Corporation (BMC) will finally build the garden.

Infact, the entire area was marked for a recreation ground in the 1961 development plan (DP) of Mumbai – it included the small garden which houses Nehru's statue and also a few ministerial bungalows.

NPCCA had been crusading against these encroachments and complained to BMC on many occasions in the past. When no one heeded their pleas, they moved court. As Atul Kumar, president of NPCCA said, "We were fighting with the government for 15 years before filing the PIL. Instead of removing the structures, the government continued to build more and more."

The headquarters of Maharashtra Tourism Development Corporation, spread over 7000 square feet, was located on this plot, before they moved in 2014 to Apeejay House, in Churchgate. Two chowkies of the BMC conservancy department were demolished bet-

ween 2015 and '20. The plot also housed an office of employment and self-employment department which was also pulled down.

However, since the plot housed the state Bharatiya Janata Party (BJP) headquarters and the party did not want to move out, the BJP-led government quietly amended the DP in 2018 and marked Jawaharlal Nehru Garden as 'Recreation ground plus' (which means other structures can be built in the ground), to allow the state BJP and Janata Dal offices to remain on the periphery.

"Compromising the recreation grounds is non-negotiable. We are thrilled to have a garden back – the space was grossly encroached by the state government owned structures. Most of them are cleared now. Since walking on Marine Drive has become difficult, as the promenade is truncated due to the coastal road work, this is a welcome clean and green patch for us," said Kumar. "Our forum works for a better neighbourhood and quality of life. The Marine Drive promenade, recreation grounds and playgrounds are important to us."

A senior IAS officer, residing in Yashodhan building, behind the LIC headquarters said, "This garden with a walking track will add to the beauty of the Churchgate area. Many bureaucrats who stay in the vicinity and also the ministers who reside in cottages opposite the Mantralaya can use this space."

Acknowledging the crusade of local residents, Shashi Bhembde, executive engineer of BMC's garden department, said, "They have taken away this plot (measuring over an acre) from the state public works

contd. on Page 4

New aesthetic, new employment opportunities for Badhwar Park Koliwada

The A ward aims to put this koliwada in the spotlight and convert it into a vibrant urban precinct. The project's emphasis will primarily be on encouraging local tourism, generating revenue and celebrating the heritage of the kolis, who are Mumbai's earliest residents.

In November 2008, a gang of terrorists from Pakistan entered Mumbai and created untold havoc in the city. The entry point through which they slipped in was the koliwada in Badhwar Park, Colaba.

Fourteen years later, the Brihanmumbai Municipal Corporation's (BMC) A ward, comprising the Colaba, Churchgate and Navy Nagar areas, will kickstart its ambitious beautification project from this very place. Unlike the Worli koliwada, the one in Badhwar Park has remained in the shadows and is more or less unknown to the general public except perhaps for the notoriety it gained because of Kasab. The A ward aims to put this koliwada in the spotlight and convert it into a vibrant, urban precinct.

The project's emphasis will primarily be on encouraging local tourism, generating revenue and celebrating the heritage of the kolis, who are Mumbai's earliest residents. The BMC is planning several cultural activities to spread awareness of the community's way of life and set up photo booths where tourists will be encouraged to take pictures of themselves in traditional koli outfits. In an artistic touch, the roofs of the houses are to be painted in a uniform colour to make for a stunning roovescape for the eyes of air travellers and residents of the surrounding highrises.

In an innovative re-use of defunct fishing boats, the BMC plans to transform these into kiosks to sell koli food. "Before we begin on the beautification, we plan to have a koli festival to promote traditional koli food," Sangita Hasnale, deputy municipal commissioner, Zone 1, said "We will involve college

students in cleaning the shanties in the village and transform dull wall spaces into a vibrant and colourful neighbourhood."

There are also ambitious plans for the sea front. Hasnale revealed that the koliwada would be fitted with a pathway and a ramp with seating arrangements near the sea. "The tetrapods in the sea will be illuminated and there will be a digital entry gate where Badhwar Park begins," she said. To encourage eco-friendly modes of travel as well as earn revenue for the precinct, the BMC is planning to install EV charging stations. It has already floated a ₹50 lakh tender for this project.

The BMC project will also look at whether the houses of kolis can be adapted into home stays to promote local tourism as well as create additional earning opportunities for them. Other new livelihoods sought to be established for the community are boat-building, aqua phonic farming and fish net-weaving, skills that will be taught to them by technical experts and institutes. This project will take six months to complete and the cost will be incurred by the BMC along with corporate social responsibility (CSR) funds.

Hasnale said there were also plans afoot to beautify the three entry points to South Mumbai—the ending point of the eastern freeway, Dr Babasaheb Ambedkar Road in Byculla and the Worli end of the Bandra-Worli sea link. Additionally, the footpath of P D'Mello Road leading from the eastern freeway to the Gateway of India will be stamped and lit up. "This is our way of welcoming everyone to South Mumbai," said Hasnale.

Know your rights: Filing complaints in the consumer court

 **Bimal Bhuta, Social Activist from Vile Parle**

The purpose of establishing a separate forum for consumer disputes is to ensure speedy resolution of disputes with minimum inconvenience and expense to consumers.

The Indian government has established the consumer courts under the Consumer Protection Act to safeguard the interests of consumers. The consumer court is a special purpose court that deals with consumer complaints, disputes and grievances. Consumers can file a case against a seller or service provider if they feel cheated or exploited.

The purpose of establishing a separate forum for consumer disputes is to ensure speedy resolution of disputes with minimum inconvenience and expense to consumers.

Who can file a case in consumer court?

As per the Consumer Protection Act, a person is considered a consumer if they acquire goods or services for their own use, other than for a business.

Types of cases that can be filed in consumer courts

The consumer can file a case against the seller or service provider if he has suffered loss or damage due to...

- Defective product
- Deficiency in service
- Unfair or restrictive trade practices
- Harmful goods or services
- Excess price charged

Types of consumer courts

As per the Consumer Protection Act, a complaint can be filed in...

- District Forum: Value of goods or services up to Rs 50 lakh
- State Commission: Value of goods or services is more than Rs 50 lakh and up to Rs 2 crore
- National Commission: Value of the goods or services exceeds Rs 2 crore (the National Commission is located in Delhi).

Procedure of filing a case in the consumer court

You can approach the consumer court within two years from the date on which the cause of action arises. Before approaching the consumer forum, you first need to send legal notice to the opposite party and give them 30 days to resolve the dispute. If they ignore your legal notice and do not reply or resolve the issue within 30 days, you can approach the consumer court. For filing a case in the consumer forum, you just need to

mention all the details of the case, attach annexures and submit the required copies. Normally three copies of these documents are required to be submitted – one for the court, one which is forwarded to the opposite party and one for the complainant.

In case the number of opposite parties is more than one, then more copies of the case documents are required. Along with these case documents, you also need to deposit the required court fees.

Relief provided by consumer courts: The consumer forum can give direction to remove the defects from the goods; replace the goods; refund the price paid; remove the defects or deficiencies in the services; award compensation for the loss or injury suffered by the complainant; discontinue unfair trade practice or restrictive trade practice; withdraw hazardous goods from being offered for sale; cease manufacture of hazardous goods and desist from offering services which are hazardous in nature; pay for sum (not less than 25 per cent of the value of defective goods or services provided); issue corrective advertisement to neutralise the effect of misleading advertisements; provide adequate costs to parties.

Details of consumer courts in Mumbai

- District Consumer Dispute Redressal Forum (south Mumbai), Plot No. CS-4/296, 2nd Floor, PT Parel Shewri Division, SS Road, Near Mahatma Gandhi Hospital, Maharashtra 400012.
- District Consumer Dispute Redressal Forum (Mumbai suburban), Government Colony, Bandra East, Mumbai, Maharashtra 400051.
- Maharashtra State Consumer Disputes Redressal Commission, Old Administrative Staff College Bldg, Room No.1, 2, 5 & 6, Hajarimal Somani Marg, Opp. CSMT railway station, Mumbai – 400001. E-filing of consumer court cases <https://edaakhil.nic.in>

The e-daakhil portal provides a hassle-free, speedy and inexpensive facility to approach the relevant consumer forum,

doing away with the need to be physically present to file grievances. The portal has many features like e-notice, case document download link and VC

hearing link, filing written response by the opposite party, filing rejoinder by the complainant and alerts via SMS / e-mail

MMJ

No hawkers on overbridges, near railway stations: HC

Create hawking zones, citizens have a right to use footpaths, road safety and without obstruction, says court

Cracking the whip on illegal hawkers in the city, the Bombay High Court in 2017 restricted hawking to designated zones, while banning hawkers on foot and rail overbridges and within 150 metres of railway stations.

A Division Bench comprising Justices B.R. Gavai and M.S. Karnik refused to accept contentions made in petitions filed by city hawkers, which claimed that as per the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, municipal authorities cannot evict them. The petitions claimed that after the Act came into effect, they are permitted to set up shop anywhere, which means there are now no 'non-hawking' zones. The court, however, said accepting their contentions would create chaos in all cities.

Relying on a Supreme Court judgement of 2004, following which municipal bodies had identified hawking zones, the HC said, "No hawking would be permitted within 100 metres of any place of worship, holy shrine, educational institutions and hospitals, and within 150 metres from any municipal or other markets or any railway station. No hawking would be permitted on foot bridges and overbridges also."

For places of worship, the Bench said hawkers can be permitted to sell only items required by devotees as offerings, such as flowers, candles, coconuts and so on.

The court said, "We are faced with a situation to balance the rights of the hawkers to do vending business to earn their livelihood on one hand, and rights of the citizens to use the footpaths and roads without obstruction

and ensure their security."

The Bench noted that till vending and non-vending zones are notified by the authorities in accordance with the Act, "hawking activity can be continued only in areas identified as hawking zones, as approved by the apex court, and in no case, such activity can be permitted in non-hawking zones."

Footpath is for public use

The court said footpaths and pavements are public properties intended to serve the general public. "They are not laid for private use, and their use for private purpose frustrates the very object for which they are carved out from portions of the public roads. We are therefore of the view that while considering the rights of the hawkers to conduct their vending business on streets, we will have to balance the rights of the pedestrians to walk on the footpaths and the citizens to use the roads for the purpose of plying their vehicles."

Almost in every station there is clash of hawkers, shopkeepers and activists, but the BMC, the police or the elected representatives are silent spectators.

The Town Vending Committees formed by BMC at city and zonal levels have not been able to go ahead and is only on paper. When they were formed there were a few meetings but thereafter it died down.

MMJ



Citizens initiative reclaims open space after nine years

contd. from Page 2 department (PWD) and given it to us for development. Since this area lies in heritage precincts, we have also taken permission from the Mumbai Heritage Conservation Committee to carry through the plan of the garden – it will get basalt cladding so that it gels with the heritage precinct. The jogging track will approximately



measure 800 metres and will be made of Kota stone.”

The civic body will spend nearly ₹1.73 crores for the project. **MMJ**

An appeal for donations

AAGNI 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,
SB A/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. **MMJ**

A VERY BIG THANK YOU
for Donations received

in the month of October 2022:

Mr. Vijay Menon Rs.8,000/=

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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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BEST BUS ROUTE NO 627

contd. from Page 1 bus no 627. It has been observed that about 18–24 people travel on this bus which operates from Mora Gaon to Andheri Station via the very narrow J.B.Juhakar Marg and Gandhigram Road. The Gandhi gram road which leads to the entrance of the beach is always crowded. The buses plying to and fro at times clash on the road leading to a traffic jam.

A study carried out by residents showed that sometimes 2 or 4 people board or alight from the bus on this road. The local residents' pedestrian safety is at risk, even if one ignores the vehicular congestion the bus causes. All the neighbouring societies have been working together since 2014 to resolve this issue. In the interim period the traffic and pedestrian congestion has only worsened. After much brainstorming the only practical solution was to slightly tweak the bus route. Meetings with BEST authorities and elected representatives were arranged and the problems were discussed.

However there seems to be a deadlock as the residents of



Mora Gaon and other groups are stubbornly insist on only one solution with a complete refusal to arrive at an amicable agreement—let the bus continue the way it is as their route must not be disturbed. Would this be fair to the local residents of J.B.Juhakar Marg, and Gandhigram road residents? Is their safety not compromised? Should the traffic department not carry out a fire audit of the area? In the past a fire has raged and burnt a house simply because the fire brigade could not reach on time due to traffic congestion.

Says Sandra Alex a local resident and AGNI Coordinator K-(w) "Gandhigram Road is a 30 foot road with a divider for up-down traffic. Most often we the residents of this area are trapped in a dangerous situation with the plying of bus 627, oncoming traffic and hordes of pedestrians all vying for the right of way. The re-routing of the said bus will alleviate the woes of residents as also the threat to life and limb in the eventuality of a medical emergency or fire. Tweaking of the route will positively impact residents safety and sanity". **MMJ**

feedback

● Thanks a lot for sharing a very informative October, 2022 issue of MMJ.

D.M.Sukthankar

● Very encouraging news from Kandivali. Hope it gets repeated elsewhere too.

Kuppu