

MY CITY, MUMBAI - The NGO Force

In the bad old days in the scenario of all mighty bureaucratic power which was surrounded by secrecy worthy of the iron curtain, citizens were reduced to ineffectually complaining about deteriorating conditions in the city and its poor governance. Everything seemed to be falling apart and a prey to the insidious politician who saw the city as his power centre and no doubt his money base. He blinked cynically and indifferently to its problems and in many cases compounded it. To add to the city's woes is the exponential numbers which migrate to it every day from the country's interiors.

**Our city was built to accommodate about 2 million persons and now is in every respect bursting at the seams with a mind boggling and still —18 million persons! The island city of Mumbai does not have the luxury of elasticity of space and therefore cannot spread outwards but, regrettably, only upwards.**

In the 80s citizens banded together in loose knit, informal organisations in their neighbourhoods to have a common voice with which to address the authorities. Complaints and proposals met with scant attention and the voice of the people was not heard. But dogged persistence and insistence on meeting the concerned officials somewhere along the way, finally found a democratic mind and a sympathetic ear! This was forced by the growing power of the press, which thought these civic issues news worthy—and so became a wonderful ally for the citizen. To empower citizens the recent Right to Information Law enacted by the Central Government in 2005 is a powerful tool with which the citizen can probe the rationale of a decision through information the authorities are bound to give to the person requesting for it.

So, in a small, tentative way, citizens, and trusts formed by them with public agendas began being assigned tasks by the Municipal Governors, which were of low priority to them for which they could not find funds and in any event got them no votes! **Mumbai has one of the poorest ratios of open spaces to built 4 acres to a 1000 persons.** Busy metropolises such as New York boast of 5.33 and London, 4.84 while Mumbai has a dismal 0.03. Just how dismal this figure really is, is demonstrated by the fact that it includes a national park which is way out of the city limits and the Governor's residence which is out of limits period! It is no mean task to get people with commercial agendas to see what the rest of the world has seen and acknowledged, namely, that open spaces and the wealth of benefits they bring is not a luxury but a necessity.

It all began in the 80s with small gardens and traffic islands which the Municipality had allowed to go to seed and be taken over by the unsocial elements of society. One of the first gardens to be assigned to a business house was the Horniman Circle Garden which is located in the heart of the historic business district of the city. It is bounded at the eastern end by the massive neo classic construction of what was then Town Hall, now housing the Asiatic Library. It is surrounded by a row of semicircular arcaded buildings built in the mid 1800s, which have stone frontages, embellished by keystones. This “garden” if you could call it that, was a barren den of thieves, peopled only by the underworld of society. It is now, thanks to the efforts of the



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Shirin Bharucha + Nayana Kathalia

business house and the trust which now looks after it, a green, bio diverse oasis which gets 3 to 4 thousand visitors every day, and democratically answers the need of the people of the area. It has every facility that a garden in the heart of a city could want...toilets, a children's corner, a study nook, a stage for performances and a lawn where you can eat in green, clean surrounds. In the cooler months, it plays host to various performers, who entertain with music, drama and poetry and promote social causes.

But the real success story was that of a historic 22 acre recreation ground owned by the State Government called the Oval. It has a unique and quite one of a kind setting. At its eastern edge are the wonderful Gothic buildings of the State's High Court, the Clock Tower and Convocation Hall of the University and the City Civil Court. The western edge of the Oval has a sweep of 1930s Art Deco residential houses rivalled only by Miami. This prime land listed by the Government itself as one worthy of Grade I status in its list of buildings and areas to be of heritage value, had been sorely neglected. It had become a desertified, unsafe dust bowl, unworthy of the status its officials had given it. It was the intent of the citizens in the area that this historic and socially important ground, (its roots go back to the 1920s when it was part of a green esplanade fronting the State's buildings with the sea lapping at it on its western shore) be restored and given back to the city's poorest who otherwise have no access to recreation grounds. A **15 year long** conversation to ask the Government to restore the ground or to let the residents of the area do so, then ensued. This at times became a battle with an obdurate bureaucracy! Each time plans were mooted by the authorities to “restore” the ground, to our horror, it took the shape of constructions of various sorts...a shopping mall, a stadium, club houses, changing and shower rooms, cafeterias and holding of exhibitions on this ground...none of which were needed in the area and all of which reeked of much money that could be made. Several legal issues were taken to the very same High Court on the Oval's eastern face in order to protect the Oval land from being misused and appropriated by people who did not know, or worse still knew, but did not set any value to a green space in a concrete city.

**Quite unexpectedly, and to our surprise, in 1997 the citizen's Trust the permission to restore the Oval.** We had to show progress within six months or else this hard won permission would be revoked. To understand the difficulties faced in executing this project, the ground reality has to be appreciated. While the Oval land belongs to the State Government, the area surrounding the Oval belongs to the Municipality and though they are arms of the same Government, they do not always see eye to eye, putting the Trust in the unenviable spot of sorting out their longstanding animosities! This problem was compounded by the antiquated laws of the Government and the time-honoured game of file pushing which the bureaucracy is so adept at! For the corrupt at the lower echelons of Authority it was difficult to comprehend that citizens would do such work involving a fair amount of money only out of altruistic motives. Bribes were openly sought which callously delayed the project. Despite this extra hassle and delays caused, no bribes were given.

In 1999, the restoration was complete and the ground thrown open to all as a



gift to the city from the Trust. The component elements of the plan, a walking track, a watering system, a green palm fringed edge were now befitting a ground with a Grade I heritage status. The sea change in the Oval was appreciated by all. The Oval was now a clean green expanse for recreation and games, alive with the happy sounds of children and people who otherwise had no means or possibility of belonging to a club or gymkhana. The ground is open all the days of the year to everyone entirely free of cost. No one is permitted to use it as his own preserve or to use any part of the ground for commercial use.

The State Government which had warily given permission to the Trust now were reassured that there were no ulterior motives and in fact framed rules for the upkeep and protection of the Ground. A paradigm shift in attitude, if ever there was! The restoration of the Oval has made a qualitative difference to the ambient air quality and therefore to the lives of the people, not just of the area, but to all who come to this part of the overcrowded, overbuilt city.

CitiSpace

CitiSpace had its beginnings in a small initiative where four resident associations and an NGO got together to clean-up their area at the southern end of the Island city. That this initiative answered a widely felt need, but which was not articulated till now was clear from the fact that in just ten days CitiSpace's membership grew to include twenty-eight organisations spread across the city. Today it has a membership of about 550 Resident Associations, NGOs, Trade and Commercial Associations and Establishments and individuals across Greater Mumbai.

CitiSpace realized very quickly that there was a tremendous desire to do something amongst citizens that needed to be addressed if any effective change could be made. One of the reasons for a degree of hesitancy was on account of the lack of information about citizens' rights. **The refrain always was – the municipality says this cannot be done; the police say this is the law; and we are lone citizens, what can we do to counter their might? This is the job of the authorities; we pay our taxes etc., etc. This feudal syndrome has always been there, and was being exploited to the hilt by unscrupulous politicians and the authorities.**

CitiSpace therefore made a huge research effort to gather all the relevant information on public open spaces in the city and the threats they were subject to. The information had to be 'translated' and simplified for the lay person and disseminated to them. This information empowered people who could then begin with the confidence that awareness brings, approaching the local authorities to resolve local problems and to assert their rights which till then they were in the dark about. At first it

worked, only sporadically, but enough to embolden others to follow and take the movement forward.

CitiSpace's agenda grew as more and more citizens participated bringing with them their area's problems. It became clear that, empowering citizens with information, to take up issues close to their hearts and localities was the great catalyst. 'Ownership' of one's area and a sense that one is here to stay, motivates a person like nothing else does, as the benefits that accrue will be there now and for future generations.

One common, vexatious issue that has come up over the years is that of encroachment on public spaces which has been the combined result of the authorities turning a blind eye to the problem, their indifference to it and in many cases corruption. This is a sad commentary on our times but it is the reality that has to be faced. The problem has assumed vast proportions. It is estimated that there about 2.5 lakhs hawkers who have illegally appropriated public spaces for their trade, of who only 15,000 are licensed. The remaining unlicensed ones are permitted to hawk by the authorities on an ad hoc system and at their pleasure for which it is estimated that a graft of Rs. 365 crore (Euros ...) per annum is given under the table to the authorities!

As far back as 1985 the Supreme Court of India approved a scheme for setting up Hawking Zones in the city as is the practice world wide. In 1998 CitiSpace was forced to go to the Bombay High Court seeking directions to be given to the Municipality to implement the 13 year old order of the Supreme Court. The matter is now back in the Supreme Court awaiting final orders. The path for the citizens has been painful and tortuous because of having to battle the very authorities against whom the case was initiated!

In a space starved city like Mumbai one major problem is that of encroachments in all manner of public spaces, reserved by the Government itself in its Development Plans, such as recreation grounds, playgrounds, garden parks, beaches, mangroves and lands abutting the railway tracks. Government set up a scheme with the inherently flawed principle that **"... if inequality has to be removed, there have to be unequal laws..."**. All such encroachers were to be given free housing, very often on the very lands on which they have encroached! CitiSpace's stand on this was quite unequivocal and clear – no rehabilitation can take

place on reserved public spaces as these were intended for the use of the public at large, quite apart from rewarding a patent illegality. CitiSpace got a stay from the Bombay High Court on all such ill advised plans and only last month the Supreme Court of India has vindicated this stand and has categorically stated that encroachers have no legal or fundamental rights to stay on public land even for a minute.

Conclusion

And if this sounds like all's well that ends well, the truth is that for the citizen the battle to keep the good that has been done intact, is an unending battle. Some time after the much appreciated Horniman Circle Garden was created and very well used, a Minister from the State Government, pronounced it to be an unused garden that needed to be demolished and instead a high rise parking lot should be built there! Some educational inputs for the Minister were needed in order to leave well alone! In the Oval we face demands to 'bend' the rules from time to time. ...Can we not hold this 'important' event there? Or that 'world' event. ...just for a few days we will set up structures, bar every one from using the ground for their recreation, use loudspeakers which are banned, and so on and on. Fortunately the rules of the ground and setting a bad precedent argument that the Trust has rightly used, has worked to spare the ground from desecration.

Though these are vital improvements for the City, the most important fall out of these experiences was that it showed to the citizens AND to the authorities that the NGO sector was alive and well and that NGOs could, with the cooperation of the State, make great improvements in the city. However this does not prevent johnny-come-lately NGOs from trying to drive a wedge in the solidarity of the NGO movement with suspect agendas that poach on the solid work done by them over the years. Needless to say that the authorities who have been needled into doing the right thing by the NGOs, are thrilled with this new and unfortunate development! This too will be effectively countered.

There are many invaluable lessons learned from these experiences and the work done for the city by NGOs which can be advantageously used to effect change for the better.

The first is that mobilizing public opinion and community involvement is of the essence.

The voice of the people has to be strong and persistent.

The second is that covetous eyes will always be cast on untended, unused open spaces, especially in a city starved of open grounds where construction is the name of the money game.

Eternal vigilance is also the price of open grounds.

The third is that though an adversarial, legal approach is necessary in some cases, it may still not get the required results. Though the law may be with the citizen, the interminable processes of the law and the high costs involved deter approaching the court for redress. It has been rightly said that a case in Court in India makes infinity intelligible! Even when the Court orders in favour of the citizen, it is unfortunately the authority against whom the order was passed which has to implement it. This they do with utmost reluctance and as many delays as possible and in some cases opt out the easy way by changing the law itself by an Ordinance overnight! **Being right is not enough!**

The fourth is that you must know that the antediluvian systems of Government are designed to defeat you! But to make the bureaucrat your friend and to follow the path he suggests no matter how circumlocutory or meaningless it may seem, is your best bet. **Time wasted can be time well spent!**

The fifth is that we, that is the authorities and the citizen, should know that societal decisions are increasingly a shared interactive process between the government and the governed. **The Government and citizens are not adversaries on different sides of the fence.**

The sixth is that the citizen is now empowered by the Right to Information law and can ask for information and see the reasons why a decision was taken and by whom and therefore to question and challenge the decision. The veil of secrecy is thankfully now a thing of the past. **Know your rights and empower yourself with the tools given to you.**

These six Commandments must form part of the NGOs Bible. Experience will show how many more are required to be included till we reach the final powerful ten! There are unfortunately, no shortcuts to achieving improvements in the civic realm. Some problems are more intractable and difficult than others to tackle, but not insoluble. It is clear that the State can no longer talk down to the citizen whose active cooperation and involvement is necessary for effective governance. The Government of India has recognised this truth and has enacted changes in India's Constitution whereby the citizens have to be involved in the decision making process at local levels.

This augurs well for the NGO forces of My City.





Source: Author