

# Development Control Regulation No.58 of the Development Control Regulations for Brihan Mumbai, 1991

48. The framing of the original DCR 58 and the constitution and working of the Expert Committee all involved the planning authority, i.e. the BMC. Instead of acting on the report, the State Government amended DCR 58. It did so, apparently, without a full consultation with the Planning Authority's General Body. When the General Body of the BMC became aware of this drastic change in the land use in this area without any open debate or prior consultation, it passed a Notice of Motion in its meeting of 9th October, 2003. This Notice of Motion stated very clearly that the recent amendment to DCR 58 would result in the citizens of Mumbai being deprived of a substantial area of potential recreation ground and similarly, of MHADA being deprived of a large area essential for affordable housing purpose. The Notice of Motion reflected the BMC's view that this matter required public debate and that BMC was of the considered opinion that the State Government should be requested to revoke the amendment to DCR 58 and to restore the original provision and if feasible, revoke any permission if granted to textile mills after effecting the amendment to DCR 58. At the BMC's request, the city's Mayor wrote to the Chief Minister requesting that note be taken of the BMC's request and that it be acted upon. A copy of the said Notice of Motion passed on 9th October, 2003 is hereto annexed and marked as Exhibit "P".

49. As a result of the amended DCR 58, the already miserable plight of the slum dwellers and the homeless in Mumbai will be made much worse. At present, according to BMC statistics, more than 50% of Mumbai lives in slums or in sub-standard housing in extremely unhygienic conditions. There is acute shortage of affordable housing for the rehabilitation of these homeless persons. Despite this, a huge area that is potentially available, through the agency of MHADA, for affordable housing for Mumbai's millions of slumdwellers and homeless has been jettisoned in favour of private commercial and high-cost, premium residential accommodation. When the amendment was notified under section 37 of the MRTP Act, no less a person than the then Deputy Chairman and Chief Executive Officer of MHADA, objected to the change, pointing out the shortage of land available for housing in Mumbai. Other objections raised by the general public were also disregarded. A copy of the said objection contained in the letter dated 24th July, 2003 is hereto annexed and marked as Exhibit "J".

50. Apart from open space and mass housing requirements, there are also issues of infrastructure including, not just roads, water supply, sanitation and sewerage but also the provision of space for ancillary services required by the city viz. schools, colleges, health-care centres, clinics, hospitals, dispensaries, etc. The amended DCR 58 makes no provision whatsoever for these elements that are integral to any sound and balanced planning.

The State Government appears to have taken no cognisance of the representations from the public authorities that are charged with the orderly and planned development of the city, representations clearly made on behalf of the citizens of Mumbai, by the city's Planning & Housing Authorities. It is submitted that it is not open to the State Government to bypass the Planning and Housing Authorities without sufficient cause. In a matter involving such a huge tract of land, and a change in a regulation that is bound to alter the character of a Development Plan prepared by the Planning Authority, for the State Government to bypass the Planning Authority is, to say the least, a gross abuse of power.

Under the scheme of the original DCR 58, while 2/3rds of the area of surplus mill land (including built up area) was to be surrendered for open space and public housing, the FSI of this 2/3rds area was allowed to be used by the mill owner on the balance 1/3rd area or in any other plot. As a result of this, the mill owner could use a substantial portion of the FSI on the remaining area of land (the balance FSI being required to be taken as TDR) and was not in any way worse off as a result of this restriction. On the other hand, the benefit to the city by way of additional open space was enormous and so also to the MHADA for housing. This was therefore a formula whereby both the mill owners and the citizens would benefit. Under the amended DCR 58, the benefits to the public have been almost completely wiped out.

It is submitted that, for the reasons set out above, the amended DCR 58 is completely contrary to the interests of the mill lands area, the city of Mumbai and of the occupants and residents of the areas that lie between the mill lands.

(C) **AMENDED DCR 58 IS IN VIOLATION OF THE PROVISIONS OF THE CONSTITUTION OF INDIA**  
*ARTICLE 21 OF THE CONSTITUTION*

54. It is well established that a right to a clean and wholesome environment is a right inherent in the right to life and personal liberty under Article 21 of the Constitution. In a densely populated and congested city like Mumbai, the need for open spaces is an environmental need, and hence concomitant to the right to a clean and wholesome environment. The public interest in open spaces is implicit in the terms of the MRTP Act itself, *inter alia*, in the provisions that relate to formulation of the draft Development Plan; the sanctioning of the draft Development Plan by the State and in the modification of the final Development Plan. In view of this, there can be no deprivation of this right except in accordance with the procedure established by law, which the Petitioners submit has not been followed in the present case.

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textile mills unless it conforms to an integrated development plan of the textile mill area now under preparation, and necessary stipulations and guidelines contained therein.

that a Study Group comprising of the following persons, viz.

Shri Charles Correa

Shri D. M. Sukthankar, Chairman

Heritage Conservation Committee

Shri Deepak Parikh, Chairman, HDFO

Shri A. N. Kale, Director (ES&P), BMC

Shri G. S. Pantbalekundri, Deputy Secretary

Urban Development Department

Shri V. K. Phatak, Chief Planner, BARDA, Convenor

hereby constituted to prepare an Integrated Development Plan for lands of cotton textile mills in Brihan Mumbai within a period of 60 days.

That the Urban Development Department shall get such a plan published for objectives and suggestions of the public within a period of 30 days, and thereafter submit it to Government for approval;

that the Government shall approve the same with or without modifications and

that the Municipal Commissioner shall ensure that all development permissions in respect of cotton textile mills lands and structures are given in accordance with the features and guidelines of such an approved integrated Development plan only, and that all relevant stipulations therein shall be specified by him as appropriate conditions for the purpose of Development Control Regulation No.58 without fail.

By Order and in the name of the Government of Maharashtra.  
Sd/-  
(D.T.Joseph) 29-2-1996  
Secretary of Government;



# Mumbai as Patna, forget Shanghai

**J**UST a drive around Patna could help you see the ongoing slum demolition controversy in Mumbai in a comprehensive perspective. If you allow divisive vote politics to determine every aspect of governance, this is what you get: India's most non-functional capital of India's most non-functional state.

If all that matters to you is winning elections, and if it does not matter to you that you do it by dividing and exploiting the people, you can get three or even more (who knows!) terms in power. But, in return, you also get the state of Bihar. "You know why there has been a spate of kidnappings of doctors here," asks a senior police officer, then gives the answer, "because doctors are the only people left here who have some wealth. All the others have fled. Professionals have nothing to do. All manufacturing industry has fled, no services can function here, even owners of large automobile shops have shut shop and fled."

Let us see how this Bihar syndrome reflects so dangerously in the debate currently raging in Mumbai. This is what the untidy gang of politicians, led by Margaret Alva, who have ganged up on their own chief minister, are saying. The Maharashtra vote for the Shiv Sena and they will benefit from these demolitions. The *purabiyas* (migrants from eastern states) are Congress voters. So we have to choose between the locals and the loyalists. The city, its infrastructure, the law, all be damned. How different is this from Thackeray who says the same thing, but reverses the equation to promote his loyalists over the outsiders. And how different, indeed, from Laloo who believes he is okay with total anarchy as long as it actually strengthens his vote banks?

**I**T is not a rich versus poor debate and the Congressmen who package their open subversion of their own government fool nobody by using that argument. This marks the return of the worst of the Sanjay Gandhi-style of politics where lakhs of people were brought into Delhi and settled in numerous clusters that first went by the ubiquitous name of JJ (jhuggi-jhopris) colonies and then bloomed all over the city as several Sanjay and Indira

## NATIONAL INTEREST



**The Bihar syndrome is reflected in the debate over demolitions currently raging in Mumbai**

■ SHEKHAR GUPTA

Nagars and colonies. All this while the political class itself was smug and secure in its own NDMC zone where no such nonsense was allowed. Mercifully, the decline of Sanjay's Congress, represented by Bhagat, Sajjan Kumar and Tylter,

saboteurs is fighting the battle for political turf against their own chief minister whom they detest in the name of the poor. Some of them are indeed genuine, like Margaret Alva. But they nurse such antediluvian notions of development and equality

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and the rise of a more enlightened younger generation of leaders, not only arrested that process but also resulted in some clean up and rehabilitation. As a consequence, the migrant voting classes and the "locals"

that they should be rubbing shoulders with the leaders of the CPI instead. Over the past week she has publicly rubbished her own government's vision of the development of Mumbai, endorsed by her own

**Do you really believe that a poor labourer can come one day and grab some land for himself? Mafias grab land and sell or rent to him, and then hold the entire system to ransom, riding the power of his vote. This is why one of the most important reforms that is needed is in the area of property**

have lived in much greater harmony than in Mumbai. No surprise then that the rise and resurrection of Delhi under a Congress government has continued with the decline and decay of Mumbai, in the same period, also under the Congress.

The Congress in-house gang of

prime minister and has also snubbed her party's state leaders in public. She at least speaks from a passion that comes from old, abandoned Congress-style socialism. The opposition of others is purely for cynical political reasons.

If all of them are suddenly so

concerned about rehabilitation now, you have to ask them what they were doing during the past five years in power. The suggestion of the year 2000 as cut-off date is scandalous as well as self-serving. The Congress came to power the last time in 1999 and had a full five years to start the clean up as well as rehabilitation. But it was during this period that fresh encroachments were encouraged. Not surprisingly, one of the loudest critics of the current clean-up, Kripa Shankar Singh, held key portfolios during this period. Incidentally he happen to be from the east, too, with *purabiyas* as vote banks.

**Y**OU cannot deny that demolitions are inhuman, and reasonable rehabilitation is a fair demand. But should there be no punishment, no price paid by anybody, official or political, for allowing encroachments in the first place?

One persistent problem in India is the belief that government property belongs to no one and is fair game for political land mafias. Those who now complain about the clean-up benefiting builders' mafias forget that these lands are only being freed up from the worst kind of politico-criminal land mafias who grab government properties, sell them to the poor as if they were their own, and then exploit the poor as vote banks. Do you really believe that a poor labourer coming from Hajipur or Raghupur in Bihar could come one day and grab howsoever tiny a piece of land for himself, on his own? Mafias grab land and sell or rent to him, and then hold the entire system of law and governance to ransom, riding the power of his vote.

This is why one of the most important reforms that needs to be carried out is in the area of property. Abolish urban land ceiling where it hasn't yet been done, reduce stamp duties, computerise land records, regularise benami holdings, promulgate the long-delayed rent acts and reduce the linkage between urban property and political land mafias.

Otherwise there will be no ending this cycle of encroachments, demolition, politicising and, ultimately, the slide of our big cities, particularly Mumbai, into a Patna-like mess.

Write to sg@expressindia.com

# Why Shanghai? Let Mumbai be another Venice

**A**N excited Mukul, my Man Friday, grandly announced that he was also a victim of the Mumbai rains. Sounding more like a Hiroshima survivor, Mukul said: "I spent eighteen hours in a vehicle, waded through eight feet of water, carried a friend's dog for several hours, and just about survived death by exhaustion as my friend's car's power windows did not work."

"With a survivor like you, most channels would have fought to get a byte from you," I retorted.

Ignoring my jibe as usual, Mukul continued: "Why can't the Chief Minister take Dr Manmohan Singh's advice and think out of the box?"

"Give him space," I said. "The poor chap has no place to hide. He is being gheraoed in Mumbai, the Mumbai celebs want to file a Public Interest Litigation against him and 10 Janpath is not happy with the way he's handled the crisis either."

I always take Mukul's claims with a few buckets of salt. But I believe that overpaid minions should be given respect, although I wonder what would happen if they were treated like the underpaid Hero Honda workers in Gurgaon.

Explained Mukul: "Why can't the Chief Minister think of opening a separate Naval department to tackle floods in Mumbai."

"Out of the box does not mean out of the mind," I replied. "You got the idea when you saw the police commissioner touring the low-lying areas in a boat?"

"Not just that, also the boats outside Bal Thackeray's residence," pointed out Mukul. "Imagine the Shiv Sena chief taking a boat to address a rally in Shivaji Park."

"If Balasaheb Thackeray had to take a boat, there would be no Shivaji Park—it would have been submerged by the time he reached," I countered.

Ignoring me, Mukul continued: "Well, the department could buy some small rafts that could be stationed at all low-lying areas. There could be specially trained men whose job would be to rescue those stranded."

"What about submarines?" I asked, upping the scales a bit.

"Submarines would be too expensive," explained Mukul. "But with it nuclear-powered, it would be cost effective since it would allow Mumbaitees to stay under water for six to eight months."

"Look at the photo-ops for TV channels," I added, quite excited by the prospect of a TV anchor reporting from

a nuclear submarine, along with 600 people who would be happily submerged for over a month.

"What about schemes like desilting and improving the drainage system that would cost Rs 1,200 crores?" I added.

"That would be too expensive," retorted Mukul. "Remember Dr Singh said Mumbai should become Shanghai?"

"Of course," I replied. "Well, for starters why not Venice?"

Mukul's query. "Mumbai could be equipped with special boats during the rainy season. There could be Chief Minister's boats, police chief's boats, VIP boats, high-speed boats. With the railway tracks flooded, Western and Central Railways could run boats during the monsoon instead.

This was really out of the box.

"We would end up earning revenue," Mukul went on. "Mumbaitees would welcome more rains. In fact, flooding of houses could be made a tourist attraction."

"Have you spoken to anyone about this," I asked.

"No," Mukul replied, "but I'm sending a letter to Dr Singh. But I am told that unless I send him a letter by some out-of-the-box method, he will not read it."

# How London rose while Mumbai sank

**A Look At The Disaster Management Plan The UK Capital Used After The 7/7 Attacks**

By Rashmee Roshan Lall  
TIMES NEWS NETWORK

**London:** What's the difference between a Mumbai under water and the British capital recovering from two devastating waves of multiple suicide bomb attacks? Perchance the quality and effectiveness of the disaster management plan put together, assiduously practised and proactively enforced in London on its two tragic bomb-ripped Thursdays—7/7 and 21/7?

Twenty-four days after 7/7, TOI can reveal that it was a unique, endlessly reviewed 32-year-old Emergency Services plan that pulled Europe's financial capital up by its bootstraps and sent it back to work within hours, despite being bloodied by the worst attacks in its history.

A spokesperson for London's government told TOI that "the emergency plan started immediately (after news of the 7/7 attacks started coming in) with the response provided by (London's) guardian forces—police, fire and ambulance".

The plan, which revolves around a coherent, rigidly enforced "inter-agency" strategy of cooperation, is led by the Metropolitan Police, the spokesperson said.

The coordinated gold-silver-bronze operation continues with all agencies working in tandem, right down to the extent of assigning colour-coordinated wristbands to personnel in each role.

Much before the terrorist attacks had London living on its nerves, the plan was successfully put into operation during the 2001 "national fuel dispute", the nation-wide outbreak of foot and mouth disease and severe flooding in some outlying London boroughs, officials said.

In a significant pointer to the reason for its success, officials said the plan was constantly in use even when London was not under threat.

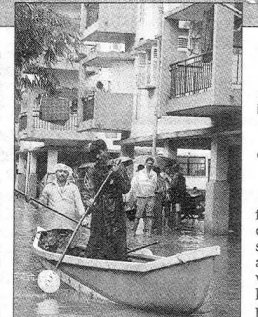
They said "the effectiveness of the plan", which is kick-started by "the first police officer on the scene", no matter what his rank, is maintained by constant exercising and training to ensure London has the best preparedness plans possible.

es and other agencies, present and required; 'T' for type of incident and brief details of number of vehicles, buildings and so on involved; and 'S' for all aspects of safety, health and risk assessment, which must be considered by all staff working at or close to the scene.

After the CHALETS assessment, the



**TALE OF TWO CITIES:** A row of ambulances and a fire engine wait outside Aldgate station in London following the 7/7 attack and (left) rescuers row a boat down a street in Kailasa, Mumbai, to reach stranded people



fire brigade's incident commander first at the scene assesses the situation and reports back with a message that has to include the phrase, 'Initiate major incident procedure.'

From then on, each emergency service assigns its personnel 'gold', 'silver' and 'bronze' to denote roles ranging from 'strategic' to 'tactical' and 'operational'.

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Source: The Times of India

Source: The Indian Express



While Rahul Mehrotra and I were researching and writing *Bombay: The Cities Within*, we studied hundreds of photographs and couldn't help but question what ever had happened to this once glorious and beautiful metropolis the 'Mother of cities to me' of Rudyard Kipling within a period of just a few decades. Some answers were obvious, others not so apparent. One explanation was clear. **Several farsighted plans framed for the city by eminent economists and urban planners ended up gathering dust because our elected representatives continuously and unforgivably let the city down on all fronts, thwarting and interfering with all rational development plans.**

The city now faces innumerable problems that could do with reiteration in order to find solutions. The decay began with the indiscriminate reclamations at Nariman Point and Cuffe Parade starting from the mid-1960s, despite proposals to develop New Bombay with no further growth to be allowed in the island city. **The blatant nexus between bullders and politicians, which has denied the city affordable housing, became evident and brazen corruption became the norm.** Then came the gradual and steady breakdown in civic infrastructure and the political encouragement of the mushrooming of slums the vote banks which continues to this day. Simultaneously, with the influx of migrants in large numbers came the unabated increase in population together with relentless interference and opposition from politicians to any rational scheme for controlling the expansion and development of the city. It is shameful that six decades after Independence, 60% of the city's people live on pavements and in slums, many of which have been 'regularised' over time by vested interests.

To address such issues, what is now required is an integrated master development plan, structured into law so that it is not subject to whimsical changes. Approached in a holistic manner and taking the entire island city and metropolitan region into consideration, the plan would disallow piecemeal development. If, for instance, in the island city alone, the mill lands, the eastern seaboard including Port Trust, railway, municipal lands and salt pans, are looked at collectively, a structured plan could be implemented, not only to provide urgently needed affordable housing, especially for slum dwellers and the lower income groups, but also for the much required regeneration of the area. This would inter alia shift the focus of daily commuting on a north-south linear axis to a more practical approach with more work opportunities closer to the home.

# The future lies in cities, not nations

## Globalisation Will Erase Borders

### Make Mumbai special administrative area



Source: The Times of India

Milind Deora puts it this way. "You can't make a world class city without world class coordination among agencies. In Mumbai, the agencies report to five different ministries of the state. But in New York, the city government under the mayor controls everything from police to infrastructure." Two years ago, the McKinsey report 'Vision Mumbai' recommended that all key agencies and ministries pertaining to Mumbai should be consolidated under a Minister for Mumbai. Today's insight has shown up the flaw in its other suggestion, namely that until the technicalities of appointing a Minister for Mumbai are sorted out, the CM should take on this pivotal role. Thomas Cook CEO Ashwini Kakkar, suggests the alternative of a Special Administrative Region, as is the case with Hong Kong. A change has been demanded by Bombay First, BCCI and AGNI for the last three years.

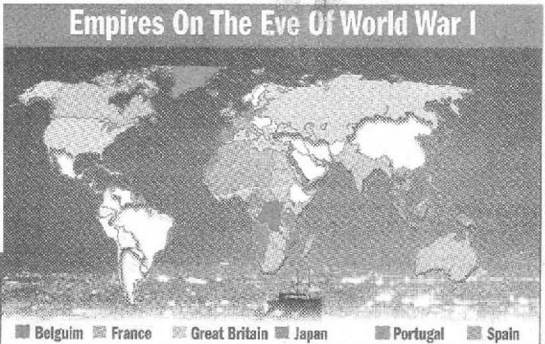
It's easy to say let's have a person visibly and actively in charge of the city, but it's not easy. We have to think it through. Whether you call him CEO or mayor or Mr Bombay, there has to be absolute clarity of job description. Then, he has to be fully empowered to be effective. He must have the authority to take decisions which are binding on the government or executing agencies, and he must have a sufficient budget. It's absurd to instal him and then force him to go running to the BMC every time there's a collapse. We keep mentioning Rudolph Giuliani, but his power as mayor of New York was absolute. Similarly, it's important to define the role of the so-called CEO in the hierarchy. Is he above, below or at the same level as the present triumvirate of municipal commissioner, chief secretary and MMRDA commissioner? If the CM says something, the municipal commissioner has to follow his instructions. If the new CEO doesn't have the same clout, he can be of no use.

—Deepak Parekh

state of which they were a part, but which find their identity primarily from involvement in the global economy. The borderline economy is, for him, a reality and with it follows the large-scale disappearance of the significance associated with nation states. It would be foolhardy such a prognosis. The latter all a relatively recent phenomenon, effectively dating part of the 18th century like to make much of 'integrity', but it has history. In 1923, Europe, for states and 18,000 km of the continent has 50 states km of borders. State boundaries and have character—war, negotiation and even by sale of territory. On the one hand, the

20th century, in 50 nation are 194. But with, the notion of the nation state is eroding. According to the nation state is eroding. According to the nation state is eroding.

the collapse of many powerful nation states in the last 15 years to create new ones. On the other, the ever-closer integration of the expanding European Union signals a movement away from the notion of complete sovereignty of the nation state. Before the era of colonialism, most areas of Europe were governed by monarchies. Empires gradually gave way to regions which had a distinct identity of their own, such as France, the UK, Spain and so on. Outside Europe too, there was the Ch'in Dynasty in



### Make Mumbai a city-state

Noted jurist **Fali S Nariman** stirred a storm in Rajya Sabha by suggesting that Mumbai should become a Union Territory. Here he explains why the city needs an independent administration

When I suggested in the Rajya Sabha the other day that Mumbai should be made a Union Territory, both the BJP and the Congress opposed it. My objective was to provoke the political parties to think and do something for Mumbai because the municipal administration of Mumbai in the last one decade has gone down, and the city is sinking. Something urgently needs to be done either by the Centre or by the state government to ensure an independent administrator for the city and its infrastructure. Someone who will have full powers to act without the influence of political parties and the builders' lobby. If cities of much less importance have done it, why not Mumbai? Jamshedpur, for instance, is fully administered by TISCO as part of the lease agreement between the state and steel giant, with little or no political interference. In fact, it is one of the few well-administered cities in eastern India. Surat was in an appalling condition till an IAS officer took the initiative to clean up the city and convert it into a buzzing commercial centre. We have a number of such urban examples to show the way. Mumbai needs an alternative means of administration and should be treated as a city-state while it continues to be a part of Maharashtra. This is necessary because the politicians do not want to do anything for the city but only for their constituencies. Take, for example, what they did with the expert committee report on improving sewage. The 1990 report had recommended that the width of the pipe carrying sewage be widened from 25 mm to 30 mm. That

ment between the state and steel giant, with little or no political interference. In fact, it is one of the few well-administered cities in eastern India. Surat was in an appalling condition till an IAS officer took the initiative to clean up the city and convert it into a buzzing commercial centre. We have a number of such urban examples to show the way. Mumbai needs an alternative means of administration and should be treated as a city-state while it continues to be a part of Maharashtra. This is necessary because the politicians do not want to do anything for the city but only for their constituencies. Take, for example, what they did with the expert committee report on improving sewage. The 1990 report had recommended that the width of the pipe carrying sewage be widened from 25 mm to 30 mm. That



was 15 years ago. Since then, the city has added 3 million people without improving its sewage system. But this is the time to put our heads together and find a way to keep politicians and builders off the people's backs. (AS TOLD TO LAKSHMI IYER)

Source: Mumbai Mirror

The provision of affordable housing must be linked to the abolition of pernicious and unnecessary laws such as the Urban Land Ceiling Act. Simultaneously, to tackle the never-ending problem of the proliferation of slums facilitated by vote bank politics, it is imperative to effectively address the issue of political interference by statutorily disenfranchising encroachers and denying them any utilities.

Although the builder lobby (whose nexus with those in power has to be broken) maintains that infrastructure is adequate especially on the island city, we must remember that except for new electricity, telephone, telecom and cable TV lines, we are still surviving on the drainage and water systems put in place by the British in the pre-Independence era. The strengthening of infrastructure is an overwhelming priority. We don't have enough water and electricity for our needs and public toilets are filthy, badly maintained and totally inadequate in numbers.

The provision of better public transport for the overwhelming majority of the population cannot be further delayed. This would include more rail, bus and sea services, with due attention paid to the east-west corridor, as also supplementary transport such as electric mini-buses plying continuous circular routes in busy areas. Disincentives for the use of private vehicles and penal parking rates must also be mandated, particularly in CBDs in the island city.

**And last, but not the least, we need more unencroached gardens and open spaces, more museums incorporating the city's unique history: maritime port activities, theatre, cinema, textiles, the arts and culture. The preservation and restoration of our built and cultural heritage for future generations, including the performing and plastic arts, books, manuscripts, works of art or antiques is equally important.**

If Bombay is to re-emerge as the *Urbs Prima in Indis*, the first city of India, the will to implement such ideas must be demonstrated not only by politicians and bureaucrats but even more importantly by its citizens. What is now heartening is the fact that so many NGOs, taking advantage of gratis legal aid, the Right to Information Act and timely and appropriate media coverage, are now demanding accountability and filing successful Public Interest Litigations against corruption and the bending of laws by those in power.



## "VOTE MUMBAI"

Mumbai Campaign for Municipal Governance Reforms)

### Campaign Charter

#### What is VOTEMUMBAI?

VOTEMUMBAI is a non-partisan people's campaign comprising of concerned individuals and civil society organizations across Mumbai & the Mumbai Metropolitan Region. Its objective is to make citizens realize the need for systemic reforms and bring about a significant improvement in the existing Municipal governance system by overcoming the current crisis in governance. VOTEMUMBAI provides the necessary platform and effective tools for citizen participation.

VOTEMUMBAI has no affiliation to any political party.

#### Why VOTEMUMBAI?

At the heart of any healthy democracy are its citizens. Yet in our country, all too often, the ordinary citizen seems disempowered and marginal, with little recourse to rights and institutional support. The legal channels are long, tortuous and cumbersome, with little hope of justice unless one has both money and influence. The ordinary citizen is therefore left feeling cynical and alienated in this democratic monolith. Ironically, even politicians - supposedly the drivers of the democratic engine - more often than not get lost, taking to power and corruption rather than public good. In fact the system has become a kind of spider's web in which those on the outside neither want to nor can they get inside and those on the inside don't seem to know how to get out. And each group watches the other with undisguised suspicion.

Yet we have so much to be proud of. Despite all the ills of democracy, the spirit of freedom is strong and robust in our country. More than half of our population is young, energetic and looking for opportunities to excel and improve the lot of their people. Many individuals and organizations across the length and breadth of the country are unsung heroes doing whatever they can to better the lives of those around them. Millions living abroad - moved perhaps by nostalgia or the spirit of service - wish to give back a little to the country they call their own. By identifying some of the root causes of Mumbai Municipal governance problems, VOTEMUMBAI attempts to bring together all these people and individuals to become one strong, forceful voice of change on a common platform of action. Can we not all come together to become one strong, forceful voice of change rather than being disparate, often conflicting whistles in the dark? The idea behind

VOTEMUMBAI is just that.



Time to set it right

#### PREAMBLE:

Mumbai city's problems are a classic manifestation of poor and short-term urban management, under development of rural India, and the consequent unchecked migration. Each of the over 12.5 million citizens of this city, living in stressful conditions and is suffering. There is therefore an urgent need to search for winning solutions. The events of 26th July 2005 only confirmed that there was something seriously wrong with the "system" of governance and the "system" is in urgent need of rectification or overhauling. The system should make the executive responsive and accountable. The avowed objective of VOTE MUMBAI Campaign is to develop a strong campaign towards bringing about "systemic reforms" in the Governance so that in future one can hope to - [a] eliminate a 'repeat' of 26th July, or, in the alternative, [b] minimise the damage caused by such catastrophic events. Path to the fulfilment of the hope lay in carefully examining the basic structure of the Management under the BMC Act and the method and manner of framing, reviewing and modifying the Development Plan.

Commissionerate system was established by British and has seen the problems which are currently seen by the city. This system is not considered fully empowered as the commissioner's appointment, performance appraisal & term etc is in the hands of state government. Over a period of time it has been seen that state has assumed more & more role in city municipal governance either directly OR by creating Para startles. This layer of governance

needs to be independent for its functioning on the lines of relations between Centre & State governments. This is only possible if this layer of executive is also elected as in the case of Centre & State executives.

#### THEREFORE WE BELIEVE:-

- 1- That the alternative to democracy is only a better democracy.
- 2- That the spirit of Indian Constitution provides for "THREE TIER" fully empowered government(S)
- 3- That deliberative dialogue process based on fact & logic can bring win - win solutions.
- 4- That we need to find out a local urban govt model which satisfies the following parameters in light of Mumbai Municipal Governance which is the third tier of govt.
  - A- Fully empowered in its domain area of functioning
    - (a) Future city planning & Execution function.
    - (b) Regulatory Function.
    - (c) Service Provider's function.
  - B- Directly accountable to its customers (In this case "CITIZENS").
- 5- That we have following five options of governance & each model of govt. has been examined with the above two tests.
  - a- Mumbai as a union territory.
  - b- Mumbai as a State.
  - c- Commissionerate system.
  - d- Indirectly elected Mayor in council system (MIC).
  - e- Directly elected Mayor System.

A - The first two systems have been straightway ruled out since they are "UNCONSTITUTIONAL" as they are not the third tier of government.

B - Commissionerate system was established by British and has seen the problems which are currently seen by the city. This system is not considered fully empowered as the commissioner's appointment, performance appraisal & term etc is in the hands of state government. Over a period of time it has been seen that state has assumed more & more role in city municipal governance either directly OR by creating Para startles. This layer of governance needs to be independent for its functioning on the lines of relations between Centre & State governments. This is only possible if this layer of executive is also elected as in the case of Centre & State executives. Commissionerate system also does not pass the test of democracy at the third tier of governance. It also does not pass the test being not directly accountable to customers (CITIZENS).

C - Therefore that leaves last two systems. Both pass the tests of democracy at third tier. The directly elected Mayoral system passes the test of "Directly accountable to Customers". While retaining the supremacy of State government over city municipal government in similar fashion that Centre has over State, the directly elected Mayor has a problem of dictatorial phenomena. After taking in to account these reasons we the citizens of Mumbai have concluded the following comprehensive agenda with suitable check & balances in the system.

#### A: Mumbai Municipal Governance frame work:

- 1- Directly elected, fully empowered, executive City Mayor with Commissioner as COO under direction of Mayor.
- 2- Corporator chaired ward committees for each councilor wards. (Equivalent to Gram Panchayat). Members of the Ward Committees, to be elected by the registered voters of each polling booth, who will constitute themselves as the legitimate body, called "Area Sabha", electing its representative and able to exercise control to make the representative accountable. Some fixed number representation to be provided to business/commercial interests in that area.
- 3- Polling booth wise area sabhas (Equivalent to Gram Sabhas)
- 4- Right to recall.
- 5- Division of Functions/Funds/Functionaries as far as practical and possible.
- 6- Ombudsman (few).
- 7- Disclosure Norms
- 8- Mandatory provisions to frame Citizen Charters with penalties etc.
- 9- Appropriate accounting package to support bench marking of various services.
- 10- Disaster Management committee.
- 11- Municipal Accounts Committee.
- 12- Municipal Town Planning Committee.
- 13- Other Functional committees.



- 14- Independent out side Auditors.  
15- Mandatory Provisions for establishing institutions for capacity building programs for Area Sabha & Ward Committee members.

**B: Regional Development Plan (DP), City Development Plan (CDP) and Electoral Ward Plan (EWP) process framework.**

- 1- "Metropolitan Planning Committee" (MPC) in letter & spirit as envisaged in Constitution of India.  
2- The MPC shall be democratic and shall have representation from all Local Government falling in the Metropolitan Region.  
3- The Role of MPC shall be that of, Planner - Coordinator – Moderator Regulator - Data Generation and Data Maintenance.  
4- Development planning to be two way consultation & institutionalised process between MPC - Local Government (Say Town Planning Department of BMC) - Ward Committees - Area Sabhas.  
5- MPC to have appropriate administrative mechanism to undertake above role.  
6- An "Integrated Transport Authority" for the region under MPC as Transport planner - Coordinator - Moderator - Regulator - Data Generation and Data Maintenance

**The agenda as defined above is not restrictive and can further evolve & develop during the deliberative process which this campaign envisages to make it more accountable governance which would allow balanced sustainable, ecological and environment friendly growth and development of the city and metropolitan region.**

**ROAD MAP FOR THE CAMPAIGN :-**

**1- Advocacy with:**

- (a) All party central political leadership.  
(b) All party state political leadership.  
(c) Key state MPS, MLAS & MLCS  
(d) ALL city & regional MPS, MLAS,  
(e) All party city & regional political leadership.  
(f) ALL City & regional Corporators.  
(g) State / City key bureaucrats.  
(h) Key Citizens / opinion makers / Trade Union Leaders / Community Leaders / Grass Root Leaders,  
(i) Media

**2- Mass Communication:**

- (a) - Documentation  
(b) - Communication tools - Pamphlets / Citizen's hand book / Hoardings / T-Shirts / Caps / Badges etc.  
(c) - A series of TV, Radio and News paper adds.  
(d) - A series of electronic media debates.  
(e) - A series of orientation programs for Trainers / volunteers and supporters with ready made tool kits.

- (f) - A series of Seminars and workshops.  
(g) – A series of Presentation & Public Consultation Programs.  
(h) – A series of Street Plays.

**3- Mass mobilization.**

- (a) – Public Meetings  
(b) – Public Morchas  
(c) – Public Dharnas

**RUNNING A CAMPAIGN:-**

During the course of this campaign, VOTE MUMBAI Agenda will be further strengthened through the combined knowledge & experience of leaders / communities / citizen's who will be participating.

While all the other activities will be completed by NOV/DEC, the series of orientation programs for society at large will continue to build capacity & ensure effective participation by citizens in "LOCAL SELF GOVERNANCE" through available legitimate platforms like Area Sabha. Ready made tool kits will be made for each participant.

While the task is daunting but we all at VOTE MUMBAI Campaign have no choice but to go for it OR continue to see citizens living in misery & suffering.

**Media Partners:**

The campaign will not have any print and electronic (TV, RADIO, CABLE) media partner. Vote Mumbai will work with all media to reach out to maximum citizen.

**Communications Strategists:**

The campaign will have Communications Strategists partner.

**PR Agency:**

The campaign will have Communications Strategists partner.

**Response Capturing Mechanism:**

The Campaign will have a web site & a call centre.

**Who can participate In VOTEMUMBAI?**

Indian citizens and organizations in Mumbai & Mumbai metropolitan Region who share the goals of VOTEMUMBAI can become participants or partners or supporters.

**Categories**

**Participants:** Any individual subscribing to the goals and objectives of VOTEMUMBAI and actively participating in the campaign

**Partner:** Any organization subscribing to the goals and objectives of VOTEMUMBAI and actively participating in the campaign.

**Supporters:** Organizations or individuals who share the goals, and wish to extend support of any kind or in any form in furtherance of the campaign.

**Core Group**

The campaign will be driven by a Core group comprising of Participants & Partners and shall assume responsibility for the conduct of the campaign, enlisting support and evolving and implementing strategies for achieving the objectives. The core group will be free to create as many sub – group(s) as required. The number of core group participant will not be restricted.

**Coordinator**

The Core Group will have a Campaign Coordinator to synchronise the campaign and fulfill the mandate given by the Core Group from time to time.

**Secretariat**

The core group will establish a secretariat for better coordination.

**Meetings**

Core group will meet as many times as required at a place and time decided by the Coordinator in consultation with the core group participants. Summary of proceedings will be prepared and circulated to all the participants of the core group.

**Pooling in of Resources**

Each participant and partner will be free to decide the extent and manner of its contribution and for participation.

**Funds:**

Campaign will encourage a sponsor ship for each activity as the first choice.

The most minimum funds required by the campaign shall be collected in a designated & separate bank account opened for the campaign purpose of a partner who is registered & eligible for tax exemption. That partner will have the responsibility to account for them. The Core Group will periodically review and approve the accounts.

**GUIDING PRINCIPLES OF THE CAMPAIGN**

**Positive attitude:**

Believe that real change is possible.

**Research:**

Don't hit the road without detailed home work.

**Effective Communication:**

Use communication tools to reach out all.

**Belief in the power of the Community:**

Recognize that the central means of all actions is a collective assertion. From an inclusive community comes collective strength.

**Constructive Engagement:**

Engage in the spirit of partnership. Build alternative modules OR change of rules.

**Non Partisan Culture:**

No Political Affiliation

**Propolitical Approach:**

Politicians are victims of the vicious cycle, not villains.

**Respect for political process:**

Recognition that the politics is the central to democracy and the true politics is a noble endeavor.

**Political Alternatives:**

There is no alternative to democracy; the alternative to democracy is a better democracy

**Professionalism:**

Deliver on individual roles and responsibilities at the highest degree of commitment and capability at all times.

**Core Purpose of Campaign:**

To improve the quality of life by improving the quality of governance WE, therefore now appeal to one and all to realise the enormity of the task involved in bringing about the desired changes. The campaign will have to Ensure that the masses are effectively educated regarding the topics close to their heart and relevant for their every day living. We appeal to all to extent every help within their powers, be it by way of physical participation or monetary contribution or moral support to the VOTE MUMBAI CAMPAIGN launched for the specific purpose of bringing about 'SYSTEMIC REFORMS".

In the end, there can be no better way of putting all this than saying, - IF MUMBAI WINS WHO LOOSES?

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