

Mr. Devendra Fadnavis,
Chief Minister,
Government of Maharashtra,
Madame Cama Road,
Mantralaya, Mumbai – 400032

मुख्यमंत्री सचिवालय
महाराष्ट्र शासन
मंत्रालय, मुंबई ४०० ०३२
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November 9, 2015

Dear Mr. Fadnavis

Subject: MCGM's proposed Policy regarding granting gardens/ recreation grounds/ playgrounds/ parks on adoption basis.

We, the undersigned groups are concerned with the basic concept, terms and conditions as laid out in the above Policy.

Conceptually, the Policy negates every stated objective of the Government as regards the necessity and use of Reserved Public Open Spaces and the urgent need to augment them in Greater Mumbai. This requirement is given major importance from as far back as **DP 1964** which states:

"the City today has almost a negligible acreage of open spaces for recreational purposes "the eighth objective of the plan therefore, was to acquire and reserve additional land....",

right up to **DP 2034** which states that the

"size and number of Open Spaces necessary for the size of population to be served, public access, crowding in the Open Spaces (due to high population density and low per capita availability) and accessibility to safe and well maintained Open Spaces are of concern.";

The recent dangers of climate change, have added another dimension – the health and safety of the City itself. The floods of 26th July 2005, where over 500 Mumbaikers lost their lives and property loss and damage equalled hundreds of crores, was a warning bell. Every expert report, including the government's own Chitale Report, stresses the need for open, unsurfaced, permeable spaces to act as sponges to absorb excess water in the event of heavy rainfall.

The draft Policy appears to have disregarded the above considerations and has, in fact, changed the very nature of the grounds and the principle behind the Reservation. **For this**

and other specific points in the Policy, which we will now address, we are constrained to reject the Policy in its entirety.

1. This 'Adoption Policy' leaves room for a great deal of misinterpretation and misuse. Though the policy claims to have repealed the Caretaker model, we are dismayed to find that it is surreptitiously being promoted through the various terms stated in the Draft.

Conditions, similar to these, in the previous Caretaker Policy were used and misused to construct 9 clubs such as Matoshree, MIG, etc. The 'legal' provisos which allowed the existence of these clubs, robbed the common man of the scant spaces reserved for his recreation. In addition, there has been to illegal usurpation, by the clubs, of areas far in excess of what the policy permitted. **For these violations, and in the interest of the community at large, we believe these lands should be repossessed by the MCGM.**

2. At various points the present Policy states:

" the construction carried out shall not be used for any other purpose than for which it has been granted"; "without taking prior permission from the Additional Municipal Commissioner (holding charge of gardens department), no permission shall be granted for admissible commercial use of the facilities provided."; "if any recognised national/state level sports Association/Federation proposes to provide facilities as a special case on any recreation grounds of the Municipal Corporation, permission shall be granted to such association/federation as a 'special' case for construction subject to Development Control Regulation."

The points stated above confer discretionary powers on the Authorities to construct on, which opens the door to misuse and thereby diminishing, the already insufficient Public Open Spaces in Mumbai.

One is hard put to comprehend the basis of the evaluation system laid down in the policy. Citizen's involvement and participation in a positive and effective manner is only possible if the citizens reside in the vicinity and have 'eyes -on - site', to ensure that the grounds are well looked after and are safe and secure. The involved citizen groups should be a Registered Organisations who operate as a 'Neighbourhood Watch' which partners with the Ward Office in overseeing this aspect of the process.

3. The criteria enumerated for evaluation of NGOs to be eligible for adopting Reserved

Open Spaces seems to be skewed in favour of those whose financial balance sheets resemble a commercial profit making organization, as opposed to genuine NGO's and local stakeholders.

4. **the financials laid down for the evaluation of the organisations are completely unnecessary when one considers the fact that the MCGM has more than sufficient funds allocated for the purpose of securing and maintaining the 1068 plots over 1200 acres.**

A broad costing based on actual expenditure incurred by NGOs who have restored and maintained Oval Maidan at Churchgate and Dhote Udyan at Prabhadevi is given below:

ESTIMATE for Restoration and Maintenance of 1 acre of open space:

Capital cost --- approx. Rs. 7.5 lakhs per acre X 1200 acres= Rs. 90 crores (spatial fencing, greening of the ground, trees on the periphery, a 10'x10' mali hut, water and electrification etc.)

Maintenance cost --- approx. Rs. 9 lakhs for 1 year X 1200 acres = Rs. 108 crores (including water, security, staff and electricity bills);

The MCGM's annual budgetary allocation for gardens at present is Rs. 200 crores making this 'adoption' Policy highly questionable! This is particularly relevant in light of the violations which have occurred under the earlier caretaker policy and the ambiguity surrounding 'construction' in the present policy. **Even now, the Policy has a highly objectionable clause that allows for some organisations, who have applied before 31-12-2014 for conversion from adoption basis to caretaker basis and have spent Rs. 3 crores for development, to be 'eligible and accepted' to convert to the Caretaker model.** This is despite the fact that the model has been rejected and had led to bad practices in the past.

Reserved Open Spaces are a valuable resource for the mental and physical well being of the city and her citizens. The fundamental right to live in a healthy environment is part of the Right to Life enshrined under article 21 of the Constitution. The Hon'ble Supreme Court has also set out the importance of green spaces by saying that, "one of the main objects of public parks or playgrounds is the promotion of the health of the community by means of

'ventilation and recreation'. It is the preservation of the quality of life of the community that is sought to be protected ...".

In the light of all that is stated above we find no justification in promoting the present draft policy, as it exposes the scant Open Spaces left in the city to exploitation. Their loss will impoverish our City and adversely affect the quality of life of her Citizens.

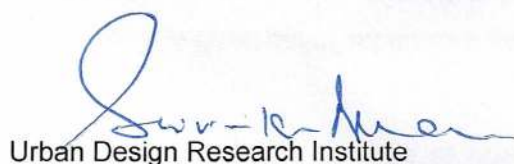
Finally, as a rule of Good Governance and to ensure the cooperation of the general public, it is necessary that citizens' groups are consulted at every stage of forming the Policy. We would remind you that Mumbai's ratio of open spaces to built is one of the poorest in the world.

Sir, we request you to give this your urgent attention, so that a sane and rational Policy, serving the best interest of the city and its citizens, can be formulated.

Yours sincerely,



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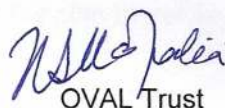
Urban Design Research Institute



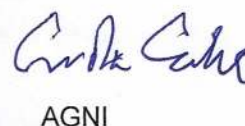
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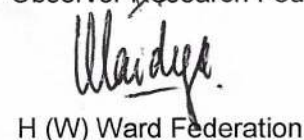
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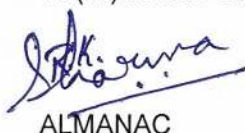
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H (W) Ward Federation



Oval Cooperage Residents Association



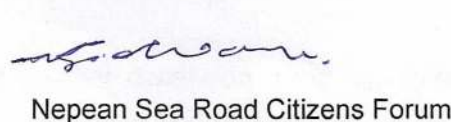
ALMANAC



Swarn Kohli
Nariman Point Churchgate Citizens Association



Save Rani Baug Botanical Garden Foundation



Nepean Sea Road Citizens Forum