**Notes of arguments. 10.3.25 while seeking clarification from Addl MC ( city) under video recording**

To,

55 / Addl MC Joshi /notes of arguments for clarification required 10.3.25 / BMC fraud 4500 crores azad maidan folder and file

1. Municipal Commissioner, BMC
2. All Addl. Municipal Commissioner, BMC
3. JT MC Vigilance, BMC

**Subject: Failure to Discharge Duty Causing Irreparable Loss to Public Authority and Destruction of Mumbai**

**Reference: Notice to Provide Clarification for Willful Default Causing Injury to Citizens and Wrongful Loss to BMC**

With due respect and humility, there is no intention to cause harm to any individual. This submission is made solely in the larger public interest. If any part of my submission is incorrect, I request you to provide clarifications with supporting evidence.

There is a chronic issue of mis-governance and negligence among the top officers of BMC, namely the Municipal Commissioner, Additional Municipal Commissioner, and Joint Municipal Commissioner (Vigilance). These officers are vested with significant powers but have failed to exercise them with responsibility, accountability, and transparency. There are no internal or external checks to hold them accountable for their illegal acts and failure to discharge duty.

1. **Destruction of legal business and promotion of hawkers.**
   1. **Legal business** 
      1. 10% increase in license fees
      2. 100% penalty for delayed payment.
      3. Poster and banners covering shop and board
      4. New rules and regulation
      5. FSSAI
      6. Fire NOC
      7. Fostag training
      8. Penalty of lacs of rupees and closure / suspension of business
      9. Maintaining of records.
   2. **hawkers and encroachers**
      1. increasing every day
      2. permitted to put stalls in front of legal shops
      3. no legal formalities
      4. no license fees
      5. no hygiene
      6. absolute no legal compulsions.
   3. **No FIR for defacement and encroachment against politicians, MP, MLA and councilors** 
      1. Reading rooms
      2. Banners and posters
      3. Illegal religious structures and gates
      4. Advertising their names for public work carried out by tax payers monies.

**2. Violations and Breach of Duty**

The following serious violations have been observed, leading to loss to the public exchequer and damage to Mumbai’s urban infrastructure:

* 1. **Violation of Conduct Rules and Culpable Negligence**

1. Failure to uphold service conduct rules, including willful dereliction of duty and abuse of power.
2. Neglect in exercising due diligence while approving projects and granting permissions.
   1. **Disregard for Laws, Circulars, and Government Resolutions**
3. Repeated failure to enforce laws and circulars intended to regulate urban governance.
4. Blatant disobedience of existing Government Resolutions (GRs) aimed at protecting public spaces and urban infrastructure.
   1. **Issuance of Illegal Circulars Contrary to Law and Public Interest**
5. Unauthorized issuance of new circulars contradicting legal provisions.
6. Violation of statutory requirements without necessary approvals.
   1. **Promotion of Illegal Construction and Shielding of Subordinate Officers**
7. Granting permissions for unauthorized constructions.
8. Failure to take action against subordinate officers who protect and facilitate such illegal activities.

**2.5 Creation of Encroachments on road, footpath and traffic island Under the Pretext of Beautification**

1. Issuing oral orders to create obstructions on roads, footpaths, and traffic islands in the name of beautification.
2. Violation of Supreme Court and High Court directives regarding encroachment removal and pedestrian rights.

**2.6 Lack of Supervision and Inspection of Public Works: road and bridges and other projects**

1. Absence of weekly or bi-weekly inspections to assess the correctness and progress of civic projects.
2. Failure to take corrective measures in cases of public inconvenience and financial mismanagement.

**2.7 Violation of Oath to Uphold the Constitution**

1. Conduct that is in direct contradiction to the oath of office taken by public servants.
2. Breach of constitutional obligations under Article 14 (Right to Equality) and Article 21 (Right to Life and Livelihood).

**3. Legal Implications**

* 1. **Criminal and Civil Liabilities**

1. **Culpable Negligence (IPC Section 304A):** Actions resulting in wrongful loss to the public may attract criminal liability.
2. **Public Servant Disobedience (IPC Section 166):** Deliberate violation of lawful orders by public servants is a punishable offense.
3. **Breach of Trust (IPC Section 409):** Misuse of powers for personal or third-party benefits constitutes criminal breach of trust.
4. **Prevention of Corruption Act, 1988:** Officers shielding illegal constructions and engaging in malpractices fall under corrupt practices.
   1. **Contempt of Court**
5. Any violation of Supreme Court and High Court directives regarding illegal construction and encroachments can lead to contempt proceedings.
6. Failure to adhere to judicial rulings regarding urban governance and civic rights may invite strict legal action.

**4. Absence of Accountability Mechanisms**

Despite clear violations of legal provisions, there are no effective internal or external mechanisms to hold these officers accountable for their illegal acts and dereliction of duty. The following concerns must be addressed:

**5. Demand for Immediate Clarifications and Corrective Action**

In light of the above, I demand:

1. **A detailed explanation** for blatant violations of laws, circulars, and government resolutions.
2. **Immediate corrective measures** to prevent further loss to the public exchequer and damage to public spaces.
3. **Disciplinary action** against the concerned officers for failure to discharge their duties in accordance with the law.
4. **Strict compliance** with High Court and Supreme Court rulings to ensure transparency and accountability in governance.
5. **Implementation of oversight mechanisms** to ensure accountability and prevent future violations.

Failure to provide a satisfactory response within a reasonable time will compel me to escalate the matter to higher legal authorities, including judicial forums, and criminal prosecution.

Some of the willful disobedience committed by Addl MC ( city) amongst others:

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| **S. no.** | **Document** | **Pg** |
|  | Request for meeting and intimation of 10.3.25 with video recording.   1. RTI pending 2. 25 items 3. Protecting of corrupt officers 4. Boards outside the cabin and prominent places | 1-7 |
|  | Board for meeting public   1. Circular 7.1.2000 (Monday and Friday 3 to 5 pm 2. Circular 8.4.24 3. **Sub: public meeting on Monday and Friday** 4. **MC office flooded with complaints** 5. Right of every citizen to be heard 6. Lower officers not discharging duty 7. **Reducing the days of public meeting** 8. RTI reply 21.8.24 ( 7.1.2000 circular is still in force) 9. RTI appeal order dt. 21.8.24 ( 7.1.2000 circular is still in force) | 8  9  11  14 |
|  | Board not fixed   1. **GR Maharashtra dt: 13.1.25 State Para 4 (1)(2)**   Para 4(1): **All earlier complaints prior to 31.12.24 should be disposed**  **Para 4(2):** details of timing to public meeting every day to be displayed at prominent places   1. **GR 26.11.2018 inspection every Monday** 2. **GR 23.11.2016 and BMC circular 16.1.2024**   Provide the suggestion form to every citizen | 15  20  22 |
|  | Board to be displayed at prominent places   1. Circular dt. 6.3.24 2. Circular 29.5.24 3. Board outside offices threatening citizens of punishment 4. Acquittal of public servant for sanction from incompetent authority (Newspaper)   **Name and details of authority giving**   1. sanction to prosecute 2. to whom complaint can be filed | 24  26  27  28 |
|  | 1. Circular 2.6.23 (use of RTI section 5(4) and 5(5) 2. MC himself disobeying his own circular   Addl MC and MC take decision on tender and all major decision.  **But when questioned they illegal forward the letters to subordinate officers shrinking their responsibilities and hold them responsible for their mistakes.** | 29  31 |
|  | 1. Circular 14.12.99 (no temporary and permanent structures allowed) 2. Letter 23.12.23 MC and Addl MC wanting to change the circular **( see page 36 )** 3. Letter 5.2.24 (MC directing Police **not to register FIR** / directed **amendment in circular to protect illegal construction**. 4. **GR 18.1.2013**: complaint register to be maintained as per GR. **Disposal in 12 weeks.**   **All footpaths are encroached by structures and tin stalls**  What is Addl MC doing. No action  **Robbery of footpath: no action since several years. Some examples**   1. Walpakadi 2. Opp. Bhendi bazar 3. Rajan Bhogle marg 4. Sitladevi temple road ( 2 projects ) 5. Delay in completion | 32  34  38  39 |
|  | 1. Circular 17.2.22 2. Confirms implementation of circular 14.12.99 3. Traffic NOC and other NOC.      1. **JT CP Traffic letter dt. 15.12.23** NO NOC obtained for any projects. 2. **Dy CE Traffic letter 12.3.2024**. obtain remarks from concerned dept. 3. Pydhunie traffic police strong objection for beautification for road below JJ bridge 1.2.24 4. Pydhunie objection for beautification on road and footpath 23.1.24 5. Pydunie objection dt. 17.1.24 quoting India Road congress 6. Byculla traffic police 6.3.24 objections 7. B ward letter dt. 12.8.24: **deemed NOC . no reply received till date.** 8. **Most Important: B ward asks for guidance on Kamlakar Shenoy objection**  * **MC does not sign** * **JT MC to MC and Addl MC state that oral directions are given but it is not mentioned in the letter** | 41  42  43  44  45  46  47  48-53  52  53 |
|  | Food trucks   1. Letter dt. 28.3.22: **no licenses issued for food truck** 2. In E ward: Rs. **5.45 crores is spent** 3. RTI Vigilance reply: **no action taken since last 5 years** | 54  55  56 |
|  | **BMC acted against the objectives and caused wrongful loss**:  Defeating section 50(3) MRTP: deemed to be act or shall be made available to the owner if the user is changed.  Defeating section 86(3) MRTP: to change after it become san act   1. Dadar E: **school and play ground** 2. Prabhadevi **Municipal theatre** 3. TP noting: **no sale building can be allowed** 4. Even after illegal to housing for dishoused the surplus area is given to developers **defeating the objective of housing for dishoused.**   Grant of Occupation certificates   1. Without following due process of 2. **Fire NOC blatant violation**: Building of 121.44 height without two staircases and width of 2 meters 3. No sale building can be constructed in plot reserved for public amenity | 57-59  60-68  69-71 |
|  | **Robot parking schemes**   1. Hutatma parking: **violation of circular: no digging after 22.2.25** 2. Worli parking 3. Matunga parking 4. Without study 5. Rigged tenders 6. Inflated cost 7. No traffic police NOC |  |
|  | **Time permitted is 18 months to 30 months.**  Hancock bridge 10 years  Eastern freeway 15 years.  Reay road  Delile road  Carnac bridge  **Matarpakdi** : good roads are just scrubbed at night without any board and notice  **New road at Dongri**: blatant violation of specifications. Old materials used and full bill given.   1. Bumps 2. Expansion joint on bridges and roads 3. Matching of bay and panels 4. Several suckers with water stagnation 5. Road level and smooth surface.   **Time should be essence of contract**  Agreement does not include accountability for delay and escalation of cost. No deterrent clauses to stop this menace and maintain strict completion period.  **No public participation and intimation.**  Before demolition of any bridges and closure of any roads there should be several public awareness meeting to create awareness and solve the difficulties |  |
|  | No road and bridges are as per specification   1. Eastern freeway concrete 2. Good road and footpath destroyed and replaced by substandard work |  |
|  | **Wastage of tax payer’s monies on beautification/ corrupt tender/ substandard work denying citizens**     1. No new schools 2. **Colleges, hospitals davakhana** 3. No medicine in JJ hospital 4. No ward boys, scanty nurses. 5. **50% vacancy in BMC staff and engineers**   Monies are spent on beautification and illegal food trucks |  |

Kamlakar Shenoy