

Comments on the BMC's Draft Open Space Policy, 2023

*Submissions to the Garden
Department, Municipal
Corporation of Greater
Mumbai*

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This is an independent, non-commissioned piece of work by the Vidhi Centre for Legal Policy, an independent think-tank doing legal research to help make better laws and improve governance for public good.

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Executive Summary

The Municipal Corporation of Greater Mumbai (“BMC”) published a draft of the Open Space Policy, 2023 (“Draft Policy”) on 8th September 2023 and invited comments on the same from the general public and civil society organisations. The Draft Policy provides for the development of recreational grounds, playgrounds, parks and gardens. For ease of reference, we will be referring to these open spaces as “RG/ PG plots”. Since the official copy of the Draft Policy is only available in Marathi, Vidhi has relied on an English translation.

Vidhi has submitted its comments on this Draft Policy in this note.

The key suggestion made in its submission is that the BMC must employ dedicated manpower or hire contractors for the development and maintenance of RG/ PG plots and avoid allotting RG/ PG plots to adopters.

If the BMC is still keen on giving RG/ PG plots on adoption basis, Vidhi has provided clause-wise suggestions in this submission to improve the Draft Policy. This submission is divided into three parts:

- A. Substantive comments i.e., comments on the substantive policy decisions taken under the Draft Policy;
- B. Drafting Comments i.e., comments to improve the drafting of the Policy so as to remove inconsistencies and ambiguities.
- C. Additional aspects that the Draft Policy has not provided for including guidelines on the management and maintenance of these spaces and improving accessibility to RG/ PG plots.

For ease of reference, in the tables under Part A and B, the clause number along with the corresponding translated excerpt of every clause that is commented on, is provided in Column 2. The corresponding issues and recommendations relating to the clauses are provided in Column 3 and Column 4, respectively.

Some of the suggestions made are:

- Restrictive timings for use of RG/ PG plots by the general public should not be provided for and that RG/ PG plots must remain open from 5 a.m. to 1 p.m. and 3 p.m. to 10 p.m. on weekdays and 5 a.m. to 10 p.m. on Saturdays, Sundays and public holidays to the general public.
- Entry to any RG/ PG plot and using any facilities therein must be free irrespective of the amount of money spent on its upgradation.
- No extension for the development or maintenance of RG/ PG plots must be allowed. Tenders must be decided afresh depending on the criteria mentioned in the Draft Policy.
- No new RG/ PG plots must be given to violators of erstwhile open space policies of the BMC or persons and organisations associated with such violators.
- Persons or organisations that are squatting on the BMC’s RG/ PG plots may re-apply under this Draft Policy only if they agree to the terms and conditions under this Draft Policy and meet the criteria mentioned in this Draft Policy. If they do not apply, the BMC must confiscate the RG/ PG plot.
- The Draft Policy must clearly provide for its expectations from the adopters.
- The BMC must provide financial incentives to adopters for maintenance and development of RG/ PG plots.
- RG/PG plots in Mumbai must be designed, constructed and maintained to include features that make such plots accessible to persons with disabilities and the elderly.
- Continuous updation of the list of RG/PG plots in Mumbai
- Improving accountability by involving the general public.
- Developing a rating system to rank RG/ PG Plots.

Primary Objection

Before we comment on specific clauses of the Draft Policy, we would like to highlight the primary objection we have to the Draft Policy.

Clause (I) (A) (2) of the Draft Policy states as under:

To the extent possible, all recreational grounds and playgrounds should be developed/maintained by the Municipal Corporation by appointing contractors from its own funds or inviting tenders under Public Private Partnership (PPP) policy.

Clause (I) (A) (3) of the Draft Policy states as under:

In exceptional circumstances, if it is not possible for the Municipal Corporation to maintain/ develop a recreational ground or playground for financial, technical, local or other issues, it may be given on adoption basis after due consideration.

Primary Problem: The shortage and poor condition of RG/ PG plots in Mumbai is the result of the BMC's dwindling budgetary allocation for the upgradation and maintenance of RG/PG plots along with land grabbing by caretakers under the BMC'S earlier open space policies.

The Garden Department of the BMC carries out work related to the maintenance, upgradation and development of RG/ PG plots in Mumbai. Apart from the above work, they also carry out other works such as the construction of swimming pools, beautification work and maintenance of ponds, etc. The original and revised allocations to the Garden Department under the General BMC Budget and the total General BMC Budget for FY 2020-21, 2021-22 and 2022-23 were as follows:

Financial Year	Total Budget of the BMC (Rs. In Crores) (A)	Original Allocation to the Garden Department under the General Budget (Rs. In Crores) (B)	Revised Allocation to the Garden Department under the General Budget (Rs. In Crores)	% of BMC budget allocated to the Garden Department (A/Bx100)
2020-21	33,441.02	254.18	121.22	0.76%
2021-22	39,038.83	126.53	137.32	0.324%
2022-23	45,949.21	147.36	N.A.	0.320%

The allocation to the Garden Department under the General Budget for FY 2023-24 is Rs. 180.83 crores as against the total Budget of the BMC of Rs.52,619.07. This is only 0.34% of the total Budget.

The Development Control and Promotion Regulation 2034 (“DCPR 2034”) also mandates the construction of new RG/PG plots by acquisition of land in Mumbai. The BMC provides a separate budget for all activities mandated under the DCPR 2034. The allocations to the Garden Department for carrying out this mandate (“DP Budget”) is as under:

Financial Year	Original Allocation to the Garden Department under the DP Budget (Rs. In Crores) (A)	Revised Allocation to the Garden Department under the DP Budget (Rs. In Crores) (B)	% Revision in the DP Budget (A/Bx100)
2020-21	15.04	11.99	-20%
2021-22	9.26	5.90	-36.29%
2022-23	8	1.87	-76.63%

The allocation to the Garden Department under the DP Budget for FY 2023-24 is Rs.4 crores.

Additionally, as per the Audited Financial Statements of the BMC for FY 2020-21 and 2021-22, the actual net expenditure (expenditure minus income) on parks, gardens and playgrounds was Rs.1.73 Crores and Rs.1.48 Crores respectively.

Three trends appear from the above data:

- Over the years, the funds allocated to the Garden Department under the General Budget which is already dismal is further diminishing. This is despite the fact that the size of the BMC’s General Budget is expanding.
- There are downward revisions in the DP Budget for the Garden Department in every Financial Year.
- The actual net expenditure on RG/PG plots is much less than the expenditure budgeted for the Garden Department.

Lastly, since the past few financial years especially FY 2021-22, 2022-23 and 2023-24, a significant portion of DP Budget for the Garden Department has been allocated to the BMC Officer Gymkhana in Mahalakshmi and the garden in the Head Office of the BMC. This is problematic as these RG/ PG plots will not be open to the general public.

From the above, it appears that the development and maintenance of RG/ PG plots for the general public is not a priority of the BMC.

Primary Suggestion(s):

Open spaces like RG/ PG plots offer a much-needed break in fast-paced, crowded and polluted cities like Mumbai. Therefore, the upgradation and maintenance of RG/ PG plots must be prioritized by the BMC. For this, we suggest that:

- The budget allocation for the Garden Department in the BMC’s General Budget be increased.
- Further downward revisions in the DP Budget for the Garden Department must be avoided.
- A majority of the Garden Department’s budget is spent on the construction and maintenance of RG/ PG plots open to the general public.
- The Garden Department refrain from underutilizing the expenditure budgeted for it.
- The BMC employs dedicated manpower or hires contractors for the development and maintenance of RG/ PG plots and avoids allotting RG/ PG plots to adopters.
- If the BMC is unable to develop RG/ PG Plots, other departments of the State Government are given an option to maintain these RG/ PG Plots. For instance, the Bruhat Bengaluru Mahanagara Palike is responsible for the maintenance and management of parks in Bengaluru. However, in certain cases, the Bengaluru Water Supply Board and Karnataka Department of Urban Land Transport Authority manage these spaces.

A. Substantive Comments

Sr. No.	Clause in the Draft Policy	Issue(s)	Recommendation(s)
1.	Clause (I) (A) (4)		
	<p>Where RG or PG plots are to be given on adoption basis, preference shall be given to local school associations and local ALM.</p>	<p>It is clear that as far as types of adopters are concerned, local school associations or ALMs will be preferred. This is also clear from the highest score i.e. 20 marks assigned to local school associations or ALMs in Clause X. However, it appears that local school associations and ALMs will still be evaluated on other criteria such as annual turnover, prior experience in maintaining RG/ PG plots, etc, mentioned in Clause X.</p> <p>Clause (I)(A)(4) then creates confusion as to whether it has an overriding effect over Clause X.</p>	<p>We suggest that the part of the Clause that specifies that local schools associations and local ALMs will be given preference must be deleted in order to resolve the confusion. This is because even though these entities will be preferred as adopters, they would still need to be evaluated on the other criteria provided in Clause X.</p>
	<p>It will be mandatory for all or majority (based on student numbers) of the local schools to be involved in the local school association of the schools in the area. It will also be obligatory for the local school association to provide access to the playground to schools that are not members of the association at a fair rate agreed by the Corporation (as per the number of students).</p>	<p>Firstly, the Clause uses the words “all” and “majority” which cannot be read together. Also, it is unclear what “majority” means.</p> <p>A simple reading of this Clause implies that a school that already has access to a private playground and/or may not want to use any RG/ PG Plot belonging to the BMC will be mandated to be part of this association. This would place an onerous burden on schools.</p> <p>Secondly, if one were to assume that it is mandatory for “all schools” to be a part of the association, then the</p>	<p>We suggest that</p> <ul style="list-style-type: none"> ● The words “all” and “majority” be deleted. ● It must not be mandatory for schools to be part of this local school association. ● The portion “<i>It will also be obligatory for the local school association to provide access to the playground to schools that are not members of the association at a fair rate agreed by the Corporation (as per the number of students).</i>” be deleted.

Sr. No.	Clause in the Draft Policy	Issue(s)	Recommendation(s)
		<p>second sentence in this Clause is contradictory. This is because this sentence describes the manner in which schools that are not part of the association may access an RG/ PG plot.</p> <p>Lastly, letting local school associations decide which school can use the RG/ PG plot and how they can use it, could potentially lead to unnecessary disputes and potentially, poor upkeep.</p>	
	<p><i>General citizens will be given free entry and some minimum facilities will be provided free of charge as follows:</i> <i>-During school hours, 3 hours in the morning and 3 hours in the evening</i> <i>-During holidays, 24x7.</i></p>	<p>Firstly, the Clause prohibits the use of playgrounds by the general public during school hours. In March 2023, the BMC announced that parks will remain open from 5 a.m. to 1 p.m. and 3 p.m. to 10 p.m. on weekdays and 5 a.m. to 10 p.m. on Saturdays, Sundays and public holidays.¹ This clause is problematic as it goes back on this recent decision. It significantly reduces the duration for which RG/ PG plots are open to the general public if the plot is adopted by a school association.</p> <p>Secondly, It is unclear what the word “holiday” means. It could be interpreted as a school holiday, public holiday, or bank holiday. Apart from Sundays, some schools may be closed on Thursdays and some on Saturdays. This will lead to unnecessary confusion.</p> <p>Lastly, this part of the Clause is contradictory to another provision below as per which the school association can collect a fee. This is especially problematic since these “minimum facilities” have not been defined.</p>	<p>We suggest that no such restrictive timings for use of RG/ PG plots by the general public be provided, especially since no other category of adopters are extended such a benefit of exclusive use of RG/ PG plots. RG/ PG plots must remain open from 5 a.m. to 1 p.m. and 3 p.m. to 10 p.m. on weekdays and 5 a.m. to 10 p.m. on Saturdays, Sundays and public holidays to the general public.</p> <p>Entry to any RG/ PG plot and using any facilities therein must be free irrespective of the amount of money spent on its upgradation.</p>

¹ [BMC will keep gardens and parks open longer in Mumbai | Mumbai News - Times of India \(indiatimes.com\)](https://www.indiatimes.com/news/mumbai/BMC-will-keep-gardens-and-parks-open-longer-in-Mumbai-1027077.html)

Sr. No.	Clause in the Draft Policy	Issue(s)	Recommendation(s)
	<p><i>If the association has incurred any capital expenditure on constructing sports and recreational facilities, a fee may be charged from the general public at a fair rate decided by the Municipal Corporation.</i></p>	<p>Firstly, open spaces such as RG/ PG Plots are public property. Imposing any fee for entry to such parks or using any facilities therein is exclusionary. RG/PG plots are used by persons from different economic backgrounds. Imposing any fee will disproportionately affect their access to open spaces.</p> <p>Secondly, this Clause is silent on what portion of the RG/ PG plot can be constructed upon. Under erstwhile open space policies, adopters have constructed on a significant portion of the RG/ PG plots and constructed member-only clubs which made these open spaces inaccessible to the general public.</p>	<p>We suggest that access to RG/ PG plots be free for the general public.</p>
2.	Clause (I) (B) (4)		
	<p><i>The adoption period given above is approximately the period required to pay back the expected capital expenditure on the plot. However, the adoption period can be extended up to 10 years by the Municipal Commissioner after seeing the balance sheet of expenditure / income.</i></p>	<p>This Clause is problematic for three reasons:</p> <ul style="list-style-type: none"> ● It allows an adopter to bypass the Criteria listed in Clause (X) and retain a plot for an additional 10 years to the exclusion of other applicants. ● Extending the adoption tenure in respect of any RG/PG plot solely on the basis of financial standing will inadvertently exclude not-for-profit associations or charitable institutions. ● This Clause is also contradictory to Clause (XI) (22) which states that extensions will not be allowed. 	<p>We suggest that no extension for the development or maintenance of RG/ PG plots must be allowed. Tenders must be decided afresh depending on the criteria mentioned in Clause (X).</p>
3.	Clause (I) (C)		

Sr. No.	Clause in the Draft Policy	Issue(s)	Recommendation(s)
	<p>Eligible Institutions-</p> <ol style="list-style-type: none"> 1. Local school associations or local ALMs, independently or in partnership with a sponsor; 2. Registered Associations/Federation of Local Housing Societies/ Residents' Associations/ Traders' Associations/ Shopkeepers' Associations/ Non-Governmental Organisations; 3. Public Enterprise/ Government Organization / Banks through CSR; 4. Institutions / Organizations/ Educational Institutions organising or sponsoring sports activities in the administrative division; 5. A registered, prestigious and reputed private company, private bank, financial institution through CSR. 	<p>Persons who have taken RG/ PG plots on caretaker or adoption models under erstwhile open space policies of the BMC and squatted or are squatting over such plots may be eligible to take additional RG/ PG plots under this Draft Policy without meeting any of its criteria and without being subject to the terms and conditions that fresh applicants will be subject to.</p>	<p>We suggest that persons, entities or organisations that have taken RG/ PG plots on caretaker or adoption models under erstwhile open space policies of the BMC and squatted or are squatting over such plots and any person, entity or organisation that is associated with them must be disqualified from adopting any new RG/ PG plots under this Draft Policy. Such violators may only be eligible to apply for the RG/ PG plots that are already under their control if they agree to be covered under this Draft Policy, meet the criteria mentioned in Clause (X) and comply with all the terms and conditions mentioned in this Draft Policy.</p>
4.	Clause (III)		
	<p>The Assistant Commissioner of each Division shall, on the advice of the Circle Deputy Superintendent of Parks and with the approval of the Circle Deputy Commissioner, determine the list of</p>	<p>It appears that applications for adoption and the objection/ suggestions from citizens and other organisations on the list of RG/ PG plots to be given on adoption basis will happen simultaneously.</p>	<p>We suggest that the BMC invite applications for adoption of individual RG/ PG plots only once all the objections/ suggestions received in relation to individual plots are considered and a final adoption list is publicised.</p>

Sr. No.	Clause in the Draft Policy	Issue(s)	Recommendation(s)
	<p><i>recreation grounds and playgrounds which need to be given on adoption basis.</i></p> <p><i>This list must be publicised by displaying it on the department's notice boards, at the entrance gate of each recreation ground/sports ground (6 ft. x 4 ft. board) on the list, on the Corporation's website and through advertisements in leading newspapers (English and Marathi). Through this</i></p> <ol style="list-style-type: none"> <i>1) Objections from citizens / institutions regarding the provision of recreational grounds and playgrounds in the list on adoption basis</i> <i>2) Applications for adoption of the said amusement grounds and playgrounds from different organizations,</i> <p><i>will be invited within 30 days.</i></p>		
5.	Clause (IV) (3)		
	<p><i>The Regional Scrutiny Committee will firstly study the objections and suggestions given by the citizens/organizations regarding the provision of recreation ground/sports ground on adoption basis and if</i></p>	<p>Whether a hearing with respect to the comments and suggestions will be provided is left to the discretion of the Regional Scrutiny Committee.</p>	<p>We suggest that every objection or concern raised against the contents of this Draft Policy must be given a public hearing.</p>

Sr. No.	Clause in the Draft Policy	Issue(s)	Recommendation(s)
	<i>necessary, give a hearing to the concerned.</i>		
6.	Clause (IX) (7)		
	<i>For sports facilities, the institution may charge the rates fixed by the Municipal Corporation based on the rates fixed by the District Sports Officer for various sports facilities according to its status with the prior permission of the Municipal Commissioner. The above facility must be made available online through a transparent computer system</i>	If access to any facility within an RG/ PG plot is made chargeable, it will disproportionately affect accessibility for impoverished communities.	Accessing sports or any other facility in an RG/ PG plot must be free.
7.	Clause (XII)		
	<p>As per Annexure 3 attached hereto earlier some plots were given</p> <ul style="list-style-type: none"> ● On a caretaker basis, ● For long term or adoption basis ● Given for 11 months on adoption basis <p>If the above organisations sign an agreement as per this policy, they will be kept on adoption basis. Organisations holding plots on caretaker basis or plots on long adoption basis who do not wish to enter into an agreement under this</p>	<p>It is reported that the BMC lost approximately 20% of its land holding due to RG/ PG plots given out on long-term adoption basis or caretaker basis. ²Allotting plots to persons or organisations that have flouted earlier open space policies of the BMC is problematic especially since they are not subject to any criteria and conditions under this Draft Policy.</p> <p>Secondly, the Draft Policy will become a backdoor for unscrupulous persons/ organisations to grab land meant for open spaces at discounted rates thereby making tools like the DCPR 2034 Regulations meaningless.</p>	<p>We suggest that the BMC require these persons/ organisations to apply afresh under the new policy.</p> <p>We suggest that persons, entities or organisations that have violated earlier open space policies of the BMC including persons, entities and organisations associated with such violators be barred from adopting any new RG/ PG Plots under this Draft Policy.</p> <p>In the case of RG/ PG Plots that are already under the control of such violators, we suggest that they be required to apply afresh under this Draft Policy. Consequently, they would also be required to meet all the criteria listed in Clause (X) and adhere to the terms and</p>

² Sayli Udas-Mankikar, 'Formulating Open-Space Policies for India's Cities: The Case of Mumbai,' ORF Occasional Paper No. 241, (April 2020) p 20, available at <https://www.orfonline.org/wp-content/uploads/2020/04/ORF_OccasionalPaper_241_Open_Spaces.pdf>

Sr. No.	Clause in the Draft Policy	Issue(s)	Recommendation(s)
	<p>Policy will have the following two options:</p> <ul style="list-style-type: none"> • Deducting the current capital value (taking into account depreciation) of the amenities provided by them on the said plot and taking possession of the plot by paying 50% of it as compensation to the BMC. While deriving the current capital value, facilities created from the funds of Municipal Corporation, MLA local development fund, MP local development fund, District Planning Board or any other government system will not be considered. • Acquisition of the plot by the Municipal Corporation at 50% of the cost of the plot (calculated as per prevailing municipal tariff.) 		<p>conditions for adoption under this Draft Policy.</p> <p>In case they do not apply, the BMC may consider confiscating RG/ PG plots allotted to them.</p>

B. Drafting Comments

Sr. No.	Clause in the Draft Policy	Issue(s)	Recommendation(s)
1.	Clause (I) (A) (3)		
	<i>In exceptional circumstances, if it is not possible for the Municipal Corporation to maintain/ develop a recreational ground or playground for financial, technical, local or other issues, it may be given on adoption basis after due consideration.</i>	<p>“Financial, technical, local or other issues” is a catch-all phrase which is vague and loosely worded. It is especially unclear what local issues could be.</p> <p>Criteria for selecting an adopter are provided in the Clause (X) of the Policy. Therefore, the term “due consideration” is not clear.</p>	<p>We suggest that the Draft Policy must specify the exact circumstances in which the BMC may consider giving RG/ PG plots on an adoption basis.</p> <p>We suggest that this clause clearly refer to Clause (X) as per which the adopter will be shortlisted. Any criterion beyond the ones listed in Clause (X) of this policy must not be considered.</p>
2.	Clause (I) (C) (5)		
	<i>A registered, prestigious and reputed private company, private bank, financial institution through CSR.</i>	The words “prestigious” and “reputed” are not defined.	We suggest that the words “prestigious” and “reputed” be deleted.
3.	Clause (III)		
	Documents indicating the scope of work of the NGO	Only the scope of work or the Memorandum of Association (“ MOA ”)/ Articles of Association (“ AOA ”) of an NGO is required to be submitted. No other entities or organisations are required to submit such documents. This will not only be a fruitless exercise, but it will also not serve the BMC in identifying applications submitted by violators of earlier open space policies of the BMC.	<p>We suggest that the BMC require the submission of the MOA and AOA of all types of adopters and trust deeds of trusts.</p> <p>Apart from this, the applicants must be required to submit details of all the persons who are directors and trustees in such entities or organisations.</p>

Sr. No.	Clause in the Draft Policy	Issue(s)	Recommendation(s)
4.	Clause (IV) (5)		
	<i>In case of decision to provide recreation ground / playground on adoption basis of proposals received, application received for adoption shall be scrutinised and an adopter shall be selected within 30 days.</i>	It is unclear where the time limit of 30 days will be counted from.	We suggest that the time limit for submitting applications for an adopter be 30 days from the date on which the final adoption list along with the invitations for adoption are publicised by the Regional Scrutiny Committee after hearing the objections of the public. Adopters can be shortlisted after another 30 days.
5.	Clause (IV) (6)		
	<i>The decision of the Regional Scrutiny Committee must be sent to the Chief Scrutiny Committee within 60 days.</i>	It is unclear where the time limit of 60 days will be counted from.	We suggest that the time limit for forwarding the decision of the Regional Scrutiny Committee to the Chief Scrutiny Committee be 30 days counted from the date on which the Regional Scrutiny shortlists adopters for individual RG/ PG plots.
6.	Clause (X) (1)		
	<p>Type of Adopter Local school associations or local ALMs</p> <p>PSU/ Nationalised Bank through CSR</p> <p>A registered, prestigious and reputed private company, private bank, financial institution through CSR.</p> <p>OR Charitable Institutions or Co-operative societies carrying out sports related activity in the area and</p>	<p>Several other eligible institutions are missing from this list such as:</p> <ol style="list-style-type: none"> 1. Registered Associations/Federation of Local Housing Societies/ Residents' Associations/ Traders' Associations/ Shopkeepers' Associations/ Non-Governmental Organisations; 2. Public Enterprise/ Government Organization / Banks through CSR. 	We suggest that the list of adopters and the scores applicable to them be clearly provided for.

Sr. No.	Clause in the Draft Policy	Issue(s)	Recommendation(s)
	<p>affiliated with the Sports department of the State Government.</p> <p>Other Charitable Institutions or Co-operative societies carrying out sports related activity in the area.</p>		

C. Additional aspects that the Draft Policy must provide for

Sr. No.	Suggestions and basis
1.	<p>Delineating expectations from Adopters</p>
<p>Although the Draft Policy uses the word "adoption" in several places, what adoption means in the context of RG/ PG plots is not detailed. Additionally, apart from some amenities like first aid, toilets and a guard's cabin, the exact expectations from an adopter are not clearly provided for in the Draft Policy. The main cause for poor upkeep and maintenance of RG/ PG Plots is the lack of guidelines on how they are to be upgraded and maintained.</p> <p>We suggest that:</p> <ul style="list-style-type: none"> • The Draft Policy define what the word "adoption" in the context of RG/PG plots means. • The Draft Policy must also contain details of the amenities that must be included in any RG/ PG plot which would differ depending on the type of RG/ PG Plot i.e., whether it is a park or a garden or a playground. No construction apart from these specific provisions must be allowed. • The BMC must also consider specifying the portion of the plot on which the adopter may construct these facilities. Some broad standards on how the park is to be maintained may also be included. • Although the Monitoring Committee is required to assess RG/ PG plots once they are given on adoption, the adopter may also be required to provide regular updates to the Garden Department on the maintenance work carried out in such plots. <p>The Delhi Parks and Garden Society, an arm of the Delhi Government, also categorises public parks by assigning scores on parameters such as budgetary performance, field performance, new initiatives, maintenance of infrastructure, etc. To improve accountability on the part of adopters, the BMC must also consider rating RG/ PG plots given on adoption basis and publish the same. This can be an annual exercise.</p>	
2.	<p>Improving Accessibility in RG/ PG Plots</p>
<p>Currently, the Draft Policy does not include any consideration or mandate to ensure RG/PG plots in Mumbai are designed, constructed and maintained to include features that make such plots accessible to persons with disabilities. While there are broad mandates for making public spaces and facilities accessible for persons with disability, (as under the Rights of Persons with Disabilities Act, 2016 and under the Harmonised Guidelines and Space Standards for Universal</p>	

Accessibility, 2021), there is a need to ensure there is incorporation of specific accessibility mandates at the local level - including at the level of policy and decision making by the BMC.

Parks are crucial public green spaces that help uplift neighbourhoods and facilitate social inclusion of children, adults as well as the elderly. Parks that are inclusive and accessible to persons with disabilities welcome everyone and help eliminate biases and exclusionary attitudes. For this, reference may be made to specific measures such as accessible toilets, tactile pavers, wayfinding signage, accessible play areas for children with disabilities and features for sensory parks.

At a broad level, we suggest consultation with the State Commissioner for Persons with Disabilities, Maharashtra, so they can identify and recommend specific interventions to promote accessibility and inclusion of persons with disabilities within the contours of the Draft Policy. Within the Draft Policy itself, we suggest in -

Clause (III) (3): When seeking prior experience in maintaining the facility, experience in incorporating basic accessibility features in other public/recreational spaces may also be sought.

Clause (IX): We suggest that the monitoring committee for development work on the RG/PG plots, may also include a representative/nominee to represent the concerns of persons with disabilities. This could include a representative from the state department for persons with disabilities, or from a disabled people's organisation.

Clause (XI): The terms and conditions may also incorporate explicit reference to the need to provide for accessibility requirements for persons with disabilities.

Clause (X): Prior experience in maintaining the facility, experience in incorporating basic accessibility features in other public/recreational spaces must be a criteria for evaluating applications.

3.	Incentivising Adopters
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Apart from for-profit entities like companies, there is no incentive for civil society organisations and schools or local school associations to maintain RG/ PG plots. Government-aided schools are particularly understaffed and lack funds for school administration itself.

The Delhi and Punjab Governments provide financial assistance to Resident Welfare Associations, civil society organisations, etc. for upkeep and maintenance of public parks. Instead, the BMC in this Draft Policy is requiring the adopters to pay water tax, electricity charges and other taxes including Goods and Services Tax. We suggest that the BMC incentivise adopters for the upgradation and maintenance of RG/ PG plots. This will not only ensure accountability on the part of adopters but also create an ecosystem of organisations specialised in maintaining RG/ PG plots.

4.	Continuous updation of the list of RG/ PG plots
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Open Space Policies of the BMC are prepared once every few years. However, new RG/ PG plots are created continuously. Therefore there may be additions to the final list of RG/PG Plots. Every time a new RG/ PG Plot is created, the same procedure as for publicising the list of RG/PG Plots must be followed.

5.	Improving accountability by involving general citizens
<p>To make adopters accountable for the work they undertake under this Draft Policy, we suggest that citizens be encouraged to write to the Garden Department of the BMC regarding any complaints with the RG/ PG plot. A notice may be pasted outside every RG/ PG plot containing an email id or address where such complaints can be sent.</p>	

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