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# Maha leads in encroachment of defence land, finds review

## Action Against Encroachers On: Defence Ministry

Prafulla Marpakwar | TNN

### REPORT TO BE TABLED AFTER LONG DELAY

#### ADARSH COMMISSION

A commission to probe "several irregularities surrounding Adarsh CHS" was set up in January 2011, under retired Bombay high court judge J A Patil and former chief secretary P Subramaniam

The commission's terms of reference were to investigate all aspects, including land ownership and allotment, as well as permissions given to Adarsh

#### EIGHT EXTENSIONS

It was initially given three months to complete the investigation

The commission received eight extensions and finally submitted its report in April 2013

#### CHARGESHEETED

The CBI had last July filed a chargesheet against 13 accused

Former Maharashtra CM Ashok Chavan, R C Thakur, Brigadier (ret'd) M M Wanchu, K L Gidwani MLC (since deceased), Major General (ret'd) A R Kumar, Maj. Gen. (ret'd) T K Kaul, Brig. (ret'd) T K Sinha; retired IAS officers P V Deshmukh, Ramanand Tiwari and Subhash Lalla, serving IAS officers Pradeep Vyas and Jairaj Phathak, and Col (ret'd) R K Bakshi

### COST INCURRED

The state government spent more than ₹7 crore on the Adarsh commission

**DELAY IN TABLING REPORT**  
The Commission of Inquiry Act, 1952, places a mandatory obligation on the state to table the report within six months before each house of the legislature along with a memorandum of action taken

The government contended it was not mandatory to table a commission's report

### HC TALKS TOUGH

The Bombay HC bench of Justices V M Kanade and M S Sonak had refused to accept the state's contention that the petition deserved to be dismissed. It had not bought the state's line that tabling the report was "not mandatory in law". On Tuesday, after counsel for the state G W Mattos said he "has instructions from the government" to say the report would be tabled, the HC said nothing survived in the petition

#### WHAT THE PAC HAS SOUGHT

Defence ministry must apprise it of the action taken by the Government of Maharashtra on the report of its enquiry commission

MoEF to apprise the action taken against officials for failing to detect environmental violations and to ensure delegated authorities perform duties without fear and favour

## 'Adarsh report in winter session'

Swati Deshpande | TNN

Mumbai: The Bombay High Court disposed of a petition filed by BJP leaders on the tabling of the Adarsh report, after the government counsel's statement that the report will be tabled in the winter session of the Assembly.

BJP MLA from Kandivli, Yogesh Sagar, and party spokesperson Atul Shah, filed a petition in the Bombay high court last month stating that the law required the government to table the report in six months of its release.

The HC earlier refused to accept the state's contention that the petition deserved to be dismissed and said it was "maintainable" and would be heard. The court had not bought the state's line that tabling the report was "not mandatory in law". It had insisted that the state inform whether it was tabling the report or not. Noticing that the court meant business, the state adopted a more liberal approach on Tuesday and its counsel G W Mattos said the report would be tabled.

Mahesh Jethmalani counsel for the BJP leaders, argued that the all-party Public Accounts Committee,

## Thane court orders probe into complaint against Awhad's failure to declare Adarsh flat in '09 poll

Nitin Yeshwantrao | TNN

Thane court on Tuesday directed the Kalwa police to investigate the private complaint against NCP leader Jitendra Awhad for "deliberately hiding facts" pertaining to his ownership of a flat in Adarsh society, in his 2009 election affidavit. Magistrate R S Kanade instructed cops to expeditiously probe charges leveled by social activist Pravin Wategaonkar against the NCP leader, who reportedly failed to disclose the flat. "The MLA was allotted flat 601 in the Colaba building and regularly released payments exceeding Rs 60 lakh in cheques in 12 instalments from July 2004 to November 2010. However, the election affidavit filed in 2009 does not have any mention of this, nor of the flat. This amounts to suppressing information and making a false claim on oath," Wategaonkar said.

which tabled its report on the Adarsh land in Parliament on Monday, has sought an action-taken report from the defence ministry for its probe. "By not tabling the Adarsh report and its ATR, the state was also obstructing the functioning of Parliament," said Jethmalani.

He also handed over copies of the PAC report to the HC judges.

The two-member Adarsh commission appointed by the state in January 2011 to go into various aspects of the controversy had submitted its report

to the state government in April 2013. The commission held that the land in Colaba next to the sensitive and prominent defence establishments, allotted to Adarsh housing society, belonged to the state. The state government has spent nearly Rs 7 crore on the commission.

The state's silence since April led to a huge uproar from the opposition. The state government said in court that an ATR would take time. The delay had prompted the BJP leaders to file the petition.

# With 4 months left, BMC spends only 17% of budget

## Poor Planning: Many Projects Yet To Take Off

Bhavika Jain | TNN

Mumbai: The Brihanmumbai Municipal Corporation (BMC), the country's richest civic body, has spent only 17% of its budget, though there are only four months for the financial year to end.

Of the nearly Rs 6,143 crore earmarked for infrastructure projects in the city, the BMC has spent only Rs 1,079 crore. This excludes the water supply & sewerage department, which has a separate G budget.

This poor planning may hit the city, with the election code of conduct nearing, and with political equations likely to change.

Civic officials said most expenses are planned post-monsoon and thus tenders are approved only at the end of the year. They admitted that the pattern must change so that departments can plan and ready tenders for projects early; execution can then start as soon as the monsoon season ends.

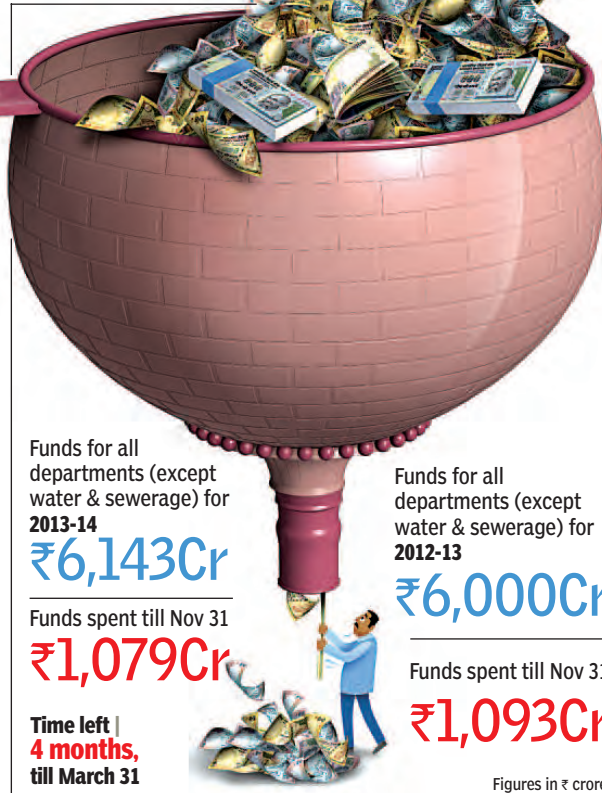
Civic finance & accounts department data showed that departments like gardens, information technology and fire brigade have not spent most of the budget allocated to them. Departments like roads, storm water drains and bridges have also spent 20-30% of their budget, but officials said these departments will exhaust the remaining amount as bulk tenders from them are expected in the next month.

Additional municipal commissioner in-charge of finance Rajiv Jalota said the civic body introduced a new rate schedule in September, due to which several tenders that were finalized had to be reworked.

"This was one of the main reasons why several tenders, especially for the roads department, have been delayed. There have been problems with finalizing some tenders of other departments for other reasons," said Jalota.

Several projects the civic body had announced in its

### CRORES LYING UNSPENT



DEPARTMENT-WISE	FUNDS ALLOCATED	FUNDS SPENT
Information technology	122	9
Solid waste management	261	23
Storm water drains	1,100	289
Garden department	228	14
Roads & traffic department	1,545	264
Health department	659	140

**TIMES VIEW:** This is how inefficiency and sloth lead to other ills. The inability to spend money judiciously for the first eight-nine months of the financial year will automatically have a more damaging effect on what remains of the year; there will be a scurry to spend as much money as possible, which will result in indiscriminate and unjustified spending and, most probably, corruption.

budget for this financial year are yet to be started due to poor planning. One such project is the supply of milk to civic school students, for which a budgetary allocation of Rs 132 crore was made.

The Byculla zoo upgradation, for which Rs 75 crore was allocated, is running behind schedule, while construction of five vehicular bridges across the Mithi river is yet to start.

Devendra Amberkar, op-

position leader in the BMC, said the Shiv Sena-Bharatiya Janata Party alliance had failed to initiate infrastructure projects in the city and mismanagement would lead to the funds getting lapsed. "Projects and infrastructure work in the city have come to a standstill. It's more than two months since the monsoons, and road repair contracts have not yet been awarded. Even ward-level work has not yet started," said Amberkar.

### WORST OFFENDERS

Statewise encroached land (in acres)	Value
Maharashtra	2,487
Madhya Pradesh	1,491.79
Haryana	959
Punjab	495.28
West Bengal	444.84

that the plot was fraudulently allotted in favour of the society. The CBI filed a chargesheet on July 4, 2012.

In Kandivli, it was alleged that Neo Pharma Pvt Ltd (Kalpataru builders) bought a piece of defence land in 2007, over which officials of the Southern command relinquished the claim held by Central Ordnance Depot since 1942, without sanction of the competent authority. The CBI instituted a preliminary probe but later closed the case.

In Pune-Lohagaon, it was alleged the then defence estates officer, individuals and unknown persons, entered into a conspiracy. It was claimed the land never belonged to the defence ministry, though it was in possession since 1918. The CBI filed a chargesheet, while revenue authorities have corrected records in favour of the ministry of defence.

## Duty evasion: Two Customs officials suspended

C Unnikrishnan | TNN

Mumbai: Two Customs officials have been suspended for dereliction of duty after a duty evasion racket was busted at the airport's courier terminal. The Customs department has also arrested Gaurav Khianra, director of AMI Express Services, a courier firm.

There was a high drama at the terminal on November 16, when assistant commissioner of Customs Kiran Kumar Karlapu and his colleague arrived on a bike around 6pm and blocked three trucks that were about to leave. The officials had intelligence information that the garments in the vehicle were cleared without proper assessment of duty and were headed to the local market. The officials removed the trucks' keys and directed them back for a re-examination.

The investigations that followed showed that 147 packets containing 17,000 pieces of garments that came from China were worth a crore but the documents submitted to the Customs showed a value of Rs 1.5 lakh. This translates into around Rs 28 lakh duty evasion, an official said. "Investigations are on to ascertain whether or not the suspended officials, Jaspal Sharma and SR Vadke, connived with the importers. The matter has been referred to the vigilance department," an official said. The role of some more officials is being examined considering that at least 55 consignments worth over Rs 20 crore have been cleared in the last three months.

Officials are searching for Amol Krishnamurthy, another director of AMI Express and believed to be the mastermind.

## 'V-C must resign as univ cheated to get A grade'

### Teachers Claim Varsity Closed Courses After NAAC Inspection

Hemali Chhapia | TNN

Mumbai: Rules laid down by the Mumbai University (MU) penalize candidates who cheat in tests. However, when the varsity was put through an assessment, it presented to the National Assessment and Accreditation Council (NAAC) impressive programmes it ran, but quickly folded all of them up after the inspection, alleged a group of university teachers.

Claiming that MU's standards have deteriorated, the teachers have demanded vice-chancellor Rajan Welurkar's resignation, failing which they would go on an indefinite hunger strike.

Last year, the 156-year-old institution was awarded an A grade—it was marked 3.05 on a scale of 4 based on its academic strength and its research. Among the findings, the inspecting team said, was that MU's plus points included allowing students to simultaneously study for diploma courses. It also lauded the varsity for running bridge courses for students who were weak in English.

In fact, in its self-assessment report—it is used by NAAC to rank an educational institute—MU said it offered remedial courses for academically weak non-English speaking students. A year after it celebrated the top grade,

### ALLEGATIONS GALORE

#### ACADEMIC ISSUES

A full-time teacher having PG teaching in that subject can be appointed, but 13 of 17 teachers co-opted don't fulfil this qualification. After hearing JACIHE's plea, the HC directed the chancellor to hold an inquiry. But the varsity only provided partial information. Ten teachers continue to hold their positions illegally

One board of studies chairman doesn't belong to subject he represents, another member doesn't hold a PhD degree

Ordinance for becoming a PhD guide has been diluted. Those who have qualified for a PhD degree 3 months prior to consideration of application seeking recognition as guide, will become guides

Credit-based semester system is designed wrongly

several courses are not running, alleged members of the Joint Action Committee for Improvement of Higher Education in Maharashtra (JACIHE). In a letter to the governor, the convener of the JACIHE alleged, "The administration has mentioned in the NAAC report that it conducts bridge courses, remedial teaching and a regular accreditation of teachers and courses by students. But nothing of this sort is actually carried out. The administration has just written this to impress the NAAC committee."

Also, in a teachers' meeting held two months ago, professors claimed, they were told to prepare notes in languages other than English for learners who do not pick up



#### ADMINISTRATION

The V-C takes no decisions even if they fall within his purview. Applications for sabbatical leaves are forwarded to the government

Teachers have been recruited against already sanctioned posts; appointment letters not yet issued

lectures delivered in lingua franca. Varsity authorities asked professors to "start making notes in Hindi and Marathi". Several teachers, especially those who are not very fluent in either language, feel this is a "frivolous and non-academic way of dealing with the issue".

In the note to the governor, JACIHE said, "The printing press has failed to make available translations of important textual material of international quality in regional languages to help students for whom English is not the first or even the second language of learning." Reacting to the claim, MU officials said what they mean by remedial courses is teachers who are expected to help slow learners.

## Rajiv Shukla writes to CM, wants to return Andheri plots

TNN & AGENCIES

New Delhi/Mumbai: Union minister Rajiv Shukla on Tuesday said he has written to the Maharashtra government to take back the two Andheri (W) plots given to a society co-founded by him to start a school, following the controversy around their allotment.

Shukla, minister of state for parliamentary affairs, said he wrote to CM Prithviraj Chavan on December 4 to take back the plots as they had been encroached upon, preventing his Bag Films Education Society (BFES) from starting any work.

"Despite all efforts over the last five years, there are several slum clusters. So, the society is not able to take possession of the land to start any activity," Shukla said. He added that there was no irregularity in the land allocation as many other educational societies have been allocated land under the same provisions.

On Monday, BJP leader Kirit Somaiya had alleged that the state had allotted plots to BFES for a pittance. Save Open Spaces, an NGO that exposed the deal, claimed that the plots were allotted for less than Rs 1 lakh while the current rates are about Rs 400 crore. But Shukla said, "There's no question of any commercial value as the aim was to build a primary school."

The BJP and Save Open Spaces had demanded that the state government initiate an inquiry and take back the plots. Somaiya, who had sought information under the RTI Act on how the Andheri plots were given to Shukla, was told that the file was destroyed in the Mantralaya fire last year. He asked why wasn't the file recreated like others that were damaged in the blaze.

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