

Citizens, With Help From Judiciary, Restored Beach's Glory. But Lack Of Govt Will To Evict Temporary Encroachers Means The Fight Continues



**COAST IS CLEAR:** Residents and activists fought a long, hard battle to restore Juhu beach to being a vital open space for the public. However, as the pictures at right show, the fight never ends as they have to constantly monitor the beach because of the temporary, illegal stalls that constantly crop up in violation of court orders



# WINNING BACK JUHU

## BUT BATTLE TO SAVE BEACH NEVER ENDS

Clara Lewis | TNN

In 2006, Juhu residents won back their much-filmed, fantasy beach from encroachers—hawkers, goons who ran prostitution rackets, and even plush bungalows. They achieved this after a long court battle. But six years on, they battle on to ensure the beach stays in the public domain.

Citizens say the government has little respect for public assets and court intervention was the only way to save the beach. However, the government and police continue to ignore violations at Juhu, despite court orders. Architect and activist P K Das, who had prepared the restoration plan for the beach, mobilized citizens to file a PIL in 2002, saying officials had not taken the restoration beyond evicting some encroachers.

Even today, illegal permissions for various religious functions are granted despite court orders. Films shoots are allowed without the Bombay High Court-appointed monitoring committee's approval. Illegal stalls appear every evening, and prostitution and drug peddling are still a problem.

When Das, through the Indian National Trust for Art and Cultural Heritage, first presented his plan for the beach's restoration in the late 1990s, it was tossed from the BMC to the Airports Authority of India to the collector's office to the Maharashtra Maritime Board. Finally, on the advice of then BMC chief Johny Joseph, Das brought together citizen groups, and a PIL was filed.

"If the court gives a favourable order then all the government departments will fall in line," Das recalled Joseph advising him. Das, who had just completed the Bandra promenades' beautification, formed the Juhu Vikas Manch. The plan was to restore the historical beach keeping in mind the existing realities, and to re-accommodate the hawkers in a more efficient manner, said Das. He held regular meetings with members of J106, which was later rechristened as Juhu Citizens' Welfare Group (JCWG), the Rotary Club and Lion's Club and other Advanced Local-ity Management groups.

Back then, the beach, said Hansel D'Souza, president of JCWG, was not visible from the road as it was encroached by hawkers. Even the wealthy, who lived in bungalows, and star hotels had taken over portions of the beach.

In October 2002, the citizens finally filed a PIL in the Bombay High Court. Vish Mada, a signatory of the PIL who attended every hearing, recounts how they met bureaucrats to convince them about the need to restore the beach and not oppose the PIL. The citizens had submitted Das's plan in the PIL, traced how it had been bounced around and demanded its implementation.

The judges did a site visit and ordered a joint survey of the beach. In 2004, it ordered the removal of all encroachments and rehabilitation of the hawkers. It allowed a food court 50 metres away, with a 10-by-10-foot stall for each eligible hawker.

However, for a year, the government did nothing till the residents filed a contempt notice against then chief minister Vilasrao Deshmukh, said Mada. The court also set up a monitoring committee with every agency associated with the beach as a member. It included the suburban collector, the additional municipal commissioner, the additional commissioner of police, the regional director of AAI and Das as secretary.

The hawkers, meanwhile, filed a petition in the Supreme Court challenging the high court order, and advocate Shiraz Rustomji had to again fight for the citizens. The apex court not only upheld the lower court's order, but reduced the size of the stalls to six-by-six feet. This was because it had already ruled on the size of stalls for the rest of Mumbai. The hawkers, however, got legal entitlement to their spaces.

Mumbaikars regained 30 acres of beach. Nearly two lakh square feet reclaimed by bungalow plot owners were converted into six gardens. The 80 eligible hawkers were moved to a food court. The tents vanished and so did the temple and other businesses. The JCWG was given the responsibility of developing and maintaining the gardens. Of the six gardens, five have been developed; the space near Ruia Park, is yet to be developed for want of funds.

The revamp was made possible with MPLAD funds from then MPs Shabana Azmi and Hema Malini.

Zahida Banatwala, a member of JCWG who monitors the Gandhi Gram garden, said the open spaces have helped residents bond over morning walks, yoga sessions or just watching the sun set.

D'Souza said that, on average, it costs Rs 50,000 a month to maintain two gardens. The BMC funds an annual contract for beach cleaning. Locals monitor the cleaning and, based on their feedback, the contract is renewed.

In the Open Mumbai exhibition currently on at the NGMA, Das is now proposing a wider plan to link the beach to other public spaces, as well as residential areas and institutes in the suburb. A major part of this plan involves revamping the Irla nullah's banks and creating walking and cycling tracks along the stretch. This work has already begun.

### JUHU REVAMP HOW THE BEACH WAS TRANSFORMED

BEACH LENGTH	4 km
BEACH AREA	3.1 L sq m
ACCESS ROADS	8

- The plan to transform the cluttered, unplanned beach focused on clearing the Central Chowpatty and its encroachments and creating accesses and traffic/parking arrangements
- It involved creating a food court, renovating public conveniences, building a drop-off bay, redeveloping

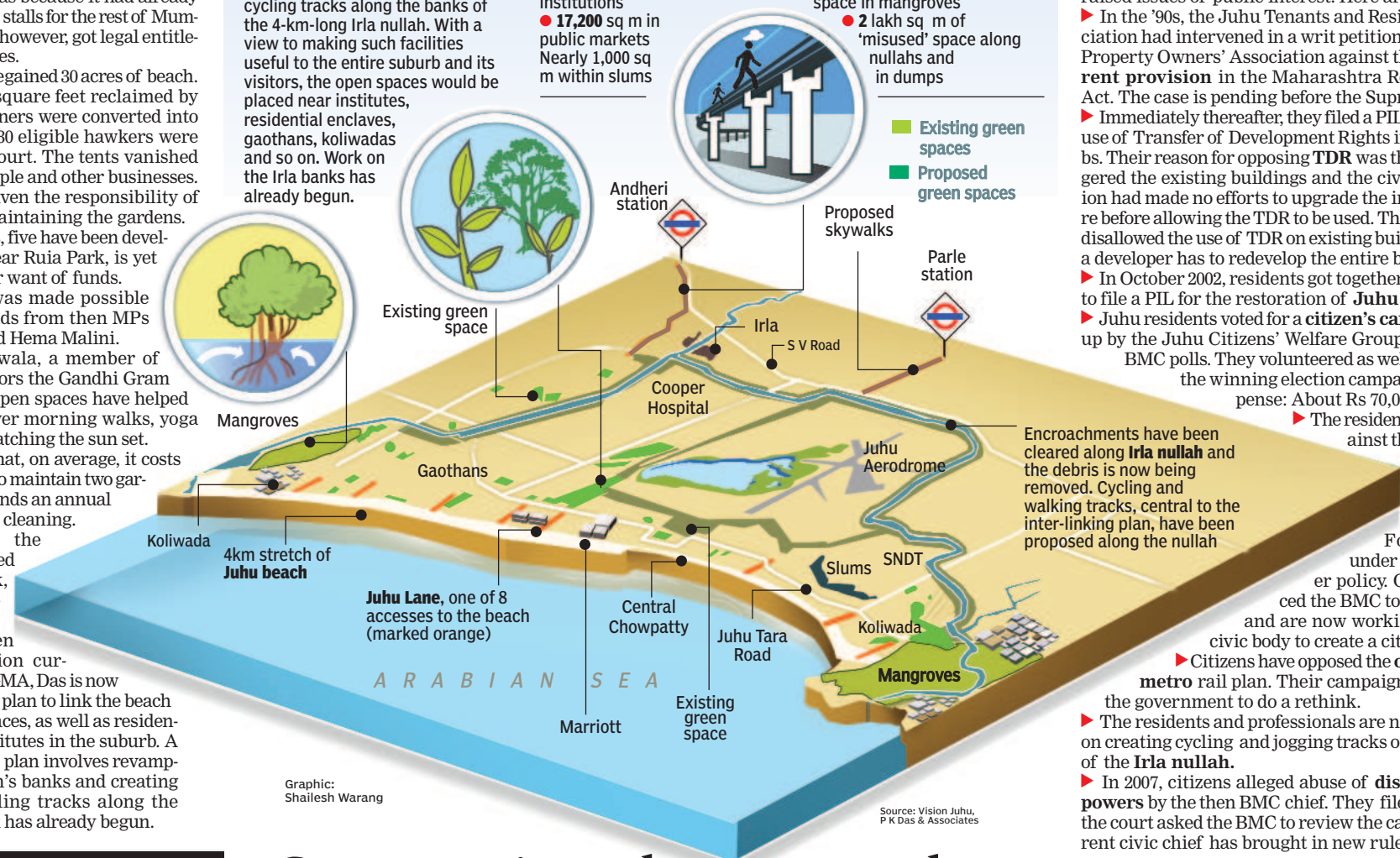
- The Gandhi garden and so on
- The Open Mumbai exhibition proposes that the city take a cue from the Juhu revamp and bring together local residents, professionals and government agencies to create lively, orderly open spaces. The judiciary's help should also be sought, as it was in the case of the Juhu revamp

### VIEW TO THE FUTURE LINKING PUBLIC SPACES NEAR THE BEACH

In a unique initiative, the inter-linking of all public spaces in the Juhu beach area is being proposed. The ambitious plan would help link the 4-km beach to existing play and recreation grounds in the area, as well as proposed walking and cycling tracks along the banks of the 4-km-long Irla nullah. With a view to making such facilities useful to the entire suburb and its visitors, the open spaces would be placed near institutes, residential enclaves, gaothans, koliwadans and so on. Work on the Irla banks has already begun.

### MORE BREATHING ROOM | Public spaces that could be linked in the Juhu beach area

- 2.7 lakh sq m of reserved public open space
- 3.1 lakh sq m of beach
- 41,000 sq m at the edges of institutions
- 17,200 sq m in public markets
- Nearly 1,000 sq m within slums
- 15,000 sq m within bus depots
- 18,000 sq m along the edges of large open lands
- 4.9 lakh sq m of 'misused' space in mangroves
- 2 lakh sq m of 'misused' space along nullahs and in dumps



Graphic: Shailesh Warang

Source: Vision Juhu, P K Das & Associates

## 'Burb thrives on people power

Clara Lewis | TNN

Its glamour quotient combined with commitment and persistence have helped Juhu citizens notch a number of victories. Utsav Karani, a long-time resident of JVPD who has filed several PILs and participated in various agitations, says media spotlight on Juhu has helped its cause.

"Juhu is a rich neighbourhood similar to Nepean Sea Road, Altamont Road, Bandra, Versova etc and has highly educated residents like the rest. But Juhu is also home to a large number of Bollywood celebrities, so it is constantly in the news," he said. But apart from its celebrity status, its citizens have regularly raised issues of public interest. Here are a few:

- ▶ In the '90s, the Juhu Tenants and Residents Association had intervened in a writ petition filed by the Property Owners' Association against the standard rent provision in the Maharashtra Rent Control Act. The case is pending before the Supreme Court.
- ▶ Immediately thereafter, they filed a PIL against the use of Transfer of Development Rights in the suburbs. Their reason for opposing TDR was that it endangered the existing buildings and the civic corporation had made no efforts to upgrade the infrastructure before allowing the TDR to be used. The high court disallowed the use of TDR on existing buildings. Now, a developer has to redevelop the entire building.
- ▶ In October 2002, residents got together once again to file a PIL for the restoration of Juhu beach.
- ▶ Juhu residents voted for a citizen's candidate put up by the Juhu Citizens' Welfare Group in the 2007 BMC polls. They volunteered as well as paid for the winning election campaign. The expense: About Rs 70,000.

The residents fought against the usurping of a reserved open space by a foundation under the caretaker policy. Citizens forced the BMC to take it over and are now working with the civic body to create a city forest.

- ▶ Citizens have opposed the overground metro rail plan. Their campaign has forced the government to do a rethink.
- ▶ The residents and professionals are now working on creating cycling and jogging tracks on both sides of the Irla nullah.
- ▶ In 2007, citizens alleged abuse of discretionary powers by the then BMC chief. They filed a PIL and the court asked the BMC to review the case. The current civic chief has brought in new rules.

### TOI Interactive 'FIRST REVIVE MAHIM CREEK, THEN DADAR BEACH'

Q. Do you think the proposal to create a seamless stretch of public spaces in Juhu — by linking the beach to planned walking/cycling tracks, gardens, playgrounds and other areas — is one the authorities should take seriously and expedite?

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We asked readers if taking sand from Mahim will help rebuild the Dadar-Prabhadevi stretch, or if the authorities need to look at other options? Will the beaches dying along the bay ever be revived? Here are some of your responses:

It is disheartening to see the present state of the Dadar-Prabhadevi beach. Dredging sand from Mahim Bay will cause more harm than work as a cure for the dying stretch. Dredging will have its effects on the bay and its surroundings in the years to come. The solution lies in doing two things. First, revive

Mahim Creek. See that the sewage currently collecting in the bay gets treated (by setting up a sewage treatment plant in the area) and is then flushed out. Second, revive the beaches along the Dadar-Prabhadevi stretch. This would already be half done if the first point is followed, as waste deposits along the beaches would reduce and, to some extent, erosion would be checked. Then, the sand on the beaches has to be replenished. The sand has to come from outside and not Mahim Bay. — Alfred Paul Karathra

You have played with nature by reclaiming and are facing the consequences. Get serious before it's too late to get our beach back. — Jack

I do not think that such cosmetic actions are going to help. In the first place, the authorities should act on the reasons that caused the soil erosion. Otherwise, it will always be a matter of 'bolting the stable door after the horse has escaped'. — Kakkannat Mohandas

## Connecting the green dots

Clara Lewis | TNN

Civic activist and architect P K Das terms it as re-imagining public spaces. Two years ago, Das, under the aegis of the Mumbai Waterfronts Centre along with students of the Kamala Raheja Institute of Architecture, prepared a development plan for Juhu.

The plan is unique as it talks of creating open spaces in market places, bus depots, railway station precincts, walkways, cycling tracks along the city's nullahs and networking all to create a seamless stretch of green, enabling citizens to walk and bicycle through their neighbourhood without hindrances and creating several spaces for community interaction.

The greening of the 4-km-long Irla nullah on either side is central to the plan as the nullah meanders through all of Juhu. Das's plan to create cycling and jogging tracks along the nullah has already been accepted by the BMC, which has

earmarked money to develop it. The nullah flows along several reserved spaces. Thus, it helps network them. A citizen walking along the nullah can access all the green spaces without being caught in traffic jams.

The young architects conducted interviews with all stakeholders who use, or wish to

A citizen walking along the Irla nullah's green space would be able to access all open spaces in the region without being caught in traffic jams

use, these informal spaces in Juhu. The spaces that can be inter-linked include reserved public open spaces, the beach, edges of institutions, public markets, bus depots, edges of large open lands, mangroves and so on. They have re-imagined the extent of this informal public realm and found that while the

reserved public space amounts to 21% of the total area, the lived space adds up to 79%, nearly four times more. They have attempted to link up these spaces, although it is not always physically possible. However, "the intention of networking public space is to make each one relate and draw from the other for its survival and/or maintenance. By design, this would ensure that no spaces are lost or denied to the public," said Das.

The transport network is vital in this regard. Accesses like skywalks from stations and the realignment of the proposed metro stations to major arteries are part of the solution. A 4.5-metre-wide pedestrian strip within the Juhu airport area would link presently inaccessible public areas.

The architects derive their inspiration from Boston's Big Dig, a complex urban highway and tunnel project; and Las Ramblas, Barcelona, which has pedestrianized the centre of a popular boulevard.

When we filed the Public Interest Litigation (PIL), neighbours derided us saying the government would never move anyone out. When we did it, we became heroes overnight. I had retired when we filed the PIL. I spent from my Provident Fund, others too used their own hard-earned money to fund the campaign. It was our way of giving to this country when we have received so much from her

Vish Mada | JUHU RESIDENT

There is not enough space for customers to stand, leave alone sit. Business is not what it used to be when we were on the beach. Of course, now that we have a licence, there is no harassment from the police and the BMC

Krishna Ram Meena | STALL OWNER AT JUHU FOOD COURT

