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फेरीवाल्यांनी अडवली वाट

चर्चगेटच्या भुयारी मार्गात ठाण; नोकरदार, ज्येष्ठ नागरिकांची कुचंबणा

म. टा. विशेष प्रतिनिधी, मुंबई

चर्चगेटच्या इरॉस चित्रपटगृहाजवळील भुयारी मार्गात अडवलेल्या फेरीवाल्यांमुळे नोकरदार वर्ग हैराण झालेला असतानाच, आता ज्येष्ठ नागरिकांकडूनही याबाबत तक्रार केली जात आहे. अरुंद पायऱ्या आणि त्यावरच ठाण मॉड्यूल बसलेले फेरीवाले, यांमुळे ज्येष्ठ नागरिकांच्या पायऱ्यावर अडखळण्याची धडपडण्याची भीती वाटत आहे. या पायऱ्यांच्या बाजूला धातूचा कठडा (हॅडल बार) लावलेला असला तरी हा कठडा फेरीवाल्यांच्या साहित्याने व्यापल्याने नेमका कुठे हात धरून उतरायचे, असाही प्रश्न ज्येष्ठ नागरिक विचारत आहेत. यासंदर्भात सातत्याने तक्रारी करूनही रेल्वे, महापालिका आणि पोलिस केवळ एकमेकांकडे बोट दाखवतात, अशी नाराजी व्यक्त केली जात आहे.

चर्चगेट स्थानकातून इरॉसच्या दिशेने जाणाऱ्या पायऱ्या चढायला

■ अरुंद पायऱ्यांवर फेरीवाल्यांचे बस्तान

■ ज्येष्ठ नागरिक पायऱ्यांवर अडखळण्याची भीती

■ कठडा फेरीवाल्यांनी व्यापल्याने हॅडल बार निरुपयोगी



राजकीय पक्ष गप्प का?

रेल्वे हद्दीत फेरीवाले नसावेत यासाठी आंदोलन करणारे राजकीय पक्ष गप्प का, अशी विचारणा याबाबत करण्यात येत आहे. या पायऱ्यांवरून मोठी किंवा जड मालवाहतूक होत नाही, त्यामुळे या पायऱ्यांवर केवळ चिंतीलगत हॅडल बार असण्यापेक्षा ते आठ ते १० असावेत. यांमुळे प्रवाशांच्या जाण्या-येण्यासाठी शिस्त लागेल. तसेच फेरीवाल्यांना पायऱ्यांवर बसण्यासाठी जागा उरणाऱ नाही, असा उपाय यासंदर्भात सुचवला जात आहे.

आणि उतरायला कठीण आहेत. या पायऱ्यांवरून जाताना रुग्ण, स्त्रिया, ज्येष्ठ नागरिक यांना या हॅडल बारची गरज भासते. मात्र फेरीवाल्यांनी वाट अडवल्याने याचा उपयोग होत नाही. पहिली पायरी सुरू होण्यापूर्वीच लाकडी स्टॅंडवर फेरीवाले सामान विकताना दिसतात. त्यामुळे या हॅडल बारपर्यंत पोहोचणेही कठीण होते. दुपारपासून रात्री उशिरापर्यंत जिन्याच्या मध्यभागी

आणि दोन्ही टोकांना दुकाने धाटलेली असतात. हॅडल बारही कपडे, इतर सामान लटकलेले असते. पावसाळ्यात या पायऱ्यांवरून पाय घसरण्याची भीती असते. काही वेळा परिसरात पाणी सांडलेले असते, तेव्हाही पडण्याची चिंता कायम असते. त्यामुळे या हॅडल बारची गरज अधिक आहे. मात्र त्याचा वापर करता येत नसल्याने यासंदर्भात 'ऑल इंडिया मॅन-जॉर्न बरोडा सेना युनियन'चे

कार्यध्यक्ष किरण सोनवणे यांनी रेशन मास्तरांकडे अलीकडेच तक्रार केली. तसेच तिथे कर्तव्यावर उपस्थित असलेल्या पोलिस अधिकाऱ्यांशीही संपर्क साधला. मात्र यासंदर्भात फेरीवाल्यांना हटवण्यासाठी कुणीही पुढाकार घेत नसल्याचे त्यांनी सांगितले. करोनाच्या आधीपासून यासंदर्भात सातत्याने तक्रार केल्याचेही ते म्हणाले. महिलांच्या स्वच्छतागृहापर्यंतचा



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai – 400 001

Tel : 22092857 Email:- court1-mshrc@mah.gov.in

KKT/Suo Moto Case No.– 1398/13/16/2023

Name of Respondent : 1 The Municipal Commissioner
Municipal Corporation of Greater Mumbai
Mumbai

2 The Commissioner of Police
Mumbai

Date : 17th March 2023

Coram : Justice K.K. Tated, Chairperson

PROCEEDING

Not on board. Taken on board.

1. We noticed news article appeared in Maharashtra Times dated 16.03.2023 on Page 2 with heading “फेरीवाल्यांनी अडवली वाट; चर्चगेटच्या भुयारी मार्गात ठाण; नोकरदार, नागरिकांची कुचंबणा”
2. It is stated in the said news that in Subway at Churchgate is encroached by hawkers who inspite of several complaints Corporation as well as Police Department failed and neglected to take any action. There is a statement of Mr. Kiran Sonawane, President, All India Bank of Baroda Sena Union also made complaint for removal of these unauthorized hawkers. Because of unauthorized hawkers it is impossible for the public to use the said subway.
3. Considering these facts which is affecting human rights of several persons day to day, Commission decided to take up this issue by Suo Moto complaint under Section 12 of The

Protection of Human Rights Act, 1993. In view of the above mentioned facts, following order is passed:

- a) Office is directed to issue summons to the Municipal Commissioner, Municipal Corporation of Greater Mumbai and Commissioner of Police, Mumbai calling upon them to hold fact finding inquiry and file their affidavit in reply on or before 11.04.2023 including following points:
- i. How many licences are granted by the Corporation to hawkers?
 - ii. Is there any Beet Marshall or any other officer appointed to keep watch on their activities, if it is appointed whether they have submitted report to that effect?
 - iii. Who is supposed to take action against encroachers in this sub way.
- b) **Matter to appear on board before Division Bench of Justice K.K. Tated, Chairperson and Shri. M. A. Sayeed, Member in Court No.1 on 11th April 2023 at 11.00 a.m.**

sd/
(Justice K. K. Tated)
Chairperson



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DIVISION BENCH

Suo Motu Case No.– 1398/13/16/2023

Name of Respondent : Municipal Commissioner
Municipal Corporation of Greater
Mumbai, Mumbai

Date : 08th June 2023

Coram : Justice K.K. Tated, Chairperson
M.A.Sayeed, Member

ORDER

(Per: M. A. Sayeed, Hon'ble Member)

Marathi local newspaper 'Maharashtra Times' of 16.03.2023 highlighted on the plight of the commuters at Churchgate Railway Station subway because of rampant encroachment by the hawkers. A suo motu cognizance came to be taken u/s. 12(a) of the Act of 1993. Notices were issued to the head of the stakeholder departments and initially interim report came to be placed on record by MCGM, on the basis of which detail order dated 11.04.2023 came to be passed which reads thus:

"The following are present:

Adv. Rajashri Valvi a/w. Shri Sandip Kelshikar, Senior Inspector (Ench), Municipal Corporation of Greater Mumbai

PI Shri Mangesh Chavan, Marine Drive Police Station

2. A suo motu action on the strength of news article Maharashtra Times dated 16.03.2023, came to be taken,

considering its gravity as police and civic authorities were blamed for their non action against the menace of the hawkers in subway at Churchgate, causing inconvenience to the commuters. Law Asst. Valvi for MCGM, has placed on record affidavit of Shri Sandeep Dhondu Kelsikar, Sr. Inspector License, Encroachment dated 10.04.2023 marked Ex. 'A'.

3. PI Shri Mangesh Chavan, Marine Drive Police Station has submitted report of DCP Zone I, Mumbai dated 10.04.2023. We have gone through these affidavits as well as heard the officers. It does appear that for the present, some action has been taken against the unauthorized hawkers by removing the encroachments as well as by initiating penal action. However, a concrete action plan is required to be placed on record to control the menace and repetition of unauthorized hawking in such busy areas, as the citizen in general are the sufferers. Asst. Law Officer Valvi for MCGM and PI Shri Chavan have undertaken to submit detail action plan report by next date.

4. Moreover from the report Ex. 'B' submitted by Dr. Hari Balaji N. (IPS), DCP Zone I, Mumbai it appears that a very respective action seems to have been taken against the hawkers. Infact in para 5 & 6, following explanation has been given as under:

“५. १) How many licences are granted by the Corporation to hawkers?

: - चर्चगेट स्टेशन मधुन ईरॉस चित्रपट गृहाकडे बाहेर पडणा-या भुयारी मार्गावर एकुण दुकानांचे २१ गाळे असुन त्यापैकी १३ गाळे सुरू असुन ०८ गाळे बंद आहेत.

६. २) Is there any Beet Marshall or any other officer appointed to keep watch on their activities, if it is appointed whether they have submitted report to that effect ?

: - मरीन ड्राईव्ह पोलीस ठाणे येथील गस्तीवरील मोबाईल, मार्शल गस्ती दरम्यान चर्चगेट सबवे येथे भेट देत असतात. भुयारी मार्गावर रहदारीस अडथळा करणारे फेरीवाल्यांवर कारवाई करतात. सन २०२२ मध्ये १० फेरीवाल्यांवर भुयारी मार्गावर रहदारीस अडथळा केला म्हणुन कलम १०२/११७ महाराष्ट्र पोलीस कायदा अन्वये कारवाई करण्यात आल्या आहेत. तसेच जानेवारी २०२३ ते आज पावेतो ०४ फेरीवाल्यांवर कलम १०२/११७ महाराष्ट्र पोलीस कायदा अन्वये कारवाई करण्यात आल्या आहेत.”

If these being the situation, then it is rather surprising as to how such encroachments by the hawkers is been made when the report indicates that out of 21 galas only 13 are functioning while 8 are closed and secondly, penal action against ten squatters / illegal hawkers have been taken in the year 2022 while, the news article reflect altogether a different state of affair. Clarification on such ambiguity is sought from DCP Zone I, Mumbai which should be placed on record by way of affidavit on next date
Matter stand over to 08.06.2023.”

2. Accordingly, today, Ld. Law Asst. Valvi for MCGM, Mumbai placed affidavit of Shri Ganesh Mudale, Senior Inspector, License (Ench), BMC, Mumbai affirming in para 6 & 7 of the affidavit Ex. 'C' as under:

“6. I say that, at present, the Encroachment removal vehicle squad of A ward is taking repeated rounds on daily basis in two shifts (i.e. One in morning and another in evening) for removal of unauthorized hawkers running their business on municipal roads and footpaths. The Licence staff of A ward one Sr. Inspector Encroachment and each shift includes 1 Inspectors and 4-5 labourers alongwith Enchr. Removal vehicles. I say that after removal action taken against illegal hawkers it is regularly intimated to concerned police station for keeping vigilance.

7. I say that, in order to keep the area 150 meters from Churchgate station free from unauthorized hawkers constant patrolling by the encroachment squad will be carried out to insure that the Churchgate subway and the surrounding area remain free from unauthorized hawkers. I further say that the said action of removal will remain continue and undertake to keep free from illegal hawkers and also if any unauthorized hawkers found in the said area.”

Pertinent to note that the photographs of the passage in the subway clearly indicates that unauthorized illegal

occupation by the hawkers came to be completely removed and moreover, concrete steps as a permanent solution came to be taken as affirmed in para 7 of the affidavit.

3. Thus, with such concrete steps on record, we don't think any further intervention is warranted as the issue has been duly and finally resolved by the corporation. Hence following order:

"ORDER"

- a) Present suo motu case stands closed and disposed off with no order as to cost.

Sd/-

(M.A. Sayeed)
Member

Sd/-

(Justice K. K. Tated)
Chairperson