

MUMBAI COUNCILLOR HANDBOOK VOL 1 (Edition 2) 2017

I want to make MUMBAI a better city!



Foreword

A very warm welcome to all of you! Namaskar, I am 'BIGGY', Praja's mascot. I symbolically represent all of us—the netas and the civil servants, the young and the old, the women and the men. These are the people that make Mumbai the city of dreams that it is. My municipal councillor, you represent our dreams of a better city, a well-managed city, a city of the new age. I am sure you will strive to do all you can to meet up to our ever-growing expectations. We, at Praja, are here to help in your effort. This handbook that we have put together is a collection of important facts that can help along your journey.

M.K. Gandhi had very rightly highlighted the importance of decentralization, saying—“True democracy cannot be worked by twenty men sitting at the centre. It has to be worked from below, by the people of every village.” In other words, we must adhere to the principle of subsidiarity, the concept that any work that can be done at a more local level should be done so. An administration which conducts its affairs in an excessively centralized manner risks being disconnected from the ordinary persons. This is why you, the councillors, really are Mumbai's captains.

The Municipal Corporation of Greater Mumbai (MCGM) is now almost 130 years young. As the civic body is adding years to its age, it is becoming ever more active-taking on newer responsibilities and newer challenges. These responsibilities involve a complex legal framework, various committees and procedural requirements. This administrative set-up is not a recent creation, but has evolved over the ages.

This handbook is a guided tour through the gigantic edifice of the civic administration of Mumbai. Through this book, we hope to shed more light on issues that affect all of us—water supply, education and housing. The book also gives an overview of the various obligatory and discretionary duties of the MCGM. Also included is the methodology we use to rate the performance of the municipal councillors.

We hope this book assists you in your tenure as municipal councillor as well as thereafter. Do feel free to contact the Praja team for more related information (Phone: 65252729; e-mail: info@praja.org).

Happy reading!

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The core team of Praja has put in a lot of work towards ensuring that this handbook is a useful document for elected representatives during their tenure in the civic body. This book is a result of their sincere and concerted efforts.

In the creation of this handbook, we were helped immensely by Mr. P.C. Pisolkar (former Municipal Chief Auditor, Mumbai), Mrs. Mrudul Joshi (former Municipal Secretary, Mumbai) and many others.

Very important, Praja is grateful for the support by



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Tata Trusts have supported Praja Foundation in this project. The Trusts believe in a society of well-informed citizens and it is to this effect that Tata Trusts supports Praja's efforts to communicate with and enable citizens to interact with their administration through innovative and effective methods.

About Praja

Praja is a non-partisan organisation working towards enabling accountable governance since 1999. Praja empowers citizens to participate in governance by providing knowledge and perspective so that they can become politically active and involved beyond the ballot box. It undertakes extensive research and highlights civic issues to build the awareness of, and mobilize action by the government and elected representatives (ERs).

THE PROBLEM

Praja believes that uninformed and disengaged ERs and administration, rather than existing systems or policies, are responsible for the lack of good governance. There is a paucity of tools to facilitate effective interaction between citizens and the local government.

PRAJA'S RESPONSE

Praja conducts data driven research and provides information on civic issues to citizens, media, and government administration and works with ERs to identify and address inefficiencies in their work processes, bridge the information gaps, and help them in taking corrective measures.

HOW DID IT EVOLVE?

1999: Praja, along with the Brihanmumbai Municipal Corporation (BMC), created Mumbai's first Citizen Charter

- 2003: Teamed up with BMC and built its citizens' grievance redressal mechanism, the Online Complaint and Management System (OCMS), and conducted complaint audits in the ensuing years
- 2005: Published Mumbai Citizen's Handbook to demystify governance in Mumbai; About 2 lakh copies distributed
- 2008: Initiated Praja Dialogue; launched CityScan, an online collation of extensive data on civic and security Issues In Mumbai; Published councillor handbook; and annual report cards on MLAs, and councillors
- 2014: Conducted workshops with ERs, educating them on policies and roles; started the Delhi Chapter to replicate the model developed In Mumbai
- 2016: Launched MLA and Councillor Report Cards in Delhi

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Section I - MCGM and the Councillors

I.1 Background of MCGM & The Mumbai Municipal Corporation Act

The origins of the municipal corporation of Mumbai and legislations relating to it go back to the middle of 17th century. Passing through various landmarks through years it finally got a structure we follow today in form of The Bombay Act No. III of 1888, (The Mumbai Municipal Corporation Act). However, with changing times the Act and the corporation has been revised, amended and made more in consonance with Mumbai's aspirations and developmental needs.

It is pertinent to point out here that the MCGM has survived in the face of heavy odds and handicaps of almost every description. It may be argued by legal and constitutional experts that the government could not supersede the corporation in the past because of the absence of provision for supersession in the Act. But the absence of legal provision alone need not have deterred the government from taking the action of supersession for, what could be done under legal provisions could as well be achieved through an ordinance. But, it wasn't done so in case of MCGM, because of some intrinsic values represented by this premier local self-government institution in the country. However, for the first time in 1984, this august body was superseded and an Administrator was appointed. This provided an opportunity for accelerating service delivery and project completion.

Days, months and years passed by and slowly the MCGM got into its present structure, ever evolving and trying to accommodate more and more of Mumbai's needs and aspirations.

Note: to see MCGM administrative setup sees below page no: 49 'MCGM Administrative setup'

I.2 Getting the Acts Right- 74th Amendment Act, 12th Schedule and Mumbai Municipal Act, 1881

A. The 74th Constitutional Amendment Act

Part IXA which came into force on 1/6/1993 gives a constitutional foundation to the local self-government units in urban areas.

This part gives birth to two types of bodies:

- i) Institutions of self- government[Art.243Q],and
- ii) Institutions for planning [Arts.243ZX and 243ZE]

Institutions of self-government, called by a general name "municipalities" are of three types:

- i. Nagar Panchayat, for a traditional area, i.e. an area which is being transformed from a rural area to an urban area.
- ii. Municipal Council for a smaller urban area.
- iii. Municipal Corporation for a larger urban area.

Article 243Q makes it obligatory for every State to constitute such units. But if there is an urban area or part of it where municipal services are being provided or proposed to be provided by an industrial establishment in that area then considering also the size of the area and other factors the Governor may specify it to be an industrial township. For such an area, it is not mandatory to constitute a Municipality.

B. 12th Schedule of the Indian Constitution

The 12th Schedule (Article 243W) laid down 18 functions of the Urban Local Bodies (ULBs) as mentioned below:

- i. Urban planning including town planning.
- ii. Regulation of land-use and construction of buildings.
- iii. Planning for economic and social development.
- iv. Roads and bridges.
- v. Water supply for domestic, industrial and commercial purposes.
- vi. Public health, sanitation conservancy and solid waste management.
- vii. Fire services.
- viii. Urban forestry, protection of the environment and promotion of ecological aspects.
- ix. Safeguarding the interests of weaker sections of society, including the handicapped and mentally challenged.
- x. Slum improvement and upgradation.
- xi. Urban poverty alleviation.
- xii. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
- xiii. Promotion of cultural, educational and aesthetic aspects.
- xiv. Burials and burial grounds; cremations, cremation grounds; and electric crematoriums.
- xv. Cattle pounds; prevention of cruelty to animals.
- xvi. Vital statistics including registration of births and deaths.
- xvii. Public amenities including street lighting, parking lots, bus stops and public conveniences.
- xviii. Regulation of Slaughterhouses and tanneries.

Municipal bodies in Maharashtra are governed by:

- a) The Mumbai Municipal Corporation Act, 1888.
- b) Maharashtra Municipal Corporation Act, 1949
- c) The Maharashtra Municipal Council Act, 1965

C. Obligatory & Discretionary Duties/ Functions of the Corporation as in the Municipal Act. Section 61 and 63

• Obligatory Duties [Section 61 (23)]

- a) Construction, maintenance and cleansing of drains and drainage works, and of public latrines, urinals and similar conveniences;
- b) Construction and maintenance of works and means for providing a supply of water for public and private purposes;
- c) Scavenging and the removal and disposal of excrementitious and other filthy matters, and of all ashes, refuse and rubbish;
- d) Reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;
- e) Regulation of places for the disposal of the dead and the provision of new places for the said purpose;
- f) Registration of births and deaths;
 - Public vaccination in accordance with the provisions of the Bombay Vaccination Act, 1877;
- g) Measures for preventing and checking the spread of dangerous diseases;
 - Establishing and maintaining public hospitals and dispensaries and carrying out other measures necessary for public medical relief;]
- h) Construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses;
- j) Regulation of offensive and dangerous trades;
- k) Entertainment of a fire-brigade and the protection of life and property in the case of fire;
- l) Securing or removal of dangerous building and places;
- m) Construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeways and the like;
- n) Lighting, watering and cleansing of public streets;
- o) Removal of obstructions and projections in or upon streets, bridges and other public places;
- p) Naming of streets and the numbering of premises;
- q) Maintaining, aiding and suitably accommodating schools for primary education [subject always to the grant of building grants by '[the "[State] Government]' in accordance with the Government Grant-in-aid Code for the time being in force];
- r) Maintenance of a municipal office and of all public monuments and other Property vesting in the corporation;

- s) Obligations imposed by the City of Bombay Municipal (Amendment) Act, 1933, upon the corporation arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925;
- t) Improvement of Brihanmumbai.

• **Discretionary Duties [Section 63 (19)]**

- a) Slum improvement and upgradation ;
 - Urban poverty alleviation;
- b) Furtherance of educational objects other than those intentioned in clauses (q) of section 61:
- c) Establishment, aiding or maintaining libraries, museums/ art-galleries, botanical or zoological collections;
- d) Laying out or the maintenance of public parks, gardens or recreation grounds;
- e) Planting and care of trees on roadsides and elsewhere;
- f) Surveys of buildings or lands;
- g) Registration of marriages;
- h) Taking of a census of the population;
- j) Preparation and presentation of addresses to, persons of distinction;
- h) Providing music in public places or places of public resort:
- i) Construction, purchase, organisation, maintenance, extension and, management of tramways, trackless trams, or mechanically propieiea transport facilities for the conveyance of the public;
- k) Purchase, maintenance, management and conduct of any undertaking for the supply of electric energy or gas to the public or the subsidising of any such undertaking;
- l) Acquisition of immoveable or moveable property for any of the purposes before mentioned, includes payment of the cost of investigations, surveys or examinations in relation thereto, or the construction or adaptation of buildings necessary for such purposes
- m) With the previous sanction of the State Government and subject to such terms and conditions as the State government may impose, subscribing to the share capital of any company or co-operative society, with a limited liability, established or to be established for providing any services in Greater Bombay, which are directly or Indirectly, useful to the corporation in carrying out any of the duties imposed upon it by or under this Act or any other law for the time being in force;
- n) Any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction;
- l) Making any contribution towards any public reception, ceremony or entertainment:

Provided that, the total expenditure on account of such contributions during any official year shall not exceed one lakh of rupees or such higher amount as the state government may, from time to time, by notification publicised in the Official Gazette, specify in this behalf.

- o) Subject to such terms and conditions, including provisions with regards to the control and supervision as the Corporation may deem fit to impose or make, making any contribution to a public trust registered under the Maharashtra Public Trusts Act for establishing or running a hospital to provide medical facilities to the employees of the [Brihanmumbai Electric Supply and transport Undertaking] and the members of the families].

I.3 Annual Environmental Status Report [Section (63 B)]

According to section 63B of the MMC Act- The Commissioner shall before the 31st day of July every year, place before the corporation a report on the status of environment within Greater Mumbai in respect of the last financial year, covering such matters and in such manner as may be specified by the state government, from time to time.

I.4 Report on Services Provided in a Subsidised Manner - [Section 126G]

The Commissioner or as the case may be, the General Manager, shall, while submitting the budget estimates to the Standing Committee or the Brihanmumbai Electric Supply and Transport Committee append thereto a report indicating whether the following services are being provided in a subsidised manner and, if so, the extent of subsidy, the source from which the subsidy was met and the sections or categories of the local population who were the beneficiaries of such supply, namely:

- a) Water supply and disposal of sewerage,
- b) Scavenging, transporting and disposal of wastes,
- c) Municipal transport, and
- d) Street lightning.

Explanation: A service shall be construed as being provided in a subsidised manner if its total cost, comprising the expenditure on operations and maintenance and adequate provision for depreciation of assets and for debt servicing, exceeds the income relatable to the rendering of that service.

The Standing Committee or, as the case may be the Brihanmumbai Electric Supply and Transport Committee, shall examine the report and place it before the Corporation, with its recommendations, if any.

I.5 MCGM and the Councillors

Qualifications and Disqualifications of the councillors under MCGM [Section 14 & 16]

Qualifications of the councillors under Section 14

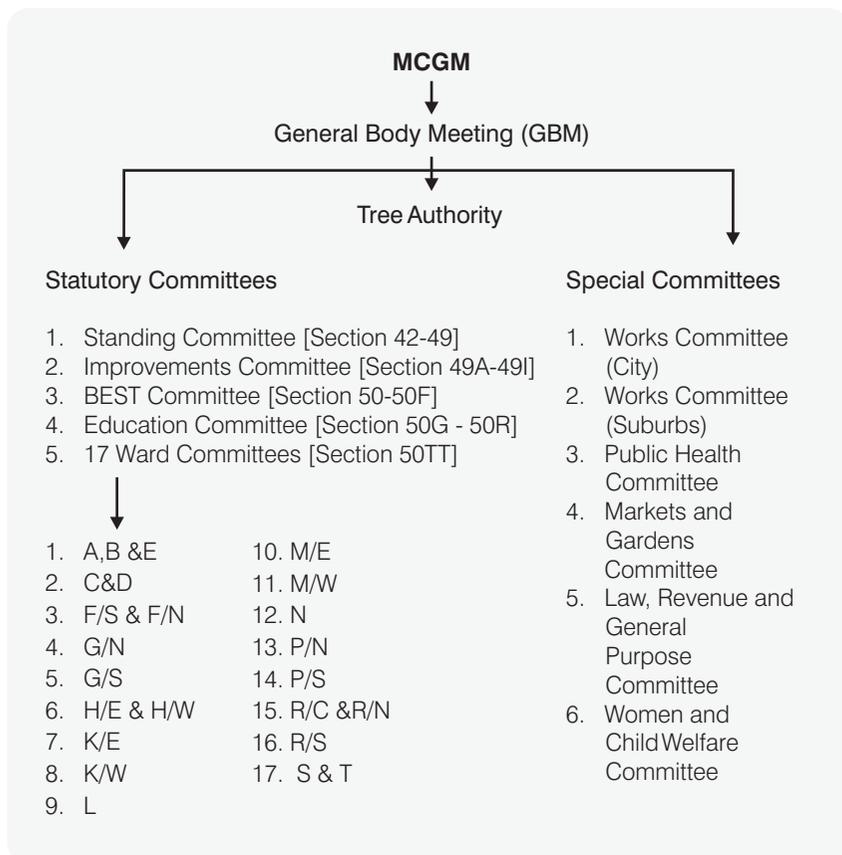
- A. A person shall not be qualified to be elected at a ward election to be a councillor [unless he is enrolled in the municipal roll as a voter of some ward].

Disqualification of the councillors under MCGM Section 16

- 1) A Person shall be disqualified for being a councillor if such person-
- a has been so disqualified by or under any law-
 - i) For the time being in force for the purpose of elections to the Legislature of the State: Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;
 - ii) Made by the Legislature of the State of Maharashtra; or [(a) has, at any time after the commencement of section 2 of the Maharashtra Municipal Corporations (Amendment) Act, 1970, been convicted of an offence punishable under Section 153A or sub-section (2) or (3) of Section 505 of the Indian Penal Code:
Provided that, such disqualifications shall be for a period of six years from the date of such conviction ; or
 - aa: has been removed from the office under Section 18-1A and five years have not elapsed from the date of such removal; or
 - b: Has been convicted by a Court in India of any offence involving moral turpitude, unless a period of six years has elapsed since the date of such conviction ; or
 - ba: having more than two children
 - c: has been adjudged or re-adjudged an insolvent, is under any disqualification imposed by Section 103A of the Presidency- towns Insolvency Act,1909; or Section 73 of the Provisional Insolvency Act, 1920;or
 - d: is the Commissioner, the Director, or a Deputy Commissioner or a Municipal Officer or servant, or a licensed surveyor or plumber [or a member of a firm of which a licensed surveyor or plumber is a member], or
 - e. is the Chief Judge of Small Causes Court or is acting in that capacity
 - ee. Fails to pay any arrears of any kind due to him (otherwise than as a trustee) to the corporation within three months after a special notice in this behalf has been served upon him; or
 - f. Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of the corporation;
 - fa. having been elected as councillor, during his term of office, as a councillor has directly or indirectly, by himself or his partner, any share or interest in

- any lease including any leave or licence (but excluding any official residence provided by the corporation) sale or purchase of land or any agreement for the same, by or on behalf of the Corporation; or
- fb. Having been elected a councillor is retained or employed in any professional capacity either personally or in the name of a firm in which he is a partner or with whom he is engaged in a professional capacity in connection with any cause or proceeding in which the corporation is interested or concerned
Provided that this disqualification shall not apply to a councillor who renders free service for securing the enforcement of civic rights or removal of legitimate public grievances.)
- g. is a member of the state legislature or of Parliament

Section II - MCGM- GBM and Committees



the presiding authority of this own motion. At least 7 clear days' notice shall ordinarily be given for every meeting. If at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present inclusive of the presiding authority falls short of one-fifth of the whole number of Councillors, presiding authority shall adjourn the meeting to some other day, fixing such date & time for the same as he shall think convenient and the business which remains undisposed of at such meeting shall be disposed of at adjourned meetings or, if the latter meetings should be again adjourned, at any subsequent adjourned meeting, whether there is a quorum present thereat or not.

- Committees and their roles
 - a) The corporation may from time to time appoint as laid down by the regulations made in this behalf out of their own body such and so many committees consisting of such number of persons, and may refer to such committees for inquiry and report or opinion, such special subjects relating to the purpose of this Act as they shall think fit.
 - b) The corporation may from time to time appoint, out of their own body, special committees and may be specific resolution carried by a vote of at least two-thirds of the members of the corporation present at the meeting delegate any of their powers and duties to such committees, and may also by a like resolution define the sphere of business of each special committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the corporation with such recommendation.
 - c) The corporation shall constitute not more than twenty-five wards committees each comprising such contiguous wards as may be decided by the corporation.

Provided further that, the norms for the recognition of the non-government Organizations, the requisite qualification for nomination as members and the manner in which they are to be nominated shall as the State Government may, prescribe;

- a) A recognized and registered medical practitioner with at least 5 years of experience,
- b) A person who has been an education expert for at least 5 years. This can include retired principal, lecturer, head-master
- c) A person who has at least 5 years of experience as a chartered accountant, or auditor;
- d) A person who is an engineering degree holder from a recognized university, with industrial experience of at least 5 years;

II.1 Corporation (General Body Meeting) [Section 5]

In the General Body Meeting, all the 227 councillors plus 5 nominated councillors are members. There is one ordinary meeting in each month. The day, place and the date is fixed by the Mayor. If the special meeting is to be called, the Mayor, or in any such event as aforesaid the Dy. Mayor or in the event of absence of both the chairman of the standing committee may, whenever he thinks fit, and shall, upon a written requisition signed by not less than one-sixth of the whole number of councillors call a special meeting. Every meeting be open to the public, unless a majority of the councillors present there at decide by resolution, which shall be put by

- e) A person who has worked as an advocate for at least 5 years, or a degree holder in law from a recognized university and has at least 5 years of experience in working in legal sector;
- f) A person who has been Chief Officer of Municipal Council or Assistant Commissioner of Municipal Corporation for at least 5 years, or at least two years of prior experience as Municipal commissioner.
- g) A person who has at least 5 years of experience of working in the Municipal Corporation, or the Municipal Council, and at least 5 years of experience of working in Non-Governmental Organisation registered under Mumbai Public Trusts Act, 1950.

II.2 Statutory Committee

1 Standing Committee [Section 42]

Constitution of standing committee

- 42. The standing committee shall consist of 26 (twenty-six) councillors, plus one councillor (Education Committee chairman as ex-officio member) Members of the standing committee when to be appointed.
- 43. (1) The corporation shall at their first meeting in the month of April, after general elections, appoint 26 (twenty-six) persons out of their own body to be the members of the standing committee
(2) The chairman of the education committee shall also be an ex-officio member the standing committee.]
- a) The standing committee meets for the dispatch of business in the chief municipal office and may, from time to time, make such regulations with respect to such meetings and with respect to the scrutiny of the municipal account as they think it fit. (subjected to the written clauses).
- b) The standing committee meets once a week and can meet more often if it is necessary. The notice of the meeting specifying the time and the place at which such meeting is held and the business to be transacted in the meeting (accompaniments and agenda) is given by Municipal Secretary and sent to the committee members at their residing address.

Sphere of Business

- 1. It has the power to regulate annual budgetary estimate,
- 2. Invite tenders for various development works,
- 3. Altering the existing terms of contracts,
- 4. To delegate the Municipal Commissioner to discharge his/her responsibility, to appoint/dismiss Municipal Chief Accountant/Additional Municipal Chief Accountant,
- 5. For withdrawal of funds from the MCGM account,

- 6. For approval in the disposal of Municipal property,
- 7. To amend the rules concerning water and sewerage charges so on and so forth.
- 8. The standing committee is not answerable to the Municipal Commissioner but to the Chairperson of the Committee itself and as such, it is the most important statutory functionary of the MCGM.

The standing committee should take a decision on the proposal submitted on the agenda of the standing committee within 30 days, otherwise it is deemed to be sanctioned by the standing committee.

2 Improvement Committee [Section 49A]

The corporation shall appoint a committee to be called the Improvements Committee for the purpose of the improvement of the city, in accordance with the provisions of this Act, and subject to such conditions and limitations as are in this Act contained.

- 49B. The improvements Committee shall consist of twenty-six councillors.
- 49E. Retirement of Improvement Committee members
 - a) One-half of the members of the Improvements Committee shall retire at noon on the first day of April every year.
 - b) The members who shall retire one year after the committees like Standing, Improvements, B.E.S&T and Education shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairperson may determine.
 - c) During the succeeding years, the members who shall retire under this section shall be the members who were longest in office:
Provided that, in the case of a member who has been re-elected the terms of his office for the purposes of this clause shall be computed from the date of his re-election.

Sphere of business

The Improvements Committee considers the business entered on the agenda for each monthly meeting which consists of proposals received from the Administration, communications received from the Corporation and, Letters from the councillors and Notice of Motion from the Members.

As per Section 49I(c) of the Mumbai Municipal Corporation Act, if requested by written requisition to call a special Meeting, the Chairman has to call such meeting not less than four members of the Committee of the said Committee for the transaction of any business.

Improvements Committee may delegate any of their powers and duties to the sub-committee consisting of members of the Improvements Committee as they think fit.

3 BEST Committee [Section 50]

The B.E.S. &T. Committee consists of 17 members. The Corporation at their first meeting after meeting after General Election nominates 16 members to be members of the BEST Committee. The Chairman of the Standing Committee is an Ex- officio member of the BEST Committee and other 16 members appointed by the Corporation from among persons who, in the opinion of the Corporation, have had experience of, and have shown capacity in, administration, transport or electric supply or in engineering, industrial, commercial, financial or labour matters and of whom., one at least shall be a Councillor and remaining may or may not be councillors.

Sphere of Business:

1. The BEST Committee meets for the dispatch of business in the BEST Committee Meeting Hall, BEST Bhavan, Head Office, and can, from time to time makes such regulations with respect to such meeting [Section 50 (D)(1)].
2. The BEST Committee meets once in a fortnight and at such other times, if found necessary {the notice of the meeting specifying the day, the time and the place at which such meeting is to be held and the business to be transacted in the meeting is prepared by the Secretary, BEST Undertaking and sent to the Committee Members at the residential address}.
3. The first meeting of each BEST Committee is held on a day and at the time to be fixed by the Secretary, BEST undertaking, in consultation with the Mayor (M.M.C. Rule 2007).
4. The Chairman of the BEST Committee has to call a special meeting of the BEST Committee, upon a written requisition signed by the Municipal Commissioner or the General Manager, or by not less than three members of the Committee within 48 hours of the receipt by him of the requisition, for the transaction of any business [Section 50 (D) (2) (c)].
5. Quorum of 7 members is required for transacting the business before the BEST Committee [Section 50 (D) (2) (d)].
6. The Municipal Commissioner and in his/her absence the Director or a Deputy Commissioner authorized by the Municipal Commissioner in this behalf or the General Manager and in his absence any officer authorized by the General Manager in this behalf, has right to remain present in the meetings of the BEST Committee and to take part in the discussion but he has no right to vote upon or to make any proposition in the meeting. [Section 50 (D)(3)]
7. As per Section 4 of the Mumbai Municipal Corporation Act, the BEST Committee is one of the Municipal Authority. The BEST Committee has all the financial power in respect of Budget C'. The General Manager of the Undertaking is working under the superintendence of the BEST Committee and of the Corporation. The General Manager shall manage the BEST Undertaking and perform all acts, necessary for the economical and the efficient maintenance, operation, administration and development of the Undertaking

Section 460 A. All the powers in respect of establishment vest with the General Manager of the Undertaking / BEST Committee / Corporation. The BEST Committee and the Corporation have also the right to frame regulations for grant of leave, PF., service regulations of employees of the Undertaking Section 460 V. The BEST Committee has also the right to approve all the contracts each involving expenditure exceeding Rs. 10 lacs. The General Manager prepares and present the Budget Estimate to the BEST Committee for its approval, and submit the same to the Standing Committee for their comments and to the Corporation for their final approval [Section 126 (A), 126 (B), 127].

4 Education Committee [Section 50G]

The Corporation shall appoint a Committee to be called the Education Committee for the purpose of giving effect to the provisions as to primary education in this Act or in other law for the time being in force. The Education committee shall consist of twenty six members (Section 50H) of whom twenty-two shall be councillors and four shall be persons who are not councillors. The non-councillors to be so appointed shall be persons,-

- a) whose names are enrolled on the municipal election roll as voters ;
- b) who are graduates of universities recognised by the Corporation in this behalf ;
- c) who have five years teaching or administrative experience in educational instructions ; and
- d) who possess such other qualifications as the Corporation may determine in this behalf.

Sphere of Business

1. The Education Committee meets for the dispatch of business in the municipal head office and can from time to time make such regulations with respect to such meetings and to the management of Schools under their control.
2. The Education Committee meets once in a month.

Retirement of members of Education committee [Section 50K]

1. One-half of the councillor members and one half of the other members of the Education Committee shall retire at noon on the first day of April every year.
2. The member who shall retire one year after the committees like Standing, Improvements, B.E.S&T and Education shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman may determine.
3. During succeeding years the members who shall retire under sub-section (1) shall be the members who have been longest in office: Provided that, in the case of a member who has been re-appointed, the term of office for the purposes of this sub-section shall be computed from the date of his re-appointment.

5 Ward Committee [Section 50TT]

The constitution of India has been amended with a view to make the administration of Local Self Governments more public oriented and to decentralize the powers, consequent upon which new Section 50TT has been incorporated in the Mumbai Municipal Corporation Act, 1888, by seeking amendment to it, accordingly 17 Ward Committees have been formed within the jurisdiction of Mumbai Municipal Corporation. Each ward committee consists of- the councillors representing the electoral ward within the territorial area of the Ward Committee. Such number of other members, not exceeding three, nominated by the councillors, from amongst the members of recognized non-government organizations and community based organizations engaged in social welfare activities within the area of the ward committee.

- a) The duration of the wards committee shall be co-terminus with the duration of the Corporation.
- b) The elected councillors shall at the first meeting of the wards committee in each official year, elect from among themselves the Chairperson who shall hold office until the first meeting in the next following official year.
- c) The Chairperson of the wards committee shall be deemed to have vacated the office as soon as he ceases to be a Councillor.
- d) In the event of the office of the Chairperson falling vacant before the expiry of its term, the wards committee shall elect a new Chairperson:

Provided that, the Chairperson so selected shall hold office long so only as the Chairperson in whose place he is elected would have held office if such vacancy had not occurred.

The functions of the Wards Committee shall, subject to the general supervision and control of the Corporation, be:

1. Speedy redressal of common grievances of citizens, connected with local and essential municipal services like water supply, drainage, sanitation and storm water disposal;
2. to consider and make recommendations on the proposals regarding estimates of expenditure pertaining to the wards under different heads of account of the budget before being forwarded to [the Commissioner];
3. To grant administrative approval and financial sanction to the plans for municipal works to be carried out within the territorial area of the Wards Committee costing up to rupees five lakhs provided that specific provision exists therefore in the budget sanctioned by the Corporation.

Each Wards Committee shall consist of

1. The councillors representing the electoral wards within the territorial area of the Wards Committee;
2. The Ward Officer incharge of the territorial area of the Wards Committee;
3. Such number of other members, not exceeding three, nominated by the councillors referred to in clause (a), from amongst the members of recognised non- government organisations and community based organisations engaged in social welfare activities working within the area of the Wards Committee

Sphere of Business

1. That in exercise of the powers vested in the them by Sub-Section 8 of Section 50 TT of the Mumbai Municipal Corporation Act, 1888, as amended up-to-date, the Corporation has, hereby, delegated the following spheres of business to the Ward Committees, as follows:
 - i. Suggestions relating to naming and renaming of roads and chowks.
 - ii. Works to be executed by meeting the cost thereof from the lump-sum provision for the unforeseen works in each councillor's constituency (Councillor's fund) and works to be executed under budgetary provisions.
 - iii. Suggestions/ proposals related to maintenance of cleanliness.
 - iv. Suggestions/ proposals related to repair of markets.
 - v. Suggestions/ proposals related to repair of roads.
 - vi. Suggestions/ proposals related to repair of school buildings and municipal buildings
 - vii. Suggestions/ proposals related to development and maintainence of gardens
 - viii. Suggestions/ proposals related to vermiculture schemes
 - ix. Suggestions/ proposals related to maintenance of Municipal dispensaries and hospitals
 - x. Suggestions/ proposals related to beautification of roads
 - xi. Suggestions/ proposals related to repair of footpaths
2. Notwithstanding anything contained in the sub-sections, the Corporation may by a resolution, delegate to a wards committee such other powers, authority and functions as it may deem fit and expedient.
3. The wards committee shall meet at least once in a month at the Ward Office.

II.3 Special Committee [Section 38A]

- a) The corporation may from time to time appoint out of their own body, Special Committees and by specific resolution delegate any of their powers and duties to such committees. This will define the sphere of business of each committee so appointed and will direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the Corporation with such committee's recommendation.
- b) The following six special committees are appointed by the corporation under Section 38A (1) of Mumbai Municipal Corporation Act.
 1. Works Committee(City)
 2. Works Committee (Suburbs)
 3. Public Health Committee
 4. Markets and Gardens Committee
 5. Law , Revenue and General Purposes Committee
 6. Women and Child Welfare Committee

Sphere of Business

1. The first meeting of such Special Committee held on a day and at the time to be fixed by the Municipal Secretary in consultation with the Mayor (M.M.C. Rule 2007)
2. The chairperson of a committee may whenever he thinks fit, and shall, upon the request of the Mayor or the Commissioner or of not less than five Members of the Committee requested by the written requisite to call a Special Meeting, the chairperson has to call such meeting for a day not more than four days after presentation of such request.
3. Quorum of 9 members is required to transact the business at the meeting.

6 Works Committee (City)

- a) The Corporation under Section 38A (1) of the M.M.C Act, appoint the Works Committee (City), out of their own body consisting of 36 members in their meeting after general and delegate any of their power and duties to such Committee and also define the sphere of business of Committee so appointed and direct that all matters and questions included in any such sphere shall be submitted to the Corporation with such Committee's recommendation.

Sphere of Business

1. City Engineer's Department and question pertaining thereto.
2. Hydraulic Engineer's Department* and questions pertaining thereto. (areas only)
3. Fire Brigade and questions pertaining thereto.

4. Other questions affecting public safety.
5. Licence Department so far as it enforces regulations in the interest of public safety.
6. Ward Officer (Estate)'s Department and questions pertaining thereto.
7. Inspection **of works.*

* The questions relating to Hydraulic Engineer's Dept., for the purpose of Charter IX & X of the M.M.C. Act fall within the purview of Standing Committee (vide C.R. No. 2488, dated the 15th March 1973).

** Paragraph 5 of the Corporation Resolution No. 1175, dated the 8th May 1930 runs as follows: That as regards the inspection of the various works in the city, the Works Committee be requested to follow the procedure suggested by the Commissioner in the following paragraph 2 of his letter No. M.C. 54- C, dated the 11th January 1930.

"Now that the re-organization of the Engineering Department has been sanctioned, a new Engineering Committee to take place of the existing Drainage and Road, etc., Committee will have to be appointed under section 38A. The Corporation can delegate its powers under Section 66 to that Committee and there will presumably be no objection to that Committee as a whole or some of its members inspecting the various works in the City and calling for reports from the Commissioner whenever necessary. This Committee would, of course, not take down the statements of the Municipal subordinate or the contractors themselves but would ask the Commissioner to make any enquiries that they may deem necessary."

7 Works Committee (Suburbs)

- a) The Corporation under Section 38A (1) of the M.M.C. Act, appoint the Works Committee (Subs.) out of their own body consisting of 36 members in their meeting after general election and delegate any of their powers and duties to such committee and also define the sphere of business of committee so appointed and direct that all matters and questions included in any such sphere shall be submitted to the Corporation with such committee's recommendation.

Sphere Of Business

1. City Engineer's Department and questions pertaining thereto.
2. Hydraulic Engineer's Department* and questions pertaining thereto.
3. Fire Brigade and questions pertaining thereto.

4. Other questions affecting public safety.
5. Licence Department so far as it enforces regulations in the interest of public safety.
6. Ward Officer (Estate)'s Department and questions pertaining thereto.
7. Inspection** of works.*

* The questions relating to Hydraulic Engineer's Dept., for the purpose of Charter IX & X of the M.M.C. Act fall within the purview of Standing Committee (vide C.R. No. 2488, dated the 15th March 1973).

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8 Public Health Committee

- a) The Corporation under Section 38A (1) of the M.M.C. Act, appoint the Public Health Committee out of their own body consisting of 36 members in their meeting after general election and delegate any of their power and duties to such Committee and also define the sphere of business of the Committee so appointed and direct that all matters and questions included in any such sphere shall be submitted to the Corporation with such Committee's recommendation

Sphere Of Business

1. All questions relating to the King Edward VII Memorial Hospital and Seth Gordhandas Sunderdas Medical College, Kasturba Hospital for infectious diseases, Medical Relief in the Municipal outdoor dispensaries, Medical and Nursing assistance to the poor in their homes Venereal Diseases Dispensaries,

Anti Tuberculosis League and any Medical Institution to which monetary assistance is given by the Corporation.

2. Health Department (including Street Cleaning, Conservancy, etc.) with the exception of questions pertaining to the Mechanical Branch so far as they fall within the province of the Works Committee.

9 Markets and Garden Committee

- a) The Corporation under Section 38A (of the M.M.C. Act, appoint the Markets and Gardens Committee, out of their own body consisting of 36 members in their members in the general election and delegate any of their power and duties to such Committee and also define the sphere of business of Committee so appointed and direct that all matters and questions included in any sphere shall be submitted to the Corporation with such Committee's recommendation.

Sphere of Business

Sphere of Business of Special Committee defined by the Corporation vide Corporation Resolution No. 46, dated 11th May 1999 in exercise of them by Sub-Section (1) of Section 38A of the Mumbai Municipal Corporation Act, 1888, as amended up to date.

1. Markets and Slaughter Houses Departments, Gardens Department.

10 Law, Revenue and General Purposes Committee

- a) The Corporation under Section 38A (1) of the M.M.C. Act, appoint the Law, Revenue and General Purposes Committee and delegate any of their power and duties to such Committee and also define the sphere of business of Committee so appointed and direct that all matters and questions included in any such sphere shall be submitted to the Corporation with such Committee's recommendations.

Sphere of Business

Sphere of Business of Special Committees defined by the Corporation vide Corporation Resolution No.46, dated 11th May 1999 in exercise of the powers vested in them by Sub-Section(1) of Section 38A of the Municipal Corporation Act, 1888, as amended up to date.

- A) All questions relating to interpretation and amendment of the Municipal Act and others Acts, Bye- laws, Regulations, Rules relating to all matters of Municipal Administration:
 1. Assessment and Collection Department,
 2. Election Matters.
 3. Octroi Office

4. Accounts Department,
5. Licence Department- questions relating to revenue obtained from licences,
6. All miscellaneous questions not falling within the purviews of any other Special Committees.

11 Women and Child Welfare Committee

- a) The Corporation under Section 38A (1) of the M.M.C. Act, appoint the Women and Child Welfare Committee out of their own body consisting of 36 members in their meeting after general election and delegate any of their power and duties to such Committee and also define the sphere of business of Committee so appointed and direct that all matters and questions included in any such sphere shall be submitted to the Corporation with such Committee's recommendation. The Chairperson of the Women & Child Welfare Committee should be a woman.

Sphere of Business

Sphere of Business of Special Committees defined by the Corporation vide Corporation resolution No. 46, dated 11th May 1999 in exercise of the powers vested in them by Sub-Section (1) of Section 38A of the Mumbai Municipal Corporation Act, 1888, as amended up to date.

1. Museums, Swimming Pools and Sports Complex.
2. Maternity Homes, Health Posts, Family Planning,
3. IPPV.
4. Pre- Primary Education.
5. Supply of Nutritious food in Municipal Primary Schools.
6. Preventive Measures to control venereal diseases.

12 Tree Authority

- a) The Tree Authority helps in regulating the felling of trees and providing for planting of adequate number of new trees through Garden Department. On or before the 31st day of October every year Tree Authority prepares budget estimate and forwarded the same to the Corporation for their final approval. The Tree Authority was constituted in the year 1976, by the Corporation. It has 13 Councillor Members and 10 Nominated Members.

Table 1: MCGM Committees Table (Committee at a Glance)

Name Of the Committee	Number of Members	Quorum	Time and date of the meeting		Areas of Functioning
GBM	227 Councillors + 5 Nominated Councillors	One-fifth of the whole number of councillors the meeting will adjourn to some other day.	Monthly		The corporation shall meet for the dispatch of business and shall from time to time make such regulations with respect to the summoning notice, place, management and adjournment of such meetings, and generally with respect to the mode of transacting and managing the business of the corporation including the submission, asking and answering under Section 66A as they think fit.
<i>At least 7 clear days' notice shall ordinarily be given for every meeting.</i>					
Statutory Committees					
Standing Committee	26 councillors, plus one councillor who is the Chairman of the Education Committee as ex-officio member)	9 Members	Weekly		The Standing Committee meets for the dispatch of business in the chief municipal office and may, from time to time, make such regulations with respect to such meetings and with respect to the scrutiny of the municipal account as they think fit, subject to the following conditions (Sec.49)
Improvement Committee	26 members	9 Members	Monthly		The Improvements Committee meets for the dispatch of business in the municipal head office and can from time to time make such regulations with respect to such meetings as they think fit. (Section 49 I)
BEST Committee	16 members + one councillor who is the Chairman of the Standing Committee as ex-officio member.	7 Members	Once in a fortnight		The BEST Committee meets for the dispatch of business in the BEST Committee Meeting Hall, BEST Bhavan, Head Office, and can, from time to time makes such regulations with respect to such meeting {50 (D)(1)}
Education Committee	26 members of whom 22 are councillors and 4 are nominated members	9 Members	Monthly		The Education Committee meets for the dispatch of business in the municipal head office and can from time to time make such regulations with respect to such meetings and to the management of Schools under their control, as they think fit (Section 50P).
Special Committees					
Works Committees (city)	36 members	9 inclusive of the Chairman			City Engineer's Department and question pertaining thereto. Engineer's Department and questions pertaining thereto.(areas only) Fire Brigade and questions pertaining thereto. Other questions affecting public safety. License Department so far as it enforces regulations in the interest of public safety. Ward Officer (Estate)'s Department and questions pertaining thereto. Inspection of Works.

Name Of the Committee	Number of Members	Quorum	Time and date of the meeting			Areas of Functioning
Works Committee (Suburbs)	36 members	9 inclusive of the Chairman	Monthly			City Engineer's Department and question pertaining thereto. Engineer's Department and questions pertaining thereto.(areas only) Fire Brigade and questions pertaining thereto. Other questions affecting public safety. License Department so far as it enforces regulations in the interest of public safety. Ward Officer (Estate)'s Department and questions pertaining thereto. Inspection of Works.
Public Health Committee	36 members	9 inclusive of the Chairman	Monthly			All questions relating to the King Edward VII Memorial Hospital and the Seth Gordhandas Sunderdas Medical College, Kasturba Hospital for infectious diseases, Medical Relief in the Municipal outdoor dispensaries, Medical and Nursing assistance to the poor in their homes Venereal Diseases Dispensaries, Anti Tuberculosis League and any Medical Institution to which monetary assistance is given by the Corporation. Health Department (including Street Cleaning, Conservancy, etc.) with the exception of questions pertaining to the Mechanical Branch so far as they fall within the province of the Works Committee.
Law, Revenue and General Purposes Committee	36 members	9 inclusive of the Chairman	Monthly			All questions relating to interpretation and amendment of the Municipal Act and other Acts, Bye-laws, Regulations, Rules relating to all matters of Municipal Administration : Assessment and Collection Department, Election matters, Octroi Office, Accounts Department, License Department-questions relating to revenue obtained from licenses, All miscellaneous questions not falling within the purviews of any other Special Committees.
Women and Child Welfare Committee	36 members	9 inclusive of the Chairman	Monthly			Museums Swimming pools and Sport Complex. Maternity Homes, Health Posts, Family Planning, IPPV. Pre-Primary Education. Supply of nutritious food in municipal primary schools. Preventive Measures to control venereal disease
Market and Gardens Committee	36 members	9 inclusive of the Chairman	Monthly			Markets and Slaughter Houses Departments, Gardens Department.
Tree Committee	13 Councillor Members and 10 Nominated Members.		Monthly			The Tree Authority helps in regulating the felling of trees and providing for planting of adequate number of new trees through Garden Department. On or before the 31st day of October every year Tree Authority prepares budget estimate and forwarded the same to the Corporation for their final approval.

II.4 Know your House

Mrs. Mrudul V. Joshi
Former Municipal Secretary

Being a municipal councillor serving Mumbai that is the financial capital of Maharashtra and an industrial and business hub of the country, is an honor in itself. Nevertheless, it is a challenging task to work at this post and sustain this status.

Citizens elected the councillors expecting their representatives to work to address their problems and to ensure availability of basic minimum services and facilities in their respective wards. The councillors cannot solve the problems on their own and need to interact with a number of people and seek their co-operation. Specific issues are collectively deliberated in the House of the municipal corporation, which has a specific decorum and guidelines for functioning. Representatives are expected to do their homework and be articulate in the deliberations. For this purpose they should also be aware of laws and rules for functioning.

'Mumbai Municipal Corporation Act' came in force in 1888 and has been amended time and again to suit the needs. The Act states the duties of the MMC, provisions to accomplish them and rules for their implementation. The MMC Act is framed by the state government and the rules are formed by the Municipal Corporation.

The Municipal Corporation has two wings - 1) Deliberative wing with elected representatives and 2) Executive wing with administrative officers. The Mayor and Municipal Commissioner lead the two wings respectively and have dignity and authority on par with one another. The Mayor is responsible to proceedings in the House and has the honor of being the first citizen of the city. In these capacities the Mayor represents the city in important functions and events in the city. Municipal Commissioner is the head of executive wing. Councillors represent people in Municipal Corporation, thus they are link between people and the corporation. Various functional committees are formed by the municipal corporations to facilitate decisions in various work areas. Committees have representation of all political parties. The Act provides for Statutory Committees as well as Special Committees. The Mumbai Municipal Corporation later include six committees - Works Committee (City), Works Committee (Suburbs), Public Health Committee, Market and Garden Committee, Law Committee and Women & Child Welfare Committee.

Following the 74th Constitutional Amendment, Ward Committees were formed in 2000. There are 17 ward committees in MMC, which has total 232 members - 227 elected representatives and 5 nominated members.

It is a legal binding that the meetings of MMC and those of various committees should take place only after giving written intimation to concerning members in advance. The intimation letter should note the day, time and place of the meeting along with agenda, which should be delivered at home to the members. The Municipal Secretary is responsible for the management of meetings of the MMC and Committees. It is expected that the councillors should study the letters and documents sent by the secretary from time to time before participating in the meetings. The newly elected members can learn a lot by observing level of participation and articulation of senior and experienced councillors. Usually the councillors have to work at three levels - 1) Represent the citizens in their ward and raise their problems in the House, 2) Follow the mandate and policies of the political party they belong to, and 3) Take active part in deliberations in the house as a member of MC.

The Municipal Commissioner has the authority to call the very first meeting immediately after the municipal election is over. Later the Mayor holds the authority to call the meetings. If Mayor is not available the Deputy Mayor calls the meeting and if both are unavailable Chairperson of the Standing Committee may call the meeting. As per the Municipal Act, the Municipal Corporation should have at least one meeting per month. The meeting that is announced in newspapers can never be cancelled. Meeting cannot be initiated if the quorum is insufficient. In case meeting takes place with inadequate quorum, the decisions are deemed invalid.

The councillors have specific device, which are meant to enable them to know functioning of various committees, monitor performance of administration and resolve citizen's problems. The councillors can raise civic issues and their follow up with administration through Short Notice Questions. These questions should be related to any urgent civic importance. For instance, those causing harm to lives of citizens such as house collapse or fire etc. Such urgent matters are admitted and the Commissioner is accountable to answer them. In cases of not to so urgent matters, the written questions are sent by the councillors to the Commissioner, who sends answers to respective councillors. The Short Notice Question should be specific and related to only one matter at one time and should be framed in not more than 2-3 sentences. For example, 1) Is it true that Mumbai city has severely caught up with Swine Flu?, 2) How many patients are being treated in Mumbai in Kasturba and other

hospitals?, 3) Why the indigenous vaccine for Swine Flu has not yet been procured in Mumbai? Please give detailed information. The Short Notice Questions are not discussed in the House.

As per the Section 66 - A of the MMC Act the councillors can ask explanatory questions, for which answers are presented to respective councillors after they being given by the Commissioner. The councillors can ask supplementary questions in the House and the Commissioner is expected to answer them.

As per the Section 66 - B of the MMC Act the councillors may raise discussion on urgent public importance by giving notice to the Municipal Secretary, but the resolution is not passed and no voting takes place on such matters.

As per the Section 66 - C of the MMC Act the councillors may ask for statement to be made by the Commissioner on an urgent matter relating to the administration by giving notice at least one hour before the meeting. The Commissioner answers the notice in writing and no discussion can be done on the answers.

The councillors may present a Notice of Motion on matters of importance and in the interest of Mumbai city. The Motion should be presented in a general form and should be in the interest of public at large.

The councillors may bring to notice of the House any incidences where citizens facing severe problems due to specific reasons, and the concerned officers and ward in-charge have not taken due action despite bringing the matter to their attention. In such cases the councillor can propose an Adjournment Motion, as a protest against inaction of the administration. The notice for the Adjournment Motion should be given at least half an hour before the meeting of the House. The proposal is accepted by majority vote.

In case the councillors directly present an Adjournment Motion in the House without prior notice, then it is treated as Simplicitor, which is not discussed in the House and passed only with unanimous voting.

When the councillors want to bring to the notice of the House and the administration any serious incident in the ward, she/he may raise a Point of Order by following stipulated procedure and code of conduct in raising it. The Point of Order can be raised during discussion in the House, provided the matter is related to the topic of discussion. The Honourable Mayor has the authority to decide whether to allow or not the discussion on the matter of Point of Order.

The Mayor present the decision, and may keep it reserved in case the necessary information is not available at that point of time. The decision is present in the subsequent meeting. The decision by the Mayor is deemed final and in cases of disagreements, it can only be challenged in the court.

When in a Ward the drainage facility is not set up or roads are in bad condition or a road that passes from private property is being used by people for over ten years that needs to be declared as a public road and accordingly the Works Committee needs to be informed to have light and drainage facilities on it; then such proposal can be taken under Section 63 (K) of the MMC Act.

The councillors need to meet officers in various departments to pursue civic development work. In such meetings if the councillors behave decently, patiently and interact in a soft manner, then they have better chances of succeeding in their endeavors.

Every councillor is expected to follow discipline and decorum of the House. In case the Mayor finds anyone behaving derogatory to the norms, the Mayor has authority to order the concerned councillors to immediately leave the House. Every councillor should have modest approach so as to maintain the dignity of the House.

The House of MCGM is a classroom to learn and internalize basics of healthy politicking. The people's representatives who have learned their primary lessons in this House have moved on to become MLAs and MPs. If the councillors are tolerant, aware and studious in their work and softer in their approach, and if they genuinely apply themselves to address people's issues, then they are most likely to get re-elected in the subsequent terms. Ultimately it is the work that the Councillor do in their wards that speaks for them and leads to their success.

Section III - Devices for raising questions /grievances

1. Short Notice Question
2. Interpellation: Right to ask questions
3. Discussion on urgent public matters under section 66(B) of MMC Act.
4. Asking statement from Municipal Commissioner under Sec.66 (C)
5. Notice of Motions
6. Proposal raised/letter to raise issues
7. Urgent Business
8. Adjournment Motion
9. General discussion on the budget estimates
10. Point of Order

1 Short Notice Questions

It should be handed to the Mayor/ Dy. Mayor/ Municipal secretary in the GBM and to Chairperson in Standing Committee, at least two hours before the commencement of the meeting. Not more than one such question is to be raised by the councillors. The short notice question shall relate to matter of urgent civic importance. It should be specific and should relate to one subject at one time. No debate, discussion, or supplement question is allowed. The Short Notice Question should relate to matters of urgent civic importance viz., information sought for in respect of house collapses, fires or an event affecting the lives, safety of the citizens. It will lie in the discretion of the Mayor or the Dy. Mayor, or in the absence of both the Chairman, Standing Committees as the case may be, whether the Short Notice Question should be admitted for being asked at the meeting or should be forwarded to the Commissioner for reply to the Councillor direct.

2 Interpellation: Right to ask questions

Under section 66A of Mumbai Municipal Corporation Act 1888

1. Subject to any regulations made in this behalf under section 36, a councillor may question the Commissioner who shall answer any question concerning or connected with the administration of this Act or the municipal government of [Greater Bombay]:
Provided that
 - a) not less than seven clear days' notice in writing specifying the question has been given to the Municipal Secretary;
 - b) no question shall be asked-
 - i. which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition; or
 - ii. which concerns or is connected with, either directly or indirectly, any

- pending suit or, proceedings, in any court of law or before any, tribunal in any part of [the territory of India]; or
 - iii. which relates to the character or conduct of any Municipal officer or servant except in his official or public capacity; or
 - iv. which is or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person -or section of any community; or
 - v. which contravenes any regulation made by the corporation in this behalf under Section 36.
2. The [Mayor] shall disallow any question which is, in his/her opinion, in contravention of the provisions of sub-section.
 3. If any doubt arises whether any Question is or is not within the restrictions imposed by sub-section (1), the [Mayor] shall decide the point and his decision shall be final.
 4. The Commissioner shall not be bound to answer a question if, in his/her opinion, it cannot be answered without detriment to the interests of the corporation or if, it asks for information which has been communicated to him in confidence.
 5. The General Manager shall without unreasonable delay furnish the Commissioner with such information relating to the Bombay Electric Supply and Transport Undertaking as he may require for the purpose of answering any question under this section.

The answers received by the councillor by the Commissioner can be presented before the meeting for the sake of other councillors. Concerned questions and answers are considered in the meeting on a specified day. The councillors can ask supplementary questions in the house and the Commissioner is expected to answers them in the meeting itself.

3 Discussion on urgent public matters under Section 66(B) of MMC Act

1. Any Councillor may give notice of raising discussion on a matter of urgent public importance to the Municipal Secretary specifying the matter to be raised.
2. Such notice supported by the signatures of at least two other elected councillors shall reach the Municipal Secretary at least seventy-two hours before the date on which such discussion is sought and the Municipal Secretary shall place before the Mayor in his absence, the Deputy Mayor authorised by him/her and circulate the same among the councillors in such manner, as he/she may think fit. There shall be no former resolution or voting.

4 Asking of statement from MC under Section 66(C)

1. Any councillors may ask for statement to be made by the Commissioner on an urgent matter relating to the administration of the administration of the corporation by giving notice to the Mayor at least one hour before the meeting.

2. The Commissioner may either make a brief statement on the same day or fix a date for the same.
3. Not more than two such matters shall be raised at the same sitting and in the event of more than two matters being raised; priority shall be given to the matters which are, in the opinion of the Mayor more urgent and important.
4. There shall be no debate on such statement at the time it is made.

5 Notice of Motions

Under Section 36K of the Mumbai Municipal Corporation Act 1888 any councillor who desires at any meeting to bring forward any business [other than any questions under section 66A] or to make any substantive proposition, which is not already specified in the notice of such meeting,, shall give written notice of the same to the Municipal Secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business or propositions, of which notice has been so given shall be given by the said secretary in not less than one local daily newspaper not later than the day previous to the meeting;

The Notice of Motions should be related to a general matter. They should not be specific to any particular area, should be in the interest of public. Not more than three Notices of Motions can be asked in a meeting.

6 Proposal raised/letter to raise issues

It is when a Councillor wants to raise any agenda or question he/she is to write a letter for the same, so that it appears in the agenda for discussion in the meeting.

7 Urgent Business

Under Section 36(l) of the Mumbai Municipal Corporation Act 1888: except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget-estimates, no business shall be transacted at any meeting other than the business specified in the notice published under clause (J) and any questions asked under section 66A or urgent business not specified in the said notice which the Standing committee, the Improvements committee, the Bombay Electric Supply and Transport Committee, the Education Committee or the Commissioner deem it expedient to bring before the meeting, and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any published or which is not in support of the recommendation of the Standing Committee, the Improvements Committee, the Bombay Electric Supply and Transport Committee, the Education Committee or the Commissioner, as the case may be, with reference to any urgent business brought by any of those authorities, respectively before the meeting: Provided that no such urgent business

as aforesaid shall be brought before any meeting unless at least three-fourths of the councillors present at such meeting, such three-fourths being not less than one-sixth of the whole number of councillors assent to its being brought forward thereat;

8 Adjournment motion

A proposition for the adjournment of the debate or the meeting under Rule 44 shall be simpliciter but may be made subject to specified limit of time, or the occurrence of a specified event, such as receipt of a report from the Commissioner or the Committee. The simpliciter for adjourning the meeting should be carried unanimously. i) Notwithstanding anything contained in Rule 44 or Rule- 44A, a proposition for adjournment of debate or the meeting for the purpose of discussing a definite matter of urgent civic importance may be made with the consent of the majority of the councillor present at the meeting. ii) A councillor desiring to move such a proposition shall handover to the Mayor or in his/her absence the Dy. Mayor or the Municipal Secretary the text of the proposition not later than half an hour before the commencement of the meeting of the Corporation at which he/she proposes to move the proposition.

Provided that notwithstanding anything contained in Rule 44 or 44A, of the Corporation Procedure Rules (CPR), no Councillor shall table more than two Propositions for the adjournment of meeting for any meeting of the corporation. Provided further that the Mayor on in his/her absence the Dy Mayor shall however, be at liberty to excise from an Adjournment Motion any matter which he may consider to be libelous or grossly offensive or otherwise objectionable and if he deems proper he may refuse to admit such an Adjournment Motion altogether on these grounds or if in his opinion it does not strictly confirm to the definition of the term Adjournment Motion under Rule 44-A and 44-B (i). iii) The Councillor may after interpellations, if any, and before the other business on the Agenda for the day is taken up, request the consent of the meeting to move the proposition and if the consent be given by vote of the councillors present, shall move the same immediately. If consent be refused the proposition shall drop. The motion for consent shall be simpliciter an no speech or discussion shall be allowed thereon.

9 General discussion on the budget estimation

After the budget is presented by the municipal commissioner, the councillors move changes in the presented budget. They are followed by discussions and then the budgets are approved in the GBM.

10 Point of Order

The councillor in order to bring any serious incident in his/her constituency to the

notice of the house can raise a point of order - There are specific rules on when and how the Point of Order can be raised. The Point of Order can be raised while a subject is being discussed in the house, provided it is related to that subject but in doing so, the councillor shall confine himself to stating the Point of Order, quoting the breach of any Act or Procedural Rule of convention or precedent of the corporation. The Mayor has right to decide whether or not to allow discussion on the Point of Order. The Mayor announces the decision on the Point of Order. In case the information is inadequate to reach to a decision, the Mayor keeps the decision pending till the next meeting. The decision of the Mayor is considered final and it can only be challenged in the court.

Table 2: Devices at a Glance

Type of Question	1. Short Notice Questions
How much prior notice to be given?	2 hours before meetings
To whom the questions to be Submitted/ addressed to	Mayor/ DY-Mayor in their absence to the MS (2 Copies)
How many questions to be asked at one time	1 question
Quorum of the House/ meeting	not applicable
content of the questions	Urgent civic importance
How many issues can be asked under one question	1 issue
Votes/discussion/adjourn in raised question	No discussion
Time period for the discussion	Total raised in 15 min
Authority to increase the Time period for the discussion	Only Committee chairperson / or Mayor
Reply to the question	With in the meeting
Any other details	If the councillor is absent the matter is dropped.
For more see Marathi CPR book page no	8

Type of Question	Interpellation : Right to ask questions 66A
How much prior notice to be given?	Not less than 7 clear days ¹
To whom the questions to be Submitted / address to	Municipal Secretary;
How many questions to be asked at one time	3 question
Quorum of the House/ meeting	NA
Content of the questions	A councillor may question the Commissioner who shall answer any question concerning or connected with the administration of this Act or the municipal government of [Greater Mumbai]
How many issues can be asked under one question	Not applicable
Votes/discussion/adjourn in raised question	Discussion not allowed
Time period for the discussion	Total raised question to be finished with in half an hr.
Authority to increase the Time period for the discussion	Not applicable
Reply to the question	With in 3 months
Any other details	
For more see Marathi CPR book page no	43

Type of Question	Discussion on Urgent Public Matters 66B. (Only in House)
How much prior notice to be given?	72 Hour before
To whom the questions to be Submitted/ address to	to MS a notice is given for the discussion
How many questions to be asked at one time	One
Quorum of the House/ meeting	Not applicable
Content of the questions	A matter of urgent public/ civic importance to the Municipal Secretary
How many issues can be asked under one question	One
Votes/discussion/adjourn in raised question	There shall be no formal resolution or voting.
Time period for the discussion	Total 66B will be given half an hour
Authority to increase the Time period for the discussion	Only Committee chair person / or mayor
Reply to the question	With in the meeting/ no bounding to MC to answer
Any other details	If the councilor is absent the matter is dropped. If he wants to take it again the whole process needs to be followed.
For more see Marathi CPR book page no	10

Type of Question	Asking for statement from commissioner 66C
How much prior notice to be given?	1 hour before
To whom the questions to be Submitted/ address to	To the mayor
How many questions to be asked at one time	Not more than two such matters shall be raised at the same sitting
Quorum of the House/ meeting	Not applicable
Content of the questions	Urgent matter relating to the administration of the Corporation
How many issues can be asked under one question	Not applicable
Votes/discussion/adjourn in raised question	Statement to be made by the Commissioner
Time period for the discussion	
Authority to increase the Time period for the discussion	Not applicable
Reply to the question	within the meeting
Any other details	
For more see Marathi CPR book page no	11

Type of Question	Notices of Motion (NOM) (One day is fix for NOM)
How much prior notice to be given?	3 Clear Days before the day fixed for the meeting and for Supplement 1 clear day.
To whom the Questions to be Submitted/ address to	Written notice of the same to the municipal secretary
How many Ques to be asked at one time	3 NOM
Quorum of the House/ meeting	Not applicable
Content of the questions	36 (k): Any councillor who desires at any meeting to bring forward any business other than any questions under section 66A] or to make any substantive proposition, which is not already specified in the notice of such meeting The Notice of Motions should be related to a general matter. They should not be specific to any particular area, should be in the interest of public.
How many issues can be asked under one question	Not applicable
Votes/discussion/adjourn in raised question	Not applicable
Time period for the discussion	Not applicable
Authority to increase the Time period for the discussion	Not applicable
Reply to the question	
Any other details	
For more see Marathi CPR book page no	14

Type of Question	Proposal raised/agenda raised/ letter to raise issues
How much prior notice to be given?	7 clear days before (to come in agenda 15 clear days and for supplement 3clear Days)
To whom the questions to be Submitted/ address to	Mayor/ DY-Mayor if they are not there then with MS
How many questions to be asked at one time	Not applicable
Quorum of the House/ meeting	As many
Content of the questions	It is when a Councillor wants to raise any question on agenda he /she write a letter for the same. So it appears in the agenda for discussion in the meeting.
How many issues can be asked under one question	Not applicable
Votes/discussion/adjourn in raised question	Discussion
Time period for the discussion	Not applicable
Authority to increase the Time period for the discussion	Only Committee chairperson / or Mayor
Reply to the question	
Any other details	
For more see Marathi CPR book page no	

Type of Question	Urgent Business
How much prior notice to be given?	Not applicable
To whom the Questions to be Submitted/ address to	Not applicable
How many Ques to be asked at one time	Not applicable
Quorum of the House/ meeting	Three-fourths of the members present that time in the house
Content of the questions	36 (I): Except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget-estimates, no business shall be transacted at any meeting other than the business specified in the notice published
How many issues can be asked under one question	Not applicable
Votes/discussion/adjourn in raised question	Voting
Time period for the discussion	Not applicable
Authority to increase the Time period for the discussion	Not applicable
Reply to the question	Not applicable
Any other details	Any UB remaining undisposed of for a continuous period of 3 months, after its circulation shall be entered by MS on the agenda for the next monthly meeting of the corporation,
For more see Marathi CPR book page no	16

Type of Question	Adjournment motion and the Siplicitor (urgently raised and unanimously pass) (Not for ward committee)
How much prior notice to be given?	At least half an hour before the commencement of meeting of the Corporation
To whom the Questions to be Submitted/ address to	Mayor / Deputy Mayor or Municipal Secretary
How many Ques to be asked at one time	2
Quorum of the House/ meeting	Majority of the house
Content of the questions	Urgent civic matter or in such matters causing problem to citizens in an area, which has been repeatedly raised but remained ignored by the concerned officials or Regional Officer.
How many issues can be asked under one question	Not Applicable
Votes/discussion/adjourn in raised question	Discussion and Voting
Time period for the discussion	
Authority to increase the Time period for the discussion	Not Applicable
Reply to the question	Not Applicable
Any other details	
For more see Marathi CPR book page no	28

Type of Question	General discussion on Budget estimation
How much prior notice to be given?	Not applicable
To whom the questions to be Submitted/ address to	Not applicable
How many questions to be asked at one time	Not applicable
Quorum of the House/ meeting	Not applicable
Content of the questions	After the budget is presented by the municipal commissioner, the councillors move changes in the presented budget. They are followed by discussions and then the budgets are approved in the House (GBM) .
How many issues can be asked under one question	Not applicable
Votes/discussion/adjourn in raised question	Not applicable
Time period for the discussion	Not applicable
Authority to increase the Time period for the discussion	Only Committee chairperson / or Mayor
Reply to the question	
Any other details	
For more see Marathi CPR book page no	24

Type of Question	Point of Orders
How much prior notice to be given?	The Point of Order can be raised while a subject is being discussed in the house, provided it is related to that subject
To whom the questions to be Submitted/ address to	Committee chair person / or mayor
How many questions to be asked at one time	Not applicable
Quorum of the House/ meeting	Not applicable
Content of the questions	The councilor in order to bring any serious incident in his/her constituency to the notice of the house can raise
How many issues can be asked under one question	Not Applicable
Votes/discussion/adjourn in raised question	Chair person or mayor
Time period for the discussion	
Authority to increase the Time period for the discussion	Only Committee chair person / or mayor
Reply to the question	In the Meetings only
Any other details	
For more see Marathi CPR book page no	24

Section IV – Sample Questions

Sample of Short Notice question



BMC General Body Meeting (GBM)
Date - 6th July 2015

To
The Mayor
Respected Sir/Madam

I would like to present following Short Notice questions in the forthcoming General Body Meeting and request the Commissioner to present the answers;

1. Has the municipal administration permitted developer D.S.K. to enclose the nullah flowing through the premises of 'Madhuban' building constructed by them on Kurla-Andheri road at Sakinaka .
2. If yes, xerox copy of the letter of permission or agreement should be furnished.
3. Who removes the silt from this nullah. How much silt has been removed in the last three years In case the corporation removes the silt. is it true that, silt has not been removed from the nullah in the last three years.
4. Has the responsibility of removing silt been entrusted to D.S.K. Developers/ residents of the building. what action has been taken by the administration against the concerned for not removing the silt from the nullah in the last three years.

Sample of Point of Order



C and D Ward Committee
Date – 21st January 2016

----- has raised a Point of Order and stated that contaminated water is being received by residents of half of Bhuleshwar, Lalbaba Haveli and Bhagat street in constituency No. 217 being represented by her, for the last two years. No action has been taken by the water department despite lodging repeated complaints by her. She added that, sewerage water was getting mixed up with drinking water in this area. She added that, it is not possible to carry out any work as some of the pipe lines pass through the premises of private societies. The officials say that, new proposal can not be submitted. She demanded that, the problem of contaminated water supply should be solved as early as possible and went on to request ruling.

Shri./Smt----- has requested the chairperson to give decision on the point of order submitted by her.

Sample of Agenda Raised



S & T Ward Committee, MCGM
T Ward Office,
Mumbai,
14th March 2016

Monthly meeting of S & T Ward Committee will take place at 11 am on 18th March 2016 in the T Ward Office, Lala Devidayal Marg, Mulund (West) Mumbai 400080, to deliberate on following subject and any other subjects introduced by members with due procedures: -

1. With reference to letter (in Marathi) by Shri./Smt. _____, Councillor and Chairperson of S & T Ward Committee dated 11 March 2016: -
About suggestion to arrange fumigation and fogging in constituency No. 116 being represented by him as mosquito breeding has increased in the area to prevent from outbreak of malaria and dengue epidemics.
2. I request you to please acknowledge my letter to be included in the agenda of the upcoming monthly meeting of the ward committee.

Sample of 66 (C)

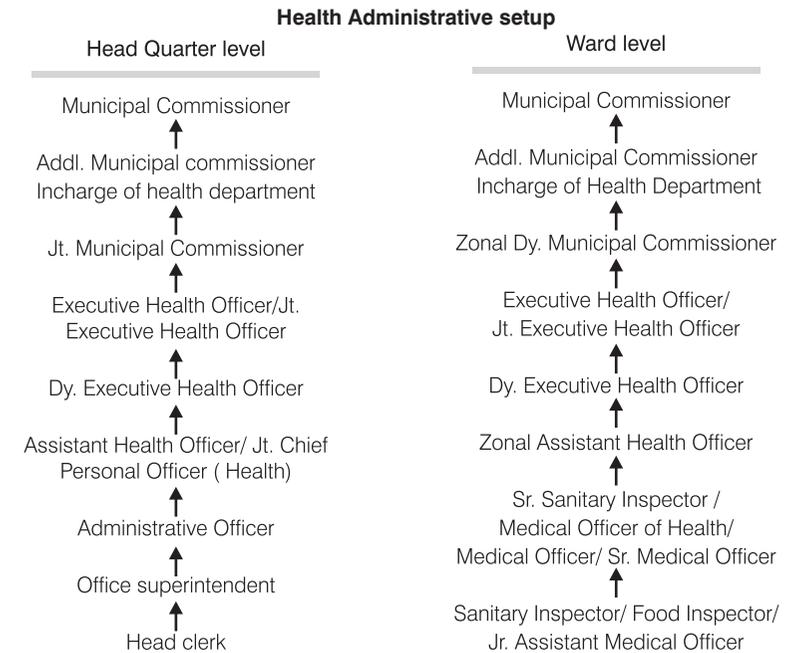
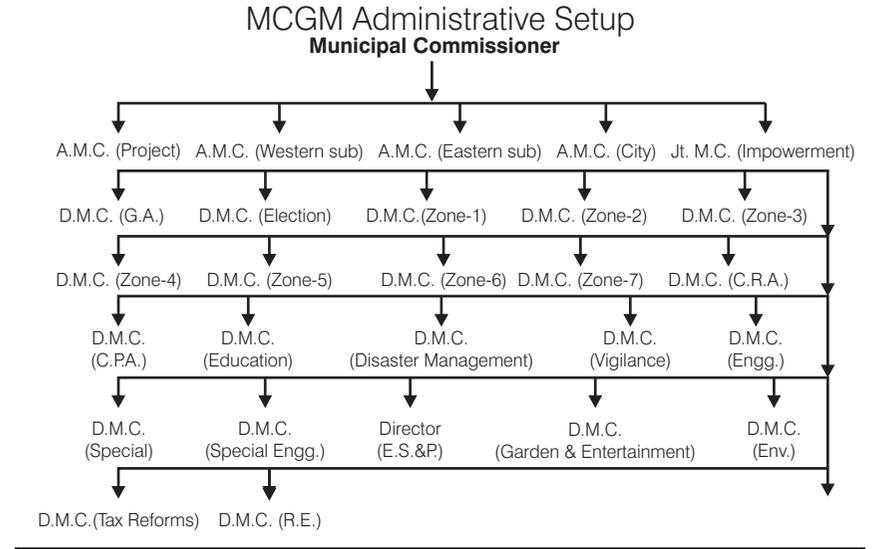


Municipal commissioner may please reply following queries:

1. Is it true that, roads and pavements in South Mumbai have been usurped by Tajmahal Hotel, Trident Hotel and Bombay Stock Exchange.
2. Is it true that, corporation has served notices on these establishments.
3. Is it true that, Trident Hotel and Bombay Stock Exchange have ignored the notices.
4. Is it true that, the Trident Hotel and Bombay Stock Exchange have not paid fine to corporation.
5. Is it true that, the corporation will take action to cancel the licenses of Tajmahal Hotel, Trident Hotel and Bombay Stock Exchange.
6. Is it true that, the administration plans to take action to get the roads and pavements usurped by the three establishments.

Section V - Suggested Readings and Bibliography

- a) www.praja.org
- b) www.praja.org/newsletters.php
- c) praja.org/documents/white-paper
- d) www.praja.org/report_card.php
- e) www.mcgm.gov.in
- f) The Mumbai Municipal Corporation Act
- g) Corporation Procedure Rules (CPR)
- h) Municipal Corporation of Greater Mumbai and Ward Administration- David Anthony Pinto & Marina Rita Pinto.
- i) www.mcgm.gov.in/irj/portal/anonymous/qlbestcom?guest_user=english (BEST Committee)
- j) www.mcgm.gov.in/irj/portal/anonymous/qlimprovementscom?guest_user=english (Improvement Committee)
- k) www.mcgm.gov.in/irj/portal/anonymous/qleducationcom?guest_user=english (Education committee)
- l) Public Disclosure Act-Section 86A of Mumbai Municipal Corporation Act, 1888
- m) Government of Maharashtra-Right to Services Act
- n) Maharashtra Right to Public Service Rules, 2016.



Education Administrative Setup

