

Mumbai Municipal Councillors Handbook 2012

Vol. 1

I want to make MUMBAI a better city!





LET'S DO SOMETHING

Founded in 1998, the Praja Foundation is a non-partisan voluntary organization which empowers the citizen to participate in governance by providing knowledge and enlisting people's participation. Praja aims to provide ways in which the citizen can get politically active and involved beyond the ballot box, thus promoting transparency and accountability.

Concerned about the lack of awareness and apathy of the local government among citizens, and hence the disinterest in its functioning, Praja seeks change. Praja strives to create awareness about the elected representatives and their constituencies. It aims to encourage the citizen to raise his/her voice and influence the policy and working of the elected representative. This will eventually lead to efforts being directed by the elected representatives towards the specified causes of public interest.

The Praja Foundation also strives to revive the waning spirit of Mumbai City, and increase the interaction between the citizens and the government. To facilitate this, Praja has created www.praja.org, a website where the citizen can not only discuss the issues that their constituencies face, but can also get in touch with their elected representatives directly. The website has been equipped with information such as: the issues faced by the ward, the elected representatives, the responses received and a discussion board, thus allowing an informed interaction between the citizens of the area.

Praja's goals are: empowering the citizens, elected representatives & government with facts and creating instruments of change to improve the quality of life of the citizens of India. Praja is committed to creating a transparent, accountable and efficient society through people's participation.

Foreword – Praja Team

A very warm welcome to all of you, Mumbai's captains! Namaskar, I am 'BIGGY', Praja's mascot. I symbolically represent all of us – aam admi, netas, civil servants – all of us, the citizens of this great city – MUMBAI! My municipal councillor, you represent our dreams of a better city, a well managed city, a city of the new millenia. And I am sure you would strive to do all that is possible to be done to make Mumbai a better city, to achieve all our dreams. This handbook that we at Praja have put together is a collection of important facts that can assist you in the achieving this dream. In this book we are trying to put together a toolkit that you could refer during your journey as a municipal councillor of Mumbai.

The Municipal Corporation of Greater Mumbai (MCGM) is the most crucial institution for governance in the lives of Mumbaikars. It is 'Governed' by you, the 227 elected municipal councillors, whom we, the citizens, elect every five years. Under the mandate that you receive, you are to ensure smooth and efficient delivery of municipal services. In the past, luminaries like Pherozezshah Mehta amongst many others have represented the city and in the recent past many more luminaries have represented the city; and have strived to not only ensure municipal services but also have provided a vision to develop the city to offer the highest standards of living.

The city is administratively divided into 24 wards and the MCGM has specific 'central' departments, such as water supply and sewerage, which are centrally managed. The 1888 Mumbai Municipal Corporation Act gives the obligatory and discretionary duties of the MCGM in great details. You would come to know all of this during your tenure. This handbook which is the first volume of its series will also be with you during your journey and will support you with various necessary facts that you are going to need. All this information is woven together into the book by the Praja team under guidance and through contributions of various domain experts like: D. M. Sukhtankar (former Municipal Commissioner, Mumbai and Chief Secretary, Maharashtra); Mrudul Joshi (former Municipal Secretary, Mumbai); Dr. Thanekar (former Executive Health Officer, Mumbai); P C Pisolkar (former Municipal Chief Auditor, Mumbai) and many more. We welcome you to refer to this book whenever required. Also kindly do feel free to contact the Praja team for more related information (phone: 6525 2729; email: info@praja.org).



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

The origins of the Municipal Corporation of Mumbai and legislations relating to it goes 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 see below
page no: 62 ' **MCGM Administrative setup**'

I.2 Getting the Acts Right- 74th Amendment Act, & 12th Schedule

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.
- ii) 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) lays down 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 retarded.
- 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) The Bombay Provincial Municipal Corporation Act, 1949
- c) The Maharashtra Municipal Council and Nagar Panchayat Act, 1965
- d) Zilla Parishads and Taluka Panchayat Samitees Act, 1958

I.3 Annual Environmental Status Report

According to sec 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 Bombay 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 Section 126G- Report on Services Provided in a Subsidised Manner

The Commissioner or as the case may be, the General Manager, shall, while submitting the budget estimates to the Standing Committee or the Brihan Mumbai 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 it's 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 Brihan Mumbai 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

A Qualifications and Dis-qualifications of the councillors under MCGM

- 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].
- b) A Person shall be disqualified from being a councillor if such person-
 - i. has been so disqualified by or under any law
 - ii. 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:
- c) Provided that, such disqualifications shall be for a period of six years from the date of such conviction ; or
 - i. 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
 - ii. has more than two children
 - iii. 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) 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
- e) 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;
- f) 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

- g) 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:
- h) (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.)
- i) Is a Member of the State Legislature or of Parliament

B Obligatory & Discretionary Duties/ Functions of the Councillors as in the Municipal Act.

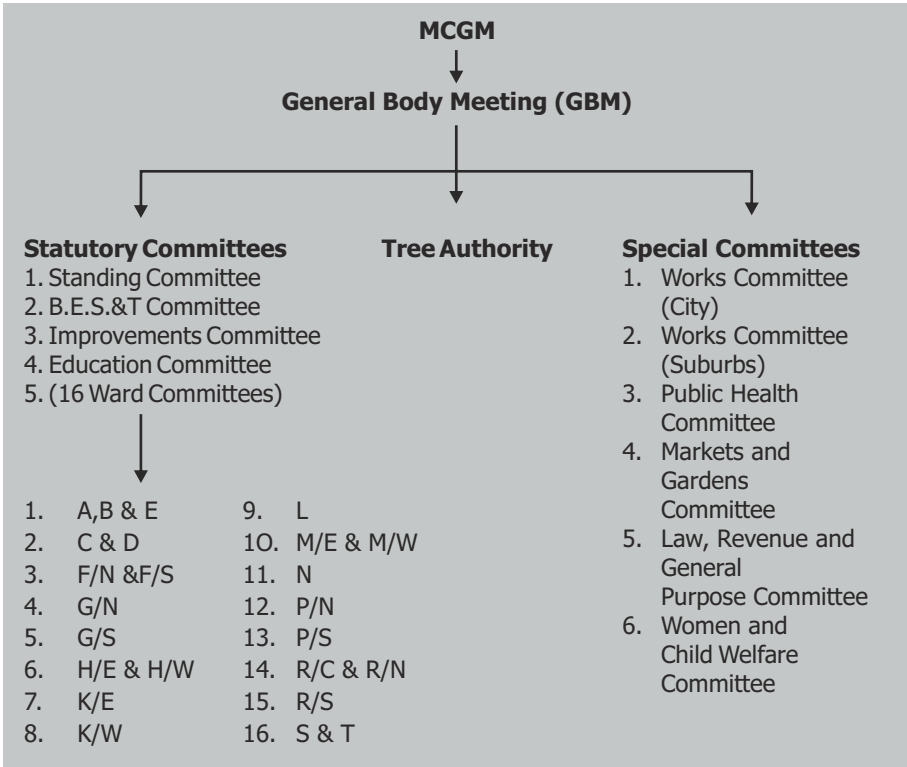
• Obligatory Functions

- a) Supply of pure and wholesome water
- b) Construction and maintenance of public streets
- c) Lighting of Public Streets
- d) Cleaning of public streets, places and sewers
- e) Regulation of offensive, dangerous or obnoxious trades and callings or practices
- f) Maintenance or support of public hospitals; establishment and maintenance of primary schools.
- g) Registration of births and deaths; removing obstructions and projections in public streets, bridges and other places.
- h) Naming streets and numbering houses.

• Discretionary functions

- a) Construction and maintenance of public parks, gardens, libraries, museums, rest houses, leper homes, orphanages and rescue homes for women.
- b) Planting and maintenance of roadside and other trees.
- c) Housing for low-income groups.
- d) Conducting surveys
- e) Organizing public receptions, public exhibitions, public entertainment; provision of transport facilities with the municipality.
- f) Promotion of welfare of municipal employees.

I.6 MCGM- GBM and Committees



A GBM (General Body Meeting)

General Body Meeting of the Mumbai Municipal Corporation is where all the Elected representatives, i.e. all the 227 Councillors be the members of the meeting. There is one ordinary meeting each month. The day, place and the date is fixed by the Mayor. If a 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. meeting shall be open to the public, unless a majority of the councillors present there decide otherwise by resolution, which shall be put by the presiding authority of this on motion. At least 7 clear days notice shall ordinarily be given for every meeting. If the number of councillors present authority fall short of one-fifth of the whole number of councillors the meeting will adjourn to some other day.

- Committees and their roles

- a) The corporation may from time to time appoint out [as laid down by the regulations made in this behalf] 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 by 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 be such as the State Government may, prescribe;

B Statutory Committees

1. Ward Committees

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 16 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 so long 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,-

- i. Speedy redressal of common grievances of citizens, connected with local and essential municipal services like water supply, drainage, sanitation and storm water disposal;
- ii. 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];
- iii. 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 upto rupees five lakhs provided that specific provision exists therefore in the budget sanctioned by the Corporation.

Each Wards Committee shall consist of-

- i. The Councillors representing the electoral wards within the territorial area of the Wards Committee;
- ii. The Ward Officer incharge of the territorial area of the Wards Committee;
- iii. 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 :Provided that, such persons are registered as electors in the Wards within the jurisdiction of the Wards Committee

Conduct of Business

- a) That in exercise of the powers vested in them by Sub-Section 8 of Section 50 TT of the Mumbai Municipal Corporation Act, 1888, as amended up-to-date, the Corporation have, hereby, delegated the following sphere 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
- b) 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.
- c) The Wards Committee shall meet at least once in a month at the Ward Office.

2. 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). The Standing Committee meets once a week and can meet more often if found to be necessary.
- b) sphere of work of Standing Committee under Amended MMC Act, 1888:
 - i. It has the power to regulate annual budgetary estimate,
 - ii. Invite tenders for various development work/s,
 - iii. Altering the existing terms of contracts,
 - iv. To delegate the Municipal Commissioner to discharge his responsibility, to appoint/dismiss Municipal Chief Accountant/Additional Municipal Chief Accountant,
 - v. For withdrawal of funds from the MCGM account,
 - vi. For approval in the disposal of Municipal property,
 - vii. To amend the rules concerning water and sewerage charges so on and so forth.
 - viii. 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.

3. Improvements Committee :

- a) The Improvements Committee is constituted for the development of City of Mumbai.

The Committee consists of 26 members including the Chairman.

- b) All Questions pertaining to the following can be raised in Improvement committee:
- Improvement of the city of Mumbai, as per the city of Mumbai improvement trust Transfer act 1925
 - Issue regarding Declaration of recreation grounds or parks for free public use.
 - Issues about the leasing out the plots with prior sanction of the state Government
 - Issues about the right to take over and hold land with the consent of the Central or the State government
 - Raise issues about the developmental aspect of the Mumbai City and suburbs.

4. Education Committee

The Education Committee consists of 26 members of whom 22 are Councillors and 4 are not Councillors (Nominated Member). Education Committee is one of the Municipal authority. Education Committee takes decisions in respect of educational activities carried out by the administration. The Education Committee from Budget Estimates 'E' and to forward the same to the Corporation through the Standing Committee for their final approval.

The Basic responsibility of the education committee is to ensure primary education. As per M.M.C. Act, 1888: Maintaining Aiding and suitably accommodate schools for Primary education, to appoint primary education consultative committee, may raise issue pertaining to Secondary education or any branch of technical education.

5. BEST Committee:

- a) 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)}. 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}.

- b) The B.E.S.&T. Committee consists of 17 members. The Corporation at their first meeting after General Elections 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.

C Special Committees

- a) The corporation may from time to time appoint out of their own body, Special Committees and may 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.
- i) Works Committee(City)
 - ii) Works Committee (Suburbs)
 - iii) Public Health Committee
 - iv) Markets and Gardens Committee
 - v) Law , Revenue and General Purpose Committee
 - vi) Women and Child Welfare Committee
- Conduct of Business.

-
- a) 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)
- b) As per Special Procedure Rule, the Chairman 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 Chairman has to call such meeting for a day not more than four days after presentation of such request.

- c) As per Special Committees Procedure Rule No.8, 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 elections 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.

b) Sphere of Business

- i) City Engineer's Department and question pertaining thereto.
- ii) Engineer's Department* and questions pertaining thereto.(areas only)
- iii) Fire Brigade and questions pertaining thereto.
- iv) Other questions affecting public safety.
- v) Licence Department so far as it enforces regulations in the interest of public safety.
- vi) Ward Officer (Estate)'s Department and questions pertaining thereto.
- vii) Explanation of the same.

* 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).

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 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.

b) Sphere Of Business:

- i) City Engineer's Department and questions pertaining thereto.
- ii) Hydraulic Engineer's Department* and questions pertaining thereto.
- iii) Fire Brigade and questions pertaining thereto.

- iv) Other questions affecting public safety.
- v) Licence Department so far as it enforces regulations in the interest of public safety.
- vi) Ward Officer (Estate)'s Department and questions pertaining thereto.
- vii) Explanation of the same.

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).

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 elections 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.
- b) Sphere Of Business
 - i) 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.
 - ii) 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 the 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.

b) 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.

10. Law, Revenue and General Purpose Committee

a) The Corporation under Section 38A(1) OF M.M.C. Act, appoint the Law, Revenue and 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 recommendations.

b) 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.

c) 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:

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.

b) 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.

- i) Museums, Swimming Pools and Sports Complex.
- ii) Maternity Homes, Health Posts, Family Planning,
- iii) IPPV.
- iv) Pre- Primary Education.
- v) Supply of Nutritious food in Municipal Primary Schools.
- vi) Preventive Measures to control venereal diseases.

12. Tree Committee

- 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.

I. 7 Know your House

Mrs. Mrudul V. Joshi
Former Municipal Secretary

Being a Municipal Councillors 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 also challenging to work 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 facility in their respective wards. The councillors can not 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 home work 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 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 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 16 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 or also that 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. Municipal Secretary is responsible for the management of meetings of the MMC and Committees. It is expected that the councilors 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 councilors. 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 authority to call the very first meeting immediately after the municipal election in over. Later the Mayor holds the authority to call the meetings. If Mayor is not available 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 can not 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 councilors 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 presents 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 wants 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 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 councillors 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 councillors 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.

I.8 Devices for raising questions/grievances

1. Short Notice Questions
2. Interpellation : Right to ask questions
3. Discussion on Urgent Public Matters
4. Asking for statement from commissioner
5. Notice of Motions
6. Urgent Business
7. Adjournment motion
8. Point of Orders
9. Amendments proposed
10. Proposal raised/agenda raised/ letter to raise issues
11. General discussion on Budget estimation



1. Short Notice Questions

The councillor can ask Short Notice Questions to take follow up with administration on any civic issue (As per Municipal Corporation procedural rules). Short Notice Question should be related to any matter of urgent civic importance and on matters posing harm to safety and security of lives of the citizens, such as house collapse, fire outbreak etc. Such urgent matters can be filed and the Commissioner answers them in the meeting. Otherwise the answers are directly sent to the respective councilor by the Commissioner. The Short Notice Question should be specific, related to one topic at one time and having not more than two to three sentences. For instance, 1) Is it true that Swine Flu epidemic has struck the Mumbai city? 2) How many patients are being treated in the Kasturba Hospital and other hospitals in Mumbai? 3) Why the Swine Flu eradication vaccine has not yet arrived in the city? – Please give detailed information. The Short Notice Question should be submitted in two sets before at least two hours of the meeting. Not more than one Short Notice Question can be asked in a meeting.

2. Interpellation : Right to ask questions

Under section 66A of Mumbai Municipal Corporation act 1888

66A. (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 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 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 Councilor by the Commissioner can be presented before the meeting for the sake of other councilors. Concerned questions and answers are considered in the meeting on a specified day. The councilors 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 - 66B.

- (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 Secretary at least seventy-two hours before the date on which such discussion is sought and the Secretary shall place before the [Mayor in his absence, the Deputy Mayor] authorised by him and circulate the same among the Councillors in such manner, as he may think fit.

(3) There shall be no formal resolution or voting.

4. Asking for statement from commissioner- 66C.

- (1) Any Councillor may ask for .statement to be made by the [Commissioner] on an urgent matter relating to the administration of the Corporation by giving a notice to [the Commissioner] at least one hour before the commencement of the sitting on any day.
- (2) The Mayor 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 36(k) of the Mumbai Municipal Corporation act 1888

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,, 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. Urgent Business

Under section 36(l) of the Mumbai Municipal Corporation act 1888

36 (l): 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 under clause (k), 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;

7. Adjournment motion

According to the Municipal Procedural Rules the Councilors in order to initiate Adjournment Motion to raise any specific aspects of 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. The Adjournment Motion can be presented with consent from majority councilors present in the meeting. The notice should be given at least half an hour before the meeting to the Mayor / Deputy Mayor or Municipal Secretary. One Councilor can not present more than two Adjournment notices in a meeting.

8. Point of Orders

The councilor in order to bring any serious incident in his/her constituency to the notice of the house can raise ---. There are specific rules on when and how the Point of Order can be raised apart from precedents. The Point of Order can be raised while a subject is being discussed in the house, provided it is related to that subject. 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.

9. Amendments proposed

When the Councilor has any objection about a topic on the meeting agenda, if s/he thinks it is inadequate, s/he can present notice to the Administrative office for Amendment in order to reconsider the topic. If a councilor wants to present an Amendment, it is customary that s/he is allowed to speak first. The Amendment is to be given at the beginning of the speech. If the proposal for Amendment is not seconded by anyone, it stands null and void. When the Amendment is approved and presented for voting, it has to be presented with the original proposal it relates to. A member can present or second only one Amendment on a topic.

10. Proposal raised / agenda raised / letter to raise issues

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

11. General discussion on 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.

I. 9 Introduction to budget

a) Definition of Budget: A Budget is an estimate of anticipated income and expenditure of a particular period generally one year from April to March. A Budget thus refers to statements showing expected, anticipated or estimated income and expenditure for the ensuing period, usually a year.

b) Budget as forecast and target setting:

- i. What will be received and what will be paid during a financial year.
- ii. Whether the receipts together with the balance of the previous year will be sufficient to meet the expenditure and at the same time leave minimum balance required under the provisions of the Act or according to the rules framed under the Act.
- iii. If there is a gap i.e. Opening Balance plus receipts is short of expenditure, then statement indicating how gap will be filled in the proposal for increase in existing tax, fee, charges and/or introducing new tax, fee, charges from next year i.e. from April.
- iv. It is the basis on which the spending departments of a local body work out their programme of expenditure and it is ideal to which the earning departments try to reach.
- v. Continuous comparison of 'Actual' with 'Budget', so as to ascertain whether financial position is moving towards favourable or adverse situation.

As per Section 125 and 126E of the Mumbai Municipal Corporation Act, 1888, the Municipal Commissioner has to prepare and lay before the Standing Committee the Annual Budget Estimates of expenditure and income budget 'A' (Fund Code 11,12,60,70), Budget 'B' (Fund code 21,22,23) and Budget 'G' (Fund Code 40) on or before the 5th February every year for consideration.

Sections 125 to 134 of the Mumbai Municipal Act cover the Budget provisions for the MCGM.

I. 10 National Municipal Accounts Manual

The Ministry of Urban Development (MoUD), Government of India, has taken several initiatives to make urban local bodies self- sustaining viable entities of local self-government.

Based on the Eleventh Finance Commission recommendations and the Guidelines issued by the Ministry of Finance, Government of India, the Comptroller and Auditor General Of India (CAG) constituted a Task Force to recommend budget and accounting formats for Urban Local Bodies(ULBs) in India. The CAG Task Force in its report, interalia, suggested adoption of accrual basis of accounting by ULBs.

To provide a generic framework of National Municipal Accounting and a simplified tool kit to the ULBs for recording the accounting entries, the MoUD, initiated the formulation of National Municipal Accounts Manual, based on the Task Force Report. CAG has facilitated and overseen the development of this manual.

The Manual comprehensively details the accounting policies, procedures, guidelines designed to ensure correct, complete and timely recording of municipal transactions and produce accurate and relevant financial reports.

I.11 Present Budgeting System and Upcoming Reforms

The accounts of M.C.G.M were maintained as per Budget. Five types of Budget are prepared:

- a) Budget 'A' – Main Budget.
- b) Budget 'B'- Improvement Schemes
- c) Budget 'E'- Education
- d) Budget 'G'- Water Supply & Sewerage
- e) Tree Authority Budget

There are 33 heads of Expenditure & Revenue. Expenditure heads are represented by Numerical numbers. Accounting heads are based as per services rendered by the Corporation & the department. E.g. V- Solid Waste Management, IX- Fire Brigade.

Books of Accounts are maintained at five different centres. Account writing work is computerized with the help of Program which is developed in house. Consolidated Balance sheet is prepared manually at the end of the year.

- a) Head Office- Transactions of Division III(Wards – A,B,C,D,E,F/N,F/S, G/N,G/S)
- b) Dy. C.A. (E.Sub.)- Transactions of Division III(Wards- L,M/E, M/W,N,S,T)
- c) Dy.C.A (W.Sub.)- Transaction of Division II (Wards- H/E,H/W,K/E,K/W,P/N,P/S, R/N,R/S/R/C)
- d) Dy. C.A (Education) –Transaction of Education related activities.
- e) Dy. C.A(Hospitals) – Transactions of Division I Part II(Major Hospitals)

- Shortcomings of the Present system:

- a) No provision for Depreciation of Assets is made
- b) Amount receivable & Amount Payable cannot be ascertained.
- c) Real financial position cannot be ascertained.
- d) Credit Rating difficult.- Obstacle in Loan Raising
- e) Duplication of Work
- f) Time Spending & uneconomical.
- g) Little Transparency
- h) Costing of various services & analysis of expenditure not easily possible.
- i) Difficult to understand for a layman.

- Project of Reforms and Conversion- Phases

- a) Reforms in Budget & Accounting System including preparation of detailed user requirement document along with preparation of unique codification structure.
- b) Customization of Budgetary and Accounting Operations in the ERP solution selected by MCGM & initiative towards project of e-Governance.
- c) Listing verification & Valuation of all assets of MCGM.

I. 12 MUNICIPAL FINANCE - an instrument to improve accountability & Municipal Budget – a tool for development

Prashant Pisolkar,
Former Municipal Chief Auditor, MCGM

Municipal Finance - Budget (Targets), Accounts (Financial Performance), Audit (critical evaluation) & Administrative Report (physical Performance) coupled with appropriate reporting system could really be a handy instrument to fulfil both the obligatory and discretionary functions of the corporation defined under the Municipal Act. Recently enacted Right to Information Act & public disclosure provision in Municipal Act further strengthened the position of the citizen who normally was only a silent spectator of the working of the Municipal Administration/Governance. Municipal Corporation now ought to be proactive and provide valuable and meaningful information on various municipal services across areas and wards. Documents related to Municipal Finance (Budget, Accounts, Audit & Administrative Report) if presented in a simplified and concise version (apart from the statutory requirement) at the Macro & Micro levels (Entire MCGM area & the ward wise) will go a long way in meeting the requirements of the civil society. Such concise information in simplest form should be made public through Municipal Internet site.

Today the Budget documents for Budget A (Main/General Budget), Budget B (Improvement/Slums), Budget C (for BES&T Undertaking) Budget E- Education Budget G (Water supply & Sewerage) & Tree authority which are the statutory budgets are prepared in an exhaustive manner to meet the requirements and for detailed study of the elected representatives who are expected to deliberate at the level of the committees and the Corporation. In Budget 'A' also, budget related to Health and Medical aspects is separately shown as Budget A- part-II. Documents running over 400 pages needed for administrative & Budgetary control) loses its value for both the elected representatives and the common man and in fact if at all may remain of an interest to academic scholars of the subject. Outline of civic finance and the statement of the Municipal Commissioner while submitting these budget proposals are however meaningful from the view point of not only budget figures at a glance but also other information. (Though with lot of scope for further improvement). The actuals of limit 3 years, revised budget estimate of current year's and Budget estimate of next year's are very useful information not only to elected representative but also academic scholars & Finance Analysts.

The moot question is how one can bring more professionalism in this financial documentation (which can also be a starting point or base for professionalism in the working of the organization) and information system. BES&T on account of its nature of services has brought out such type of information in a professional way indicating areas of concern and areas needing improvements. Budget 'G' for water supply & sewerage services also is presented in a simplified manner, but more could be done with advance technology in computerization. A detailed National Accounts Manual for local bodies – Municipal bodies prescribed by the Central Govt's Ministry of UD&P.A. & C.A.G had already set the ball rolling, but MCGM will have to go much beyond that to ensure decentralized working supported by decentralized budgeting and accounting, introducing elements of cost Accounting & inflation aspect for meaningful comparison of performance (inter & intra departmental, inter organizational, between various municipalities as well as amongst various periods). As already indicated earlier, the performance indicators and development indicators (stated through outcome budgeting) for important municipal services will bring in sharp focus the glaring disparities in allocation of funds as well as in utilization of funds apart from the achievements in physical terms in different areas. It may initiate the process of debate & dialogue at the micro level like ward committees resulting ultimately into corrective actions. Service Level Benchmark for next 3.5 years should be plan as a target & actual performance should be counted 7 compare with per –determine standard target for city-area.

The system will also throw light on the resources generated at the micro level units and this will be one more dimension for the allocation of funds. The Demand with its outstanding i.e. Arrears should be monitored on month to month basis. The Accounting system with the advance technology in computerization really will be

comprehensive to cover all areas not only in terms of money but in terms of physical assets like land at the micro level and water as the scarce commodity by introducing water Audit. Responsibility code wise Accounting introduced in Budget G since inception if further improved and introduced for all the budgets may ensure the principle of accountability. The total financial control system (or the comprehensive Budget/Account/Audit) aims at highest possible efficiency which is achieved at the situation when all the resources (man power, machinery material, money etc.) are utilized at the maximum possible level. This is known only with introduction & implementation of appropriate accounting & reporting system. It will enable the administration to take managerial decisions for say reallocating the resources. This should reduce the cost per unit of service in real terms (discounting the inflation factor).

Mobilization of Resources and tapping the unexploited potentiality has always remained the question mark due to the political dimension of the issue. But this is also due to the fact that the data base has not been generated to the micro level details which can form the basis for meaningful debate and dialogue. Income from Octroi had shown such a buoyancy that the question of equitable & progressive taxation or changing the bases of taxation could conveniently be kept on shelf, but that cannot be postponed any further. Accounting is not merely the recording of transactions but it covers apart from recording, collecting/ compiling, analyzing & interpreting in short time on day to day basis so that it provides a relevant & logical base for decision making. Besides, now it will also meet the requirement of the citizen (not as an individual interested in a particular case or so, but as a member/part of the civil society) seeking the information on municipal services for the city/ward/Hospital etc.

In short, Municipal Finance (Budget, Accounts & Audit & Management Information based on physical & financial parameters/ indicators) is the first and the most important instrument to improve the Accountability and Governance in the Municipal Administration also contributing for the fulfilment of the purposes of 74th Amendment to the Constitution and Right to Information Act. The first step will therefore be to suitably modify the present system/ pro-formas of Budgets and Accounts broadly consistent with the National Accounts Manual and develop suitable parameters/ indicators for major civic services and also development indicators, & compare actual with pre-determine standard. This attempt was made by the corporation in its budgets since 2007-08 however these service level benchmark actual should be worked out and should be used for improvement in services. However since the last two budgets the attempt of this outcome based budget has been left out. It needs to be studied – why the attempt of outcome budgets was in terms of service level benchmark stopped mid way and how it can be reviewed after plugging the necessary gaps.

Time and again it has been indicated that in respect of Municipal Services, the work culture needs to undergo a paradigm shift to give way to an administration that is transparent, efficient and accountable to the civil society and is based on the tenets of inclusivity and equity. Structural reorganization and reengineering of the processes involved in the civic functioning are some of the prerequisites. No doubt the change is warranted and in fact improvement being a continuous process, there is also a need to take a periodical review for further modifications in the systems/processes, organizational set up/institutional reforms in the context of the circumstances/situations then prevailing (like technology advancements, demographic patterns and changes, economy of the city/Region, civic needs/expectations and so on). Such type of efforts were done in the past occasionally in isolated ways to deal with the issues then raised but not in the comprehensive manner to have the total impact on the civil services as felt by the citizens. On the contrary, the general view is that the level of civic services had gone down over a period of time. It is also indicated that there are various contributory factors outside the organization. At the same time, the Municipal Corporation cannot get away with that excuse as has been evident due to many short causing. After all the gap between the perceptions of the common citizen and that of the civic officer (Administrator) instead of getting narrowed down gets widened day by day due to various reasons. Prejudice (against the establishment), the feeling of discrimination, judgment on the basis of individual (expectation and fulfilment) rather than as a part of the society, ignorance and indifferent attitude may be some of the common features so far citizens are concerned. While lack of accountability, complacency and even ignorance of the subject may be some of the common features with the bureaucracy/ machinery particularly at the level at which it comes directly in contact with the common citizen. The common citizen is more concerned with the enhanced efficiency in service delivery as is felt by him, and on the other hand the representative of the administrative machinery should be in a position to convince him with facts and figures instantly. The common citizen is hardly concerned with the restructuring, intricacies of the procedures and internal rules & regulations but wants results. Many times the machinery is involved more in the rituals and concentrates on that rather than on results. What is the common parameter for judging, the correctness/reality of these two perceptions? The important objectives of the Good Governance are i) Enhancing efficiency in Service Delivery ii) Strengthen the Resource base iii) Prioritization of allocation of such Resources/funds judiciously (a) Area wise (b) function/civic service wise with the due regard to its Nature –obligatory and discretionary. iv) Identify the development backlog on the basis of development indicators which should be evolved scientifically. v) Judging the performance/evaluating on the basis of performance indicators (again developed on certain scientific & accepted principles) and reviewing the decisions. vi) Ensuring transparency accountability and simplicity.

I.13 Citizens Charter & CCRS

A Citizens Charter

Efficient city administration is a function of several inter-linked factors, one of the most important being the quality of intelligent citizenship. A good local self-government cannot function with just a highly motivated bureaucracy and elected representatives alone. The other side of the coin is the concern, awareness and interest manifested by the city's inhabitants. An enlightened and well informed citizen body can pressurize the local government body into action and compel it to respond to the needs of the people. Democracy is the only form of government that allows citizens full and free expression. It bestows a power which is really quite impotent unless it is used. Of course the exercise of this power needs enlightened citizens who are driven by a sense of social responsibility.

Lethargy and indifference are the food on which misgovernment and corruption thrive. The essence of an efficient civic administration is therefore, an enlightened, active community.

The 73rd Amendment, has facilitated the creation of decentralized structures within the government. Under this decentralized system, all important functions of the major departments of the Corporation are located in the 23 wards (now 24) that the city is divided into. This idea of local self-government will be meaningless if the citizens do not play a meaningful role in it. The basis of legitimacy of local self-government is a tripartite harmonising of effective administration, charismatic leadership and public participation and support.

The Citizen's Charter prepared by PRAJA a voluntary organisation, is the starting point for the necessary people's participation as it provides the essential information which aims to educate the citizen about their rights as well as their duties.

The Charter will thus go a long way in enabling individuals and groups to interact with the local self-government personnel. This is a major step in building not just citizen awareness but a strong and viable democracy through participative city management.

Late. B.G. Deshmukh
IAS (Retd.), Former Cabinet Secretary, GOI;
Chairman- Praja Foundation

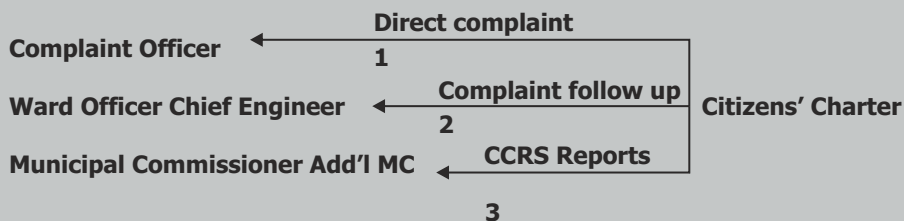
B CCRS- Centralised Complaint Registration System

The System was developed with the help of logical corollary of the Citizens’ Charter in 2003. It has a helpline-1916 with multiple hunting lines and amalgamation of multiple services. Complaints are being captured at a centralised location with the help of a software application. This is helping in sorting and monitoring complaints. Information is transferred to different wards and then redressal report furnished by ward into the CCRS system.

Key Benefits:

- i) Citizens do not have to acquire knowledge of where and when to complain for a particular service.
- ii) One single number is always active for complaints and regarding any Municipal service. Citizens have wider choice of mode of complaint. (1916, website and submitting forms at the Citizen Facilitation Centre.)
- iii) Uneducated people find it difficult to use complaint forms and the procedures is very time consuming.
- iv) Citizens can track the status of their complaint with the allotted Complaint Tracking Number.
- v) Complaints are automatically escalated to the next level if case is not solved within timeframe. Greater transparency and active monitoring by Municipal Commissioner and general public ensures quality of service.
- vi) Computerization has taken away the mundane part of the job and enhanced efficiency through strengthening of beat system.

Expected Scenario with Citizens’ Charter and Central Complaint Registration System (CCRS)



Current Scenario in Complaint Management System Lack of Standard Operating Procedures (SOP)

- i. All complaints are not registered/collated under CCRS and hence do not have any Uniform Complaint Number
- ii. Different Wards and Departments have independent systems for registering complaints
- iii. A significant percentage of Complaints are categorised as 'others'
- iv. Dispatches are registered as complaints under the SAP system
- v. Councillors Constituency Code is not entered (although provision present for the code in SAP)
- vi. 'Action Taken Remark' not accounting for complainant feedback
- vii. Missing Escalation of non-redressed complaints
- viii. Audits on redressal of complaints are missing

• Issues of Concern

- i. Different Wards and Departments have independent systems for registering complaints.
- ii. All complaints are not registered/collated under CCRS and hence do not have any Uniform Complaint Number.
- iii. Dispatches are registered as complaints under the SAP system.
- iv. Councillor Constituency Code is not entered.
- v. 'Action Taken Remark' not accounting for complainant feedback.
- vi. Missing escalation of non-redressed complaints.
- vii. Audits on redressal of complaints are missing.

• Solutions suggested by Praja Foundation

- i. One Window for Managing Complaints / Redressing Grievances - Registering all complaints on CCRS.
- ii. Developing a robust SOP (Standard Operating Procedure) for Complaint Management.
- iii. Complaints to be entered along with Councillor Code.
- iv. Dispatches should not be registered as complaints and a different system be created for managing them.
- v. Periodic reviews – Performance Audits.

• Required Steps

- i. System related modifications
- ii. Software modifications
- iii. Training of related MCGM officials

I.14 Health Coverage

Dr. Thanekar's
Former, Executive Health Officer, MCGM

I welcome you in your new role as a parent of Greater Mumbai family having over 12 million citizens as its residents. A Municipal Councilor is like a Family Doctor who shares both good and bad times of common people. However, in the present scenario, it is next to impossible for a Councilor to meet the needs and expectations of over 65 lakh citizens who are putting up financial pressures and have time constraints. Nevertheless, it is essential for every municipal Councilor to think about maximum possible facilities that she/he can provide for citizens in her/his ward.

According to Section 61 of the Mumbai Municipal Corporation Act, it is primary duty of the Corporation to ensure primary health care to its citizens. Therefore the Councilors should be aware of the health services that are provided by the Mumbai Municipal Corporation. Significant aspect of health services provided by MMC is that all – primary, secondary and tertiary level care along with special and super-specialty services are provided under one roof. Therefore it is very well supervised by the Municipal Commissioner, Additional Commissioner, Directors of all three departments, Executive Health Officers and Chief Medical Superintendent. The health system functions autonomously and therefore it is able to efficiently address any emergency situations or control any epidemics (such as Swine Flu, Malaria etc.) well in time. Because the system is efficient, people from across the country come here for their treatment, which is a cause of concern since it creates a pressure of the system.

Now, let us try and understand major services provided by the health care system;

1) Public Health Department: This department provides a range of primary health care. MMC has set up over 162 hospitals, 183 health centers, 25 maternity homes, 25 PNC clinics and all these provide range of health care services to local citizens such as treatment of cold, cough, fever, diarrhea as well as provide for immunization, delivery, post natal care and guidance, infant care and awareness on various diseases. The IEC section of this department organises awareness building campaigns, primarily on preventive and curative measures for various contagious diseases, family welfare and child care, immunization, health and well-being and so on. Services are taken to community level by the health workers.

Note: find a Chart on Public Health department see below in page no.63: '**Health Administrative setup**'

Apart from these services, the department also provides other needful services for the citizens and these include;

- i) Registration and certification of births and deaths
- ii) Preventive measure in the event of possible epidemic break out
- iii) Maintenance, management and development of the cremation areas.
- iv) Pest control, especially to effectively control breeding of mosquitoes causing malaria and dengue
- v) Regular check of water supplied by MMC and appropriate action to repair contaminations, if any.
- vi) Implementation of National Health Programmes as per the Central Government guidelines, such as a) TB, b) Leprosy, c) Immunization, d) Family welfare and mother child care, e) AIDS, as well as checking spread of water borne diseases in monsoon such as malaria, dengue, leptospyrosis, infections and treatment for iodine deficiency and several other ailments.
- vii) Keep a check of food outlets to prevent sale of contaminated food and take legal actions where necessary and organise effective remedial measures in cases of mass food poisoning.

Following hospitals providing special care come under the purview of the Executive Health Officers;

- 1) One of the oldest Kasturaba Hospital situated at Saat Rasta in the midst of Mahalaxmi and Chinchpokali railway stations, which provides effective treatment for contagious diseases, and for measles, chicken pox, jaundice, diarrhea etc. The health workers in this hospital have played key role in putting a check on spread of swine flu.
- 2) There is a TB hospital with 1000 beds in Sewree
- 3) There is a Leprosy hospital in Wadala
- 4) There is an oculus (eye) hospital in Kamathipura
- 5) There is a Ear, Nose, Throat specialty care hospital in Fort area near CST

All these hospitals provide specific specialty care by expert doctors.

2) Chief Medical Superintendent (Sub-urban Hospital) : All health care falling under the CMS's purview is of secondary and tertiary nature and the services are provided through following 8 sub-urban hospitals.

Eastern suburbs – 1) Kurla Bhabha 2) Rajawadi 3) Barve Nagar 4) Kannamwar Nagar 5) Gowandi Shatabdi 6) Phule Rugnalay 7) Mulund (East) 8) Mulund (West)
Western suburbs – 1) Bandra Bhabha 2) Santacruz (East) 3) Coopar 4) Goregoan (West) 5) S K Patil 6) M V Desai 7) Kandiwali Shatabdi 8) Bhagvati Rugnalay

Presently, all these hospitals provide all health care and services except special and super special care.

However, Cooper, Kandiwali Shatabdi and Bhagvati hospitals are under development and are affiliated with medical colleges and hence the expert medical services are also available to patients visiting these suburban hospitals.

3) 3 Medical and 1 Dentistry Colleges and Hospitals: MMC is the only municipal corporation in India having 3 Medical and 1 Dentistry Colleges /Hospitals in its jurisdiction. These are;

- a. Seth Govardhandas Sakhandas Medical College and King Edward Hospital
- b. Topiwala National Medical College and Dr. Aanadrao Nair Hospital
- c. Lokmanya Tilak Medical College and Sion Hospital
- d. Dr. Nair Dental College and Hospital

All these hospitals are functioning under command and guidance of Medical Superintendent and respective heads of each colleges and hospitals. Along with providing medical education to its students these hospitals provide tertiary care to patients and special medical services having international standards.

Additional special services and important statistics in the Public Health Department

- 1) Life saving services that presently have been entrusted with the Fire Brigade
- 2) Check on stray dogs, includes catching the dogs, surgical contraception/sterilization of dogs by MMC and with the help of voluntary organisations, medical termination of diseased and pestiferous dogs
- 3) Catching stray animals and keeping them in common animal shelters.
- 4) Functional laboratory to detect food contamination situated at Dadar G (North) Ward office and take appropriate action against suspects (Around 1000-1500 food sample tested per year)
- 5) A special section to undertake yearly health check up of children studying in municipal schools functions from Assistant Superintendent (Schools) G North Ward. This section not only undertakes health check ups, but also adopts curative measures for a major any widespread illness identified.
- 6) Undertake recruitment, postings of nurses and ensure their welfare.
- 7) The public health department administers arrangements for census process undertaken once every ten years.
- 8) Two independent departments are set up to control spread of malaria.
 - a. Pest control department
 - b. Department for community level treatment and monitoring centers for malaria collects over 7 lakh blood samples every year from slums and hospital OPDs for testing, immediate treatment is provided if blood is tested positive for malaria infection.

9) Kasturba Rugnalay mainly looks into measures to check spread of water borne diseases in monsoon and contagious diseases. A special section is set up that collects and analyses data and plans appropriate measures accordingly.

Statistics

- 1) Over 15,000 people work in Public Health Department of these 1100 are doctors, 2100 are laboratory and other technicians, 3000 are nurses, 1250 are administrative staff and 4000 are clerical workers.
- 2) Budgetary provision for 2012-13 is Rs. 675 Crore that covers recurring expenses (other than salaries) Rs. 523 Crores and development related expenses Rs. 151.92 Crores.
- 3) 5 special care hospitals have 1890 beds; Kasturba hospital - 450, Eye hospital - 80, Leprosy hospital – 240, Sewree TB hospital – 1000 and ENT hospital – 100
- 4) Budgetary provision for these hospitals for 2012-13 is Rs. 123 Crore that covers recurring expenses Rs. 101 Crores and development related expenses Rs. 22.25 Crores.
- 5) Suburban hospitals have 3800 beds and total budgetary provision for 2012-13 is Rs. 590 Crore that covers recurring expenses Rs. 310 Crores and development related expenses Rs. 280 Crores.
- 6) Every year 33 – 34 lakh people take benefit of OPD services in suburban hospitals and 32 lakh visit medical colleges. Over 1.20 lakh surgeries take place yearly at suburban hospitals and 1.25-1.50 lakh surgeries take place yearly at medical college hospitals.
- 7) The provision for medical education in 3 medical colleges for 2012-13 period is Rs. 223 Crores and budgetary provisions for colleges affiliated hospitals are Rs. 547 earmarked for recurring expenses (other than salaries) and Rs. 13478 Crore for development related expenses.

A Health under MCGM

The Public Health Department publishes Health reports known as health profile regularly. It is insightful enough to know Mumbai's health facilities and issues.

Out of the many medical institutions in Mumbai, the following 19 are the Municipal Hospitals:

Eastern Suburbs -

1. K.B.H.K Bhabha- Kurla
2. Seth V C Gandhi & M A Vora, Rajawadi
3. Sant. Mukta Bai

4. Centenary- Govandi
5. Mahatma Jyotiba Phule
6. S. V. D Savarkar
7. Smt. Mansadevi T Agarwal

Western Suburbs -

1. Khurshadji Bhabha - Bandra
2. V. N Desai
3. Dr. R. N. Cooper
4. Siddharth
5. S K Patil
6. M W Desai
7. Centenary- Kandivali
8. Harilal Bhagwati

1.15 Education (Right To Education)

A Introduction:

The Right of Children to Free and Compulsory Education Act came into force from April 1 2010. The Right to Education has been accorded the same legal status as the Right to Life under the Constitution of India. Every child in the age group 6-14 years will be provided 8 years of elementary education in an age appropriate classroom in the vicinity of his/her neighborhood.

B Rules/Guidelines of the Act:

- i. The Act makes it mandatory for every child between the ages of 6-14 to be provided for education by the State. This means that such child does not have to pay a single penny as regards books, uniforms and alike too.
- ii. Any time of the academic year, a child can go to a school and demand that his right be respected.
- iii. Private educational institutions have to increase 25% of their seats starting from class I IN 2011 to disadvantaged students.
- iv. Strict criteria for the qualifications of teachers. There is a requirement of a teacher student ratio of 1:30 at each of these schools that ought to be met within a given time frame.

- v. The schools need to have certain minimum facilities like adequate teachers, playground and infrastructure. The government will evolve some mechanism to help marginalized schools comply with the provisions of the Act.
- vi. There is a new concept of 'neighborhood schools' that has been devised. This is similar to the model in the United States. This would imply that the state government and local authorities will establish primary schools within walking distance of 1 km of the neighborhood. In case of children for class VI to VIII, the school should be in a walking distance of 3 kms of the neighborhood.
- vii. Unaided and private schools shall ensure that children from weaker sections and dis-advantaged groups shall not be segregated from the other children in the class rooms nor shall their classes be held at places and timings different from the classes held for the other children.

I. 16 PLANNING PRINCIPLES-the revision of the development plan for greater mumbai, 2014-2034

By URBAN DESIGN RESEARCH INSTITUTE(UDRI)

The Urban Design Research Institute is currently engaged in conducting a public participation planning process for the Development Plan of Greater Mumbai 2014-2034.

The intention is to create a 'Peoples' Brief'. Over the past few months, ten different stakeholder groups on education, health, livelihoods, energy, environment, water, housing, transport, urban form, and governance have met regularly to formulate the principles that should guide the development planning process of the city. Each of these groups comprised experts, having knowledge, practical experience and expertise in each of the said sectors. Every group met internally amongst themselves and also jointly to formulate the principles that should guide the development plan process.

The broad approach of all the Groups together focused on the following:

- a. Development Plan should be revised to achieve an Open (inclusive), Efficient, and Equitable Mumbai.
- b. The plan formulation and implementation should be responsive and its authors accountable to those being affected by the Plan.
- c. The planning process should be participative, transparent, decentralized and subjected to periodical course correction.

If such a process is faithfully implemented, a sense of ownership will develop among the citizens for the DP which would ensure the proper maintenance and preservation of the various DP reservations.

All the groups together came to the consensus that all proposals / decisions relating to the development plan should strictly conform to the planning principles stated below:

1. Security of tenure shall be treated as a basic human right. However there can be no free housing and no housing is to be delivered at less than the cost of construction. Subsidies, if any, to be on a family by family basis. [Housing]
2. All tenable slum land should be reserved in the development plan as reservations for affordable housing only.[Housing]
3. All new constructions shall provide 50% of floor space, to be additionally provided on the same site, for inclusionary housing.[Housing]
4. All Greenfield sites to be planned for mixed-use, mixed-income development incorporating inclusionary housing. [Housing]
5. Encourage the inclusion of sites-and-services in layouts of mixed-income housing on Greenfield sites to accommodate the poorest families. [Housing]
6. All new tenancies, whether in new buildings or old, should be outside the provisions of the Rent Control Act. [Housing]
7. Provide uninterrupted safe water supply with equitable distribution to all. [Water]
8. Access to sanitation facilities and piped sewage collection shall be extended to all. [Water]
9. Sourcing water supply for Mumbai should ensure fair distribution of water between urban and rural areas. [Water]
10. Extend public transport networks urgently to new areas to bring more land under development. [Transport]
11. Public transport to be prioritized and actively promoted over private transport by allocating public spending on public transport infrastructure by, at least, five times the public spending on private transport infrastructure and by making public transport more convenient and comfortable than private transport. [Transport]
12. Walking should be encouraged as the primary mode of transport with tools such as pedestrian friendly foot paths, pedestrian only streets/zones etc. [Transport]
13. Priority should be given to facilitate inter-modal transfer for all to ensure that point-to-point travel by public transport is faster than private transport. [Transport]
14. Recognize all patterns and types of livelihoods and provide basic services for all modes of livelihoods without discrimination. [Livelihood]

15. Creation of inclusive livelihoods in the city by creation of innovative public spaces accommodating various livelihoods (street vendors, home based workers, naka workers, construction workers, rag pickers etc). [Livelihood]
16. Create open innovation clusters within informal neighborhoods as special livelihood innovation zones. These special livelihood zones shall be accorded the benefits made available to Special Economic Zones or Special Industrial Areas [Livelihood]
17. Plan and set up comprehensive skill up-gradation infrastructure in informal settlements. [Livelihood]
18. Development Control Regulations should protect and enhance the public good which may supersede individual rights. [Urban Form]
19. Involve local community in the evaluation process of all public projects through public discussions and exhibitions. [Urban Form]
20. Have every parastatal present a half-yearly report to citizens in a public meeting, showing a performance review for the past half-year and plans for the coming half-year. [Governance]
21. Implement transparent, time bound evaluation and approval process for all building approvals. [Urban Form]
22. Planning of the built environment shall be based on and derived from a detailed understanding of livelihood, housing, environment, transportation, health, education, energy, water and sanitation, and security. [Urban Form]
23. There shall be no lowering of standards of built form, light and ventilation and public amenity provision in the DCR's for low income housing. [Urban Form]
24. Replace planning tool of Floor Space Index with other planning tools such as form based, height based, density based building controls etc. [Urban Form]
25. Public space such as notified open spaces, water edges, paths, urban squares and plazas etc. shall be sacrosanct and not built upon. [Environment]
26. Mangroves to be retained in their natural habitats. [Environment]
27. No sewage or solid waste to be disposed of, without treatment, in rivers, streams, nallahs, creeks or lakes. These are to be used only for the inflow of clean water. [Environment]
28. Hill slopes, as demarcated in the Development Plan/Regional Plan, shall be preserved in their natural state. [Environment]
29. Garbage collection services must extend to all citizens without discrimination. Garbage to be segregated at source, recycled as much as possible, and disposed of in the most energy efficient way. [Environment]
30. Building Regulations to be designed for maximising energy efficiency in built environment. Infrastructure to be designed for conservation of energy. [Energy]
31. Encourage private investment in renewable energy generation by providing policy framework for private energy suppliers to connect to the distribution grid. [Energy]

32. Availability of comprehensive range of curative, symptomatic, preventive, promotive and rehabilitative health services at the primary, secondary and tertiary levels of health services to all. [Health]
33. Review and upgrade infrastructure as per the National Urban Health Mission (NUHM) requirements - Service delivery mentioned in the NUHM should be incorporated into the existing infrastructure in the form of SWASTHYA CHOWKI, PRIMARY URBAN HEALTH CENTER & REFERRAL UNITS. Health Posts and Dispensaries should be integrated at some level. [Health]
34. The public school system must be augmented to meet aspirations of all children in the preferred language of instruction. [Education]
35. Education need not be limited to the RTE Act. All schools should include Pre-Primary (Age 3-5), Primary (classes 1-5), Upper primary (classes 6-8) and secondary (classes 9-12) to provide seamless education to all children. [Education]

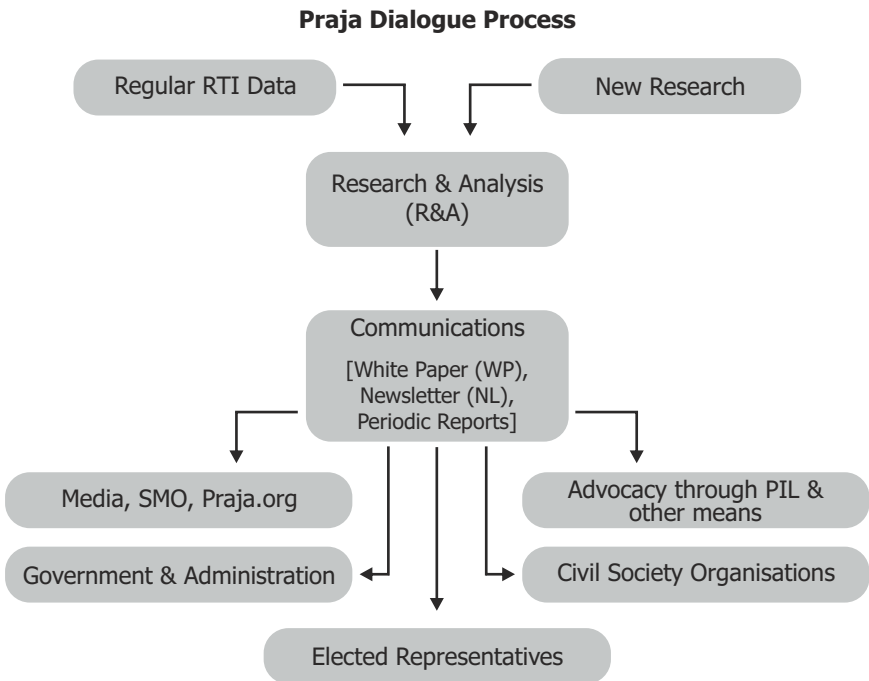
Note: To check Eduaction adminationative set up check page no: 64 ' **Education Administrative Setup**'

II.1 Praja vision and dialogue

A Praja Vision

- To act as the watchdog on governance in Mumbai.
- To create awareness amongst elected representatives, government, administration and citizens.
- To influence elected representatives to ask questions related to their constituencies.

We at Praja are also working towards our fourth vision to- Elicit participation from the people in the government's decision- making processes so that accountability can be established in the system.



- a) Praja Dialogue is a tool created to engage the three constituencies of governance:
- i) Elected Representatives (Councillors, MLAs, MPs)
 - ii) Government (includes administration)
 - iii) Citizens
- b) The Dialogue begins with collecting knowledge that is relevant to the three constituencies, analysing it, disseminating it and creating an action oriented dialogue aimed towards achieving good governance.

II.2 How The Project Functions

A We Collect

- i) Performance of Elected Representatives: Attendance, Questions (number, type & issue) and Utilisation of local area development fund
- ii) Citizen issues: Education, Health, Crime and Civic

B We Analyse and bring out reports

- i) Periodic White Papers
 - Each year we bring out periodic White Papers covering all the 4 major areas as mentioned above.
 - Our White papers cover the core issue in full length with in depth reports and the questions that the ERs raise in the houses based on Praja Reports.
- ii) Monthly Newsletters
 - Monthly reports are the comprehensive yet handy documents on the issues we cover. It helps us to bring closer to the ERs, administration and the citizens with more regular, quicker and fresh data from time to time.
- iii) Report Card on performance of elected representatives
- iv) We disseminate our reports through media by means of press conferences, press releases and queries by journalists if contacted directly for special studies.
- v) Network with elected representatives, administration and government to act on the basis of our reports and findings

II.3 Press Coverage

- a) A Scoring Question(Afternoon- Jan 16)
- b) BMC Expands- (Times of India, March 21)
- c) Aajari Mumbai, (Prahar. Feb 03)
- d) Polisanvar Taan Apurya Sankhyabalachahi! – (Loksatta –January 19)
- e) Chuntayela Pratinidhiyoni rahi awi bhumika, Mumbai rahyu Malaria ane Diarrhose Grant! (Mumbai Samachar, Feb. 03)

A 'scoring' question

Handwritten note in Marathi: **यंत्रायेला प्रतनिधियोनी रही आवी भूमिका मुंबय रल्लुं मवेरिया अले डावेरियाअस्त!**

आजारी मुंबई

म... (text continues)

BMC EXPANDS Will launch many initiatives to fight against TB with new schemes

TDR-TB debate wake Centre up

पोलिसवर ताण अपुऱ्या संख्याबळाचाही!

मंजूर पदाऐवजी फक्त ५० टक्के पोलीसच कामावर

... (text continues)

... (text continues)

... (text continues)

III.1 Introduction to the Report Card

The Report Card covers the working and performance of the 227 elected Municipal Councillors of Mumbai for a period of one year (April- March). It gives to the citizens, elected representatives, political parties and the government valuable feedback on the functioning of the elected representatives, political parties and the government. It helps set standards and bench marks of the performance of the elected representatives not only in Mumbai but across the country.

III.2 The Matrix- Scale Of Ranking

The Matrix for measuring the functioning of the Municipal Councillors has been designed by Praja with inputs from reputed people with sectoral knowledge in governance, social science, market research, media.

In order to design the research and get the desired output, it was important to answer the following two questions:

- a. On what parameters should the performance of Municipal Councillors be evaluated?
- b. How should the research be designed in order to represent areas of each Municipal Councillors and meet the right people?

For the first question; The Indian Democracy functions on rules and strictures laid down in The Constitution of India adopted on the 26th November, 1949. The constitution has been amended on numerous occasions and various acts have been passed and adopted by subsequent assemblies to strengthen the functioning of centre, state and local self government institutions. All these acts/legislations with their base in the constitution give our elected representative needed powers for functioning; have built the needed checks and balances; and serve as the source of the terms of reference for the elected representatives on all aspects of their conduct as the people's representatives. Hence, the first parameter for evaluating the performance of Municipal Councillors is based solely in the mechanisms and instruments and duties and responsibilities as led in the Constitution of India, in particular, the 12th Schedule of the Constitution that was introduced through the 73rd and 74th Amendments of the Constitution, and the Mumbai Municipal Corporation Act, 1888.

However;

The Constitution itself derives its power from the free will of its citizens as also the document itself states that it has been adopted, enacted and given to themselves by the people. Hence the perceptions of the people who are represented by the elected representatives are the other important, necessary parameter for evaluating the performance of the elected representatives (the Municipal Councillors). Thus, to answer the second question it is necessary to study people's perceptions of the Municipal Councillors performance, by who represent them from their respective constituencies.

The next few pages will elaborate the study design and details of the study conducted to judge the performance of Municipal Councillors in Mumbai;

but before we get into details, it is important to understand the sources of data and its broad usage in the ranking matrix.

The following information was required to judge the performance of each Municipal Councillor in the city:

1. Some of the tangible parameters like an elected Municipal Councillors attendance in the Corporation and the Committee Meetings, the number of questions (issues) she/he has raised in the above forums (Corporation and Committee Meetings), importance of those questions, and utilization of funds allotted to him/her.
2. Some parameters on his/her background such as educational qualification, income tax records & criminal record (if any).
3. Some soft parameters like the perception/impression of the people in his/ her constituency, awareness about them, satisfaction with their work and improvement in the quality of life because of the Municipal Councillor.

Once the areas of evaluation were finalised, it was important to decide upon the methodology which would best provide the required information. Information mentioned in points 1& 2 above was gathered from RTI & by means of secondary research. Municipal Councillor Scores have been derived out of maximum 100 marks with 70% weightage given to tangible facts about the Municipal Councillor. For the Information on the 3rd point a primary survey was conducted amongst the citizens in each constituency to evaluate the perceived performance of the Municipal Councillor. 30% weightage was given to perceived performance of Municipal Councillors in the minds of common man.

The data used for points 1 and 2 has been collected from government sources:

- a. Election Department MCGM.
- b. Under Right to Information Act from Municipal Secretary, MCGM (MCGM Head Office and BEST).
- c. Under Right to Information Act from Assistant Engineer (Maintenance), MCGM (from all the 24 Administrative Wards of MCGM).
- d. Under Right to Information Act from Mumbai Police.

People's perception as per point 3 has been mapped through an opinion poll of 28,707 people across the city of Mumbai by Hansa Market Research conducted through a structured questionnaire.

It is very important to understand here that the matrix is objectively designed and provides no importance to the political party of the representative or to any personal/political ideology.

Criminalisation of politics in the country has been growing since independence and is a phenomenon which if not checked now can destroy the democratic foundations of our nation. Hence personal criminal record related parameters pertaining to the elected representative are taken into consideration such as: their FIR cases registered against them as stated in the election affidavit; new FIR cases registered against them after being elected in the current term; and important pending charge sheets.

Table 1: Scale for Ranking Performance for Councillor

Sr. No.	Indicator	Max %	Comments
1	Present		
A	Attendance in the Corporation and Committee Meetings	15	Refer Point 3a on page 52 for details.
B	Number of Questions Asked	15	Against Group Percentage Rank. 15 being the top most percentiles and so on to the lowest for 1.
C	Importance of questions asked by issues raised in the question	18	Refer Point 3c on page 54 for details
D	Issues raised compared to Citizen's Complaints	10	Refer Point 3d on page 55 for details
E	Total Discretionary Funds Utilised during Financial year	5	Refer Point 3e on page 55 for details
	Total	63	
2	Past		
A	Education Qualification	1	A minimum of 10th Pass - 1; if not - 0
B	Income Tax	1	Possessing PAN Card - 1; if not - 0
C	Criminal Record	5	If the candidate has zero cases registered against her/ him, then 5; else as below: (1) Criminal Cases Registered excluding the following charges: Murder, Rape, Molestation, Riot, Extortion - 3 (2) Rest - 0
	Total	7	

Sr. No.	Indicator	Max %	Comments
3	Perception		Based on a opinion poll of 28,707 people spread across different constituencies in the city of Mumbai
A	Perceived Performance	11	Score on Public Services
B	Awareness & Accessibility	5	Score on Awareness amongst people about their representative, their political party and ease of access to the representative
C	Corruption Index	7	Score on perceived personal corruption of the representative
D	Broad Measures	7	Score on overall satisfaction and improvement in quality of life
	Total	30	
4	Negative marking for new criminal cases registered during the year	-5	For any new FIR registered during the year.
5	Negative marking for Charge sheet	-5	For any Charge sheet in a criminal case.
6	Negative marking for no annual pro-active disclosures by the elected representatives of Assets and Liabilities and Criminal record (*)	-5	This can be done on own website, newspaper, Praja Website or any other source which should be announced publicly. Also marks would be cut for wrong disclosures in the above mentioned forums.
	Total	100	

*

(*) This negative parameter on proactive disclosures has not been applied. But as one the primary purpose of the Yearbook is to promote transparency amongst elected representatives, it is imperative that they proactively provide personal information on their personal annual economic status and to emphasise their probity in public life, they should share every year their updated criminal record.

2. Parameters for Past Records as per Affidavit

Parameters for Past Records are based on information in election affidavit that includes educational, criminal and financial records of Municipal Councillors. Total seven Marks out of Maximum 100 marks are allocated for this parameter.

a. Education

If the elected representative has declared in his affidavit, education qualification as 10th pass or more then on the scale one mark is allocated, else zero marks are given.

As a developing 21st century country, basic modern education is an important criterion for human development. Even at lowest clerical jobs in the government, the government insists on a minimum educational level. Going by the same logic and the times, it is prudent that a similar yardstick be applied to our elected representatives. However, we also believe that the educational parameter should be given a minimal weightage in the overall scheme vis-a-vis other parameters, that are more crucial for judging performance of the elected representatives.

b. Income Tax

It is widely published and believed in India that annual income levels and wealth of those who are elected sees a manifold increase in the few years when they represent. Marks are allocated for possessing a PAN card (one mark), as per the affidavit; else if not possessing a PAN card than zero marks are allocated.

c. Criminal Record

Criminalisation of politics is a sad reality. A significant number of elected representatives have a criminal record i.e. 1) they have FIRs registered against them; 2) charge sheets filled; and 3) even convictions given by the courts of law.

There is no excuse for not having moral probity in public life. It is the right of the citizens to have people representing them with no criminal records. Hence the scheme of ranking has into account marks for people with clean records:

- i. Those with absolutely no criminal FIRs registered are given five marks.
- ii. Those with FIRs registered against, with cases containing the following charges: murder, rape, molestation and extortion are given zero marks.
- iii. Those with other FIRs registered against, other than those mentioned in No. ii above, are given three marks.

We have negative markings as explained in No. 5 below for other parameters related to crime records like charge sheet.

Kindly note that allocating scoring for each individual case would have been complex, instead scoring for cases after them being categorised as above seemed more logical and hence number of individual cases are not of that important but the category of case needed for the scoring.

3. Parameters for Present Performance in the Corporation and Committee Meetings

In an indirect, representative democracy like India's, citizens elect their representatives so that these representatives can represent them in the houses of legislation and deliberate on issues related to the citizens and form needed legislations under the guidelines of and using the mechanisms of the constitution. Thus it is very clear that the weightages in the performance scale have to be more biased to these functions of the elected representatives i.e. of Deliberation.

a. Attendance

The mandate given by citizens to the representatives is to attend the business of the respective legislative houses. It is hence prudent that the representatives attend 100% or near to 100% sessions of their respective houses. Hence the marking is based on percentage of attendance: 100% getting 15 while 0% getting zero.

However, in the MCGM a councillor is always a member of the Corporation and a particular Ward Committee, and apart from that some of the councillors are members of various committees viz:

- i. Standing Committee
- ii. BEST Committee
- iii. Works (City) Committee
- iv. Works (Suburb) Committee
- v. Improvements Committee
- vi. Education Committee
- vii. Public Health Committee
- viii. Women and Child Welfare Committee
- ix. Law and Revenue Committee
- x. Tree Authority Committee
- xi. Market and Garden Committee

Thus, it is understood that there can be two categories of councillors and they need to be allocated the 15 marks in different ways:

ATTENDANCE				
Councillor	Corporation General Body Meetings (GBM)	Ward Committee Meetings	Different Committee Meetings (mentioned above)	Total
Category A	9	6	N.A.	15
Category B	7	4	4	15

b. Number of Questions

There cannot be really a set benchmark for the right number of questions or issues that have to be asked by a representative. However given the range and complexity of issues that our country is facing, it is necessary for the representative to raise as many issues as they can, which are necessary for the citizens. Hence to stimulate the representatives to ask maximum number of questions the scale uses the percentile system for scoring.

Devices used for asking 'Questions' that have been considered in the marking:

1. Short Notice Questions
2. Interpellation : Right to ask questions
3. Discussion on Urgent Public Matters
4. Asking for statement from commissioner
5. Notice of Motions
6. Urgent Business
7. Adjournment motion

8. Point of Orders
9. Amendments proposed
10. Proposal raised/agenda raised/ letter to raise issues
11. General discussion on Budget estimation

The marking for this section is out of a maximum 15 marks that the representative can get for being the person with the maximum number of questions asked. The marking here is done against Group Percentage Rank:

15 being the top most percentile and so on to the lowest for 0.

c. Importance of questions asked by issues raised in the question

The duties of the Municipal Corporation are laid down precisely under the Mumbai Municipal Corporation Act, 1888. They are further divided into Obligatory duties (Section 61, 62) and Discretionary duties (Section 63). The Obligatory duties include issues related to roads, water supply, sewerage, buildings, disaster management, municipal properties, primary education, health, renaming of roads, etc. are covered. The Discretionary duties include issues related to slum development, open spaces, gardens, road transport, energy, electricity, water bodies (dams, irrigation), community halls/ temples, etc.

In the present scale, we have culled out certain services from the Obligatory duties that are essentially civic in nature and where the MCGM has monopoly for delivery of these services to the citizens of Mumbai. The issues that can be raised on these services are related to subjects such as drainage, roads, water supply, solid waste management, etc.

Apart from these issues, an councillor can raise subjects that are not under the direct purview of the corporation but are covered by the state and central governments. Such as, crime, foreign affairs, agriculture, animal husbandry, MMRDA (Mumbai Metropolitan Regional Development Authority), etc.

Based on the above classifications the weightages for the quality/importance of the questions has been designated as below from the total marks out of 100 in the overall scale:

Issues/Duties	Obligatory	Discretionary	Civic (Obligatory)	State/Central	Total
Marks	8	6	3	1	18

d. Issues raised compared to Citizen Complaints

MCGM has developed a system for tracking, recording citizen complaints. These complaints are maintained under the Centralised Complaint Registering System (CCRS). They are registered into a software platform where they are classified into different categories by departments and the nature of the complaint such as drainage, road, water supply, colony officer, building, etc. As citizens' representatives, it is expected that Municipal Councillors also ask questions or raise issues to resolve citizens issues (complaints). Hence the current parameter is based on comparing issues raised by councillors related to the citizen complaints based on the RTI information procured related to the data maintained by CCRS. The departments of MCGM that are covered under this criteria are as follows: Buildings, Colony officer, Drainage, Estate, Garden, License, MCGM related, Pest control, Pollution, Roads, Shop and Establishment (S & E), Solid Waste Management (SWM), Storm Water Drainage, Toilet and Water Supply.

A maximum of 10 marks have been allocated for this parameter.

e. Utilisation of Discretionary Funds utilised in one Financial year

Municipal Councillors get a total of Rs. 60 lakhs in every financial year. This fund they can spend as per their discretion on certain specified development work in their constituencies. It is necessary that the funds are utilised in a planned phased manner to achieve optimal results. Hence, the marks given are based on percentage of the funds utilised out of the maximum Rs. 35 lakhs:

(1) 100% (or more) to 91% - five marks; (2) 90% to 76% - four marks; (3) 75% to 61% - three marks; (4) 60% to 51% - two marks; and (5) 50% and below - zero marks.

4. Parameters for People's Perception as per opinion Poll

Since perceived performance was given a weightage of 30 points, we divided it further in to four broad areas in order to evaluate the performance in detail. All these four areas were given differential weightage based to the importance in defining the Municipal Councillors performance. The weightages were divided in the following scheme:

- Perception of Public Services (impression of the people about the facilities in the area) was given a weightage of 13 points,
- Awareness & Accesibility of the Municipal Councillor was given a weightage of 4 points,

- Corruption index was given a weightage of 6 points and
- Broad overall measures were given a weightage of 7 points

The rationale for giving the above scoring points was to give more importance to the key issues like facilities in the area & corruption as compared to Municipal Councillor being aware and accessible or overall feel of the people being positive. This is because we believe that scoring positively overall or being popular is actually a function of your work in different areas. Hence, these areas should be given more importance than the overall satisfaction. Moreover a blanket overall performance for an individual may be good but when interrogated deeply about different traits the positives and negatives can be clearly pointed.

The next step after assigning weightages to government's four broad areas was to make sure that facilities which come under local jurisdiction to get more importance than the ones which come under the state or central government's jurisdiction. Hence the weightage for Perception of Public Services was further divided into a hierarchy of 3 levels to meet the desired objective.

Level 1 included facilities which are more critical to local government whereas Level 4 included facilities that are more critical to state government.

- Level 1 – This level included areas like Condition of Roads, Traffic Jams & Congestion, Availability of public gardens, Availability of public transport facilities, Water Supply, Water logging problems & Cleanliness & Sanitation facilities. It was given a weightage of 7 points.
- Level 2 – This level included areas like Hospitals & other Medical facilities & Appropriate Schools & Colleges. It was given a weightage of 5 points.
- Level 3 – This level included areas like Power Supply, Instances of Crime, Law & Order situation. It was given a weightage of 1 point.

a. Research Design:

- A Municipal Councillor is a representative elected by the voters to over see the functioning of the ward.
- Winner of elections in each ward is termed as a Municipal Councillor and has the power to manage the functioning of the ward.

- This division helps to provide clear delegation of responsibilities at the ground level.
- Since, our study focused on evaluating the performance of Municipal Councillors it was necessary to cover and represent all the wards to which each of these Municipal Councillors belonged.
- Hence, we decided to cover a sample from each ward. We decided to cover all the 227 municipal wards equally, with a sample of 105 in each ward.
- The initial total sample for the study covered: 227 municipal wards x 105 respondents = 23835 respondents.
- Next step was to define the target group for the study. We finalised on covering within each ward:
 - Both Males & Females
 - 18 years and above (eligible to vote)
- Once the target group was defined, quotas for representing gender and age groups were set.
- The quotas were set on the basis of age and gender split available through Indian Readership Study (Large scale baseline study conducted nationally by Media Research Users Council (MRUC) & Hansa Research group for Mumbai Region.
- The required information was collected through face to face interviews with the help of structured questionnaire.
- In order to meet the respondent, following sampling process was followed:
- 105 interviews were conducted in each municipal ward.
- 2 – 3 prominent areas in the ward were identified and the sample was divided amongst them. These areas were mainly crowded areas such as market place, railway stations, malls etc.
- Respondents were intercepted in these areas and the required information was obtained from them.

- Sample composition of age & gender was corrected to match the universe profile using the baseline data from IRS. (Refer to weighting paragraph on facing page).

b. Parameters of Evaluation:

While deciding the parameters of evaluation for a Municipal Councillor, we decided to capture the information on four important aspects. These were as follows:

- Impression of the people about different facilities in his/her area
 - Condition of Roads
 - Traffic jams & Congestion of roads
 - Availability of public gardens/open playgrounds
 - Availability of public transport facilities like Auto, Taxis & Buses Availability of food through ration shops
 - Hospitals and other medical facilities
 - Appropriate schools and colleges
 - Power Supply
 - Water Supply
 - Water Logging during rainy season
 - Pollution problems
 - Instances of Crime
 - Law & Order situation
 - Cleanliness & Sanitation facilities
- Awareness & Accessibility of the Municipal Councillor
- Perception of corruption for Municipal Councillor
- Broad overall measures like overall satisfaction with Municipal Councillor & improvement in quality of life because of Municipal Councillor.

c. Illustration of Scorecard for an Municipal Councillor :

Below is an illustration of scorecard for a Municipal Councillor which will help us to understand the scoring pattern:

Sr. No	Parameters	Broad groupings Scores	Scores	Max. Score
1	Recall for party name to which the Municipal Councillor belongs	Awareness & Accessibility	77	100
2	Recall for Name of the Municipal Councillor	Awareness & Accessibility	77	100
3	Accessibility of the Municipal Councillor	Awareness & Accessibility	69	100
4	Satisfaction with the Municipal Councillor	Broad overall measures	59	100
5	Improvement in Lifestyle	Broad overall measures	69	100
6	Corruption	Corruption Index	72	100
7	Power Supply	Impression of people - Level 3	67	100
8	Instances of Crime	Impression of people - Level 3	57	100
9	Law & Order situation	Impression of people - Level 3	61	100
10	Availability of food through ration shops	Impression of people - Level 1	61	100
11	Pollution problems	Impression of people - Level 1	56	100
12	Hospitals and other medical facilities	Impression of people - Level 2	67	100
13	Appropriate schools and colleges	Impression of people - Level 2	68	100
14	Condition of Roads	Impression of people - Level 1	58	100
15	Traffic jams & Congestion of roads	Impression of people - Level 1	57	100
16	Availability of public gardens/open playgrounds	Impression of people - Level 1	62	100
17	Availability of public transport facilities like Auto, Taxis & Buses	Impression of people - Level 1	59	100
18	Water Supply	Impression of people - Level 1	62	100
19	Water Logging during rainy season	Impression of people - Level 1	56	100
20	Cleanliness & Sanitation facilities	Impression of people - Level 1	59	100

- Scores of Netted Variables

Sr.No.	Netted Variables	Weightage Assigned	Scores	Max. Score
1	Awareness & Accessibility	4	74	100
2	Broad overall measures	7	64	100
3	Corruption Index	6	72	100
4	Impression of people - Level 1	7	59	100
5	Impression of people - Level 2	5	68	100
6	Impression of people - Level 3	1	62	100

- weighted Final Scores

Perceived performance score of the Municipal Councillor = $((4*74)+(7*64)+(6*72)+(7*59)+(5*68)+(1*62))/100 = 19.9$ out of 30

This score was further added with the performance on hard parameters and a composite score for each Municipal Councillor was derived.

d. weighting the data:

When conducting a survey, it is common to compare the figures obtained in a sample with universe or population values. These values may come from the same survey from a different time period or from other sources.

In this case, we compared the age & gender compositions achieved in our survey with the similar compositions in IRS study (Indian Readership Survey). In the process, minor deviations for demographics were corrected.

Hence, weighting not only helped us to remove the demographic skews from our sample data but also ensured that the representation of demography was correct.

5. Parameters for Negative Marking

Negative marking for new FIR cases registered

If there has been a new FIR registered against the elected representative after his election then this happens to be a matter of concern; and hence out of the marks earned by the representative, five marks would be deducted.

Do note that in the process of allocating marks does not take into account number of new criminal FIR cases, but simply takes into account even a single occurrence for allocating marks based on the severity of the crime.

Negative marking for Charge Sheet registered

A charge sheet signifies prima facie evidence in the case. This is again a serious concern for moral probity of the representative. Hence out of the

marks earned by the representative, five marks would be deducted.

Do note that in the process of allocating marks does not take into account number of criminal charge sheets, but simply takes into account even a single occurrence for allocating marks based on the severity of the crime.

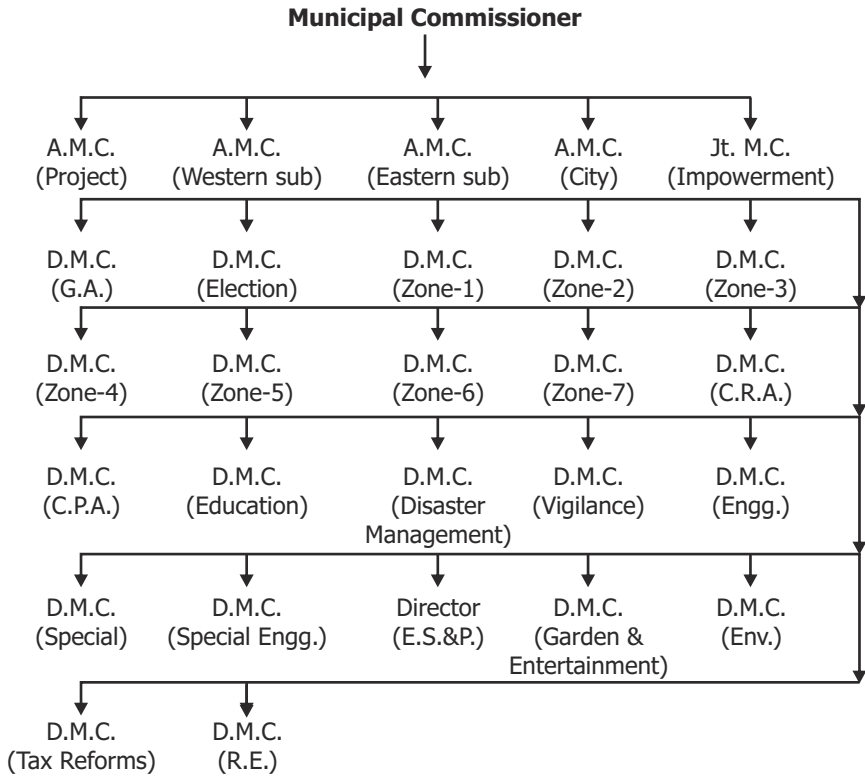
Negative marking for no annual pro-active disclosures by the elected representatives of Assets and liabilities and Criminal record

As per the election commission norms the candidate standing for elections have to file an affidavit detailing amongst other things, their own asset and liabilities and criminal records. The candidate who gets elected later, does not share this information with his constituency or the election commission until and unless he/she stands for re-election or for a new election on different seat or post. However given the need of the time, we feel that it is necessary that the elected representatives proactively make their assets and liabilities (income status) and criminal records available to their constituencies at the end of every financial year when they are representing. This can be done through Newspapers or other Public Medias or through their own Websites or through Praja Website. This will bring larger transparency.

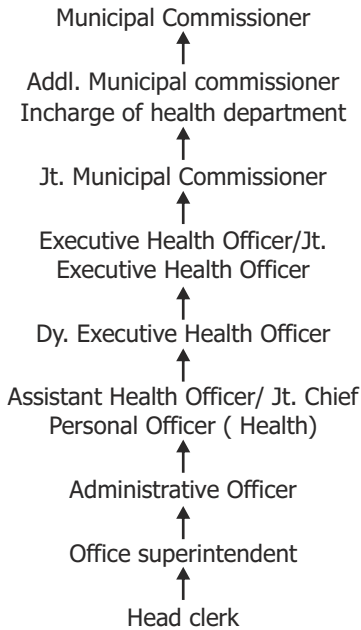
Section IV- Suggested Readings and Bibliography.

- www.praja.org
- CPR (Corporation procidure regulation) , praja white paper, Newsletter
- Municipal Corporation of Greater Mumbai and Ward Administration- David Anthony Pinto & Marina Rita Pinto.

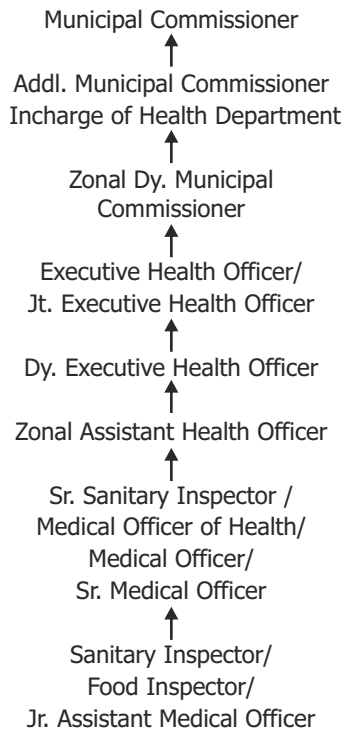
MCGM Administrative setup



Head Quarter level



Ward level



Education Administrative Setup

