

Explainer: What are the roles and responsibilities of councillors in Mumbai?

BMC ELECTIONS 2022



Municipal Councillors are elected to oversee issues of public interest

Municipal councillors in Mumbai are elected officials for a city's municipal corporation. They play a critical role in the development and functioning of the city as the primary facilitator between citizens and the state government.

What does a councillor do within their constituency?

Councillors in Mumbai execute various developmental procedures in their constituency through the Rs 1.5 crore per annum of local area development fund granted to their local ward by the Brihanmumbai Mumbai Corporation (BMC). A further **Rs 60 lakhs** of discretionary funds are allocated to every councillor to be spent on their constituency for work they deem as important in public interest.

Section 50 TT of the Mumbai Municipal Corporation Act, 1888 says that councillors, through ward committees, can make recommendations on issues like water supply, solid waste management, sewage disposal, drainage, stormwater management, sanitation and development schemes, maintenance of parks and recommend appropriate budget allocation. But, they do more than these.

A councillor can take up a local issue and demand action at the local ward committee or the corporation level. They can do this through a notice of motion at the corporation level or raise a specific local issue through a point of order. In case civic officials fail to act on a councillor's complaint or fail to resolve public grievances, the councillor has the power to demand an explanation and action from the administrative wing of the BMC by moving an adjournment motion or a simplicitor, where the meeting is adjourned without any discussion.

What do councillors do at the city level?

The role of councillors is cited as part of the obligatory and discretionary functions of the BMC as mentioned in Section 61 of the MMC Act, 1888. These include functions like planning social and economic development of the city, registration of births and deaths, protection of the environment and ecology, preventing the spread of dangerous diseases, maintaining fire brigade to protect life and property from fire, maintenance of public markets and slaughterhouses, regulations of places for disposal of dead bodies, etc.

They also oversee the functioning of the BMC and frame public policies and decide budgetary allocations through various BMC committees. The BMC has special statutory committees apart from consultative committees to decide and approve finances on areas of education, health, improvement, women and child welfare, tree committee, etc. Councillors also decide on key financial issues in the BMC through the Standing Committee, which decides on financial works **above Rs 50 lakhs**.



Councillors are required to oversee the development of their constituencies through budgetary allocation and the functioning of the BMC

The Standing Committee of the BMC has powers to invite tenders, alter contracts and withdraw funds from the BMC account, which are later ratified in the Corporation meeting, attended by all councillors, held monthly to decide on civic issues.

Councillors also decide on issues of Mumbai's public transport service and electric supply through the Brihanmumbai Electricity Supply and Transport undertaking

(BEST) committee. However, it is through the 17 local ward committees, operating in the 24 local municipal wards, that councillors participate in local issues of their particular constituency. Councillors can get works sanctioned in their local wards up to Rs 5 lakhs from their local ward committees, beyond which the works have to be sent to the municipal corporation for approval.

After councillors are elected, the BMC organises workshops from the All India Institute of Local Self-Government for them to understand their roles, as well as those of the BMC. The workshops are also conducted by some political parties, but the onus is entirely on the councillors to learn on the field, according to Asif Zakaria, a three-time Congress councillor from Bandra and twice nominated on the BMC's standing committee. He adds that the role of the councillor is more critical in the development of an area than that of a local member of legislative assembly (MLA) or member of Parliament (MP) because they are the first point of contact between the public and the State and engage with decisions that affect the daily life of citizens.

Challenges with the system

Since Mumbaikars are slowly becoming more socially active, the role of the councillor in the development of the city is changing. "While it is good to have citizen involvement in civic issues, they often fail to understand the gaps within the system. They expect too much from their councillors, failing to understand that certain provisions cannot be implemented," says Zakaria.

"Councillors have limited powers since their decisions can be overruled by the state government. We have urban local bodies and not urban local governance in Mumbai," says Milind Mhaske, director of Praja Foundation, an NGO working towards accountable governance by raising civic awareness among citizens and the polity.

"Even in a city like Mumbai, the councillors do not have powers to pass the laws that govern them. Frameworks like the Development Plan are conceived at the state government level with the illusion that councillors have been incorporated," explains Nitai Mehta, managing trustee of Praja. The 74th amendment of the Indian Constitution led to the decentralisation of powers to the urban local body and formation of ward committees in Mumbai, but failed to clarify their roles in the development of the city, he says. Nitai alleges that states have deliberately avoided passing on powers to their democratic foot soldiers.

While the framework of governance in Mumbai, as envisioned by the British over a century ago, may have evolved and continues to stay relevant, political observers like Godfrey Pimenta of Watchdog Foundation feel that the quality of the elected representative leaves much to be desired. He finds that political leaders at the top echelons of parties generally tend to usurp credit for work done by councillors and a few constituencies tend to corner chunks of developmental projects. The councillors themselves tend to indulge in unnecessary community outreach like Haldi kumkum (a popular festival for local politicians to connect with the public) or sports tournaments instead of raising critical issues of the city, like the quality of roads and water, owing to which the quality of development in Mumbai suffers. Pimenta also complains that much of the discretionary funds for councillors are spent only in areas within their constituencies where their party base is strong.

So, what is the way out?

Godfrey Pimenta suggests that local citizens should be allowed to be participative stakeholders in deciding local budgetary allocations and governance issues on the lines of a functional Area Sabhas, a citizen's body chaired by councillors at the polling booth level.

Nitai Mehta suggests that elected councillors should be allowed to frame legislation to be truly democratic at the grassroots level. He adds that councillors need to be empowered with knowledge about their responsibilities to stand their ground before IAS officers who manage the administrative wing of the BMC.

Link: <https://mumbai.citizenmatters.in/explainer-roles-and-responsibilities-of-councillors-in-mumbai-30189>