

CHAPTER VI DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES AND OFFICERS

Obligatory and Discretionary Duties of the Corporation

**Matters to be
provided for by the
Corporation**

63. Matters to be provided for by the Corporation.

¹[(1)] It shall be incumbent on the Corporation to make reasonable and adequate provision, by any means or measures which it is lawfully competent to it to use or to take, for each of the following matters, namely :-

- (1) erection of substantial boundary marks of such description and in such position as shall be approved by the ²[State] Government defining the limits or any alteration in the limits of the City;
- (2) the watering, scavenging and cleansing of all public streets and places in the city and the removal of all sweepings therefrom;
- (3) the collection, removal, treatment and disposal of sewage, offensive matter and rubbish and, if so required by the ³[State] Government, the preparation of compost manure from such sewage, offensive matter and rubbish; ⁴[and solid waste management]
- (4) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, water-closets, urinals and similar conveniences;
- (5) the entertainment of a fire-brigade equipped with suitable appliances for the extinction of fires and the protection of life and property against fire;
- (6) the construction or acquisition and maintenance of public hospitals and dispensaries including hospitals for the isolation and treatment of persons suffering or suspected to be infected with a contagious or infectious disease and carrying out other measures necessary for public medical relief;
- (7) the lighting of public streets, municipal markets and public buildings vested in the Corporation;
- (8) the maintenance of a municipal office and of all public monuments and open spaces and other property vesting in the Corporation;
- (9) the naming or numbering of streets and of public places vesting in the Corporation and the numbering of premises;
- (10) the regulation and abatement of offensive and dangerous trades or practices:
- (11) the maintenance, change and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies;
- (12) the construction or acquisition and maintenance of public markets and slaughter houses ⁵[and tanneries] and the regulation of all markets and slaughter houses: ⁶[and tanneries]

¹ Section 63 was renumbered as sub-section (1) of that section by Guj. 1 of 1979. s. 9.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ Same as 2.

⁴ This word added by Guj. 16 of 1993 s. 14 (1).

⁵ This word was added by Guj. 16 of 1993 s. 14 (2)

⁶ Same as 5.

- (13) the construction or acquisition and maintenance of cattle-pounds;
⁷[and prevention of cruelty to animal]
- (14) public vaccination in accordance with the provisions of the Bombay District Vaccination Act, 1892; (Bom. I of 1892).
- (15) maintaining, aiding and suitably accommodating schools for primary education.
- (16) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;
- (17) the registration of births and deaths;
- (18) the construction, maintenance, alteration and improvement of public streets, bridges, sub-ways, culverts, cause-ways and the like;
- (19) the removal of obstructions and projections in or upon streets, bridges and other public places;
- (20) the management and maintenance of all municipal water works and the construction or acquisition of new works necessary for a sufficient supply of water for public and private purposes;
- (21) preventing and checking the spread of dangerous diseases;
- (22) the securing or removal of dangerous buildings and places;
- (23) the construction and maintenance of residential quarters for the municipal conservancy staff; ⁸[(23A) The preparation of plans for economic development and social justice;
- (23B) The performance of functions and the implementation of schemes that may be entrusted by the State Government]
- (24) fulfilment of any obligation imposed by or under this Act or any other law for the time being in force;
- (25) subject to adequate provision being made for the matters specified above, the provision of relief to destitute persons in the City in times of famine and scarcity and the establishment and maintenance of relief works in such times.

⁹[(2) It shall also be incumbent on the Corporation to make, in its budget for every official year, provision for making expenditure to the extent of such amount, not exceeding ten per cent. of its income for such year other than the income from the proceeds of the Transport Undertaking and any other specified items of income as the State Government may, from time to time, determine and notify in the Official Gazette, for the purpose of providing basic facilities, like water supply, drainage, sanitation, street lights, medical aid, slum clearance and such other matters in areas predominantly populated by members of Scheduled Castes, Scheduled Tribes and other socially and economically backward class of people, and if the expenditure so provided for is not fully incurred in the official year for which it is provided, the balance shall be carried forward in the budget of the next succeeding year.

Explanation,- In this sub-section, "specified items" means such items as the State Government may, in relation to any Corporation, by order, specify for the purpose of this sub-section.]

⁷This words was added by Guj. 16 of 1993 s. 14 (3)

⁸ Clauses (23A) (23B) inserted by Guj. 16 of 1993 s. 14 (4).

⁹ Sub-section (2) was added by Guj. I of 1979, s. 9.

Corporation to provide for anti-rabic treatment**64. Corporation to provide for anti-rabic treatment.**

The Corporation shall make payments at such rates and subject to such conditions as the ¹⁰[State] Government from time to time by general or special order prescribes, for the maintenance and treatment in any institution which the ¹¹[State] Government declares by notification in the Official Gazette to be suitable for the purpose either within or without the City and for other necessary expenses of persons undergoing-rabic treatment as indigent persons according to the rules applicable to such institutions:

Provided that the Corporation shall not be liable under this section for the maintenance, treatment and other expenses of any person undergoing anti-rabic treatment as an indigent person in any such institution as aforesaid, unless such person immediately previous to his admission thereto has been resident in the City for at least one year and has proceeded to such institution from the City.

Corporation to provide for maintenance of lunatics and lepers**65. Corporation to provide for maintenance of lunatics & lepers.**

(1) The Corporation shall make payments at such rates for each person as the ¹²[State] Government from time to time by general or special order prescribes for the maintenance and treatment at any asylum, hospital or house, within or without the City. which the ¹³[State] Government declares by notification in the Official Gazette to be suitable for the purpose of pauper lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898. [V of 1898] is in force and of lepers resident within, or under any enactment for the time being in force removed from the City :

Provided that the Corporation shall not be liable under this section for the maintenance and treatment of any lunatic or leper in any such asylum, hospital or house as aforesaid. unless such lunatic or leper immediately previous to his admission thereto has been resident in the City for at least one year :

Provided further that the rates prescribed by the ¹⁴[State] Government under this section shall not exceed half the total cost of maintenance and treatment incurred for each person on account of the lunatics for whose maintenance and treatment the Corporation shall be liable under this section :

Provided also that where an application is made to Court under section 88 of the Indian Lunacy Act, 1912, (IV of 1912) no order for the payment of the cost of maintenance of the lunatic by the Corporation shall be made without an opportunity being given to the Corporation to show that the lunatic is not pauper and has an estate applicable to his maintenance or that there is a person legally bound and having the means to maintain him.

(2) The Officer in charge of an asylum, hospital or house to which lunatics or lepers for whose maintenance and treatment the Corporation is liable under this section are admitted shall maintain a

¹⁰ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹¹ Same as 10.

¹² Same as 10.

¹³ Same as 10.

¹⁴ Same as 10.

Matters which may be provided for by Corporation at its discretion

clear account of the cost of maintenance and treatment incurred on account of such persons detained in the asylum, hospital or house and shall furnish a copy thereof to the Corporation.

66. Matters which may be provided for by Corporation at its discretion.

The Corporation may, in its discretion, provided from time to time, either wholly or partly, for all or any of the following matters, namely

- (1) the organisation, maintenance or management of institutions within or without the City for the care of persons who are infirm, sick or incurable, or for the care and training of blind, deaf, mute or otherwise disabled persons or of handicapped children;
- (2) the organisation, maintenance or management of maternity and infant welfare houses or centres;
- (3) the provision of milk to expectant or nursing mothers or infants or school children;
- (4) the organisation, maintenance or management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs, for the detection of diseases or for researches connected with public health;
- (5) swimming pools, public wash houses, bathing places and other institutions designed for the improvement of public health;
- (6) dairies or farms within or without the City for the supply, distribution and processing of milk or milk products for the benefit of the residents of the City;
- (7) the construction and maintenance in public streets or places of drinking fountains for human beings and water-troughs for animals;
- ¹⁵(8) urban forestry, protection of the environment and promotion of ecological aspects.
- (8A) Promotion of cultural, education and esthetical aspects.
- (8B) Urban Planning including town planning and regulation of land use]
- (9) the provision of music for the people;
- (10) the provision of public parks, gardens, play-grounds and recreation grounds;
- (11) the holding of exhibitions, athletics or games;
- (12) the regulation of lodging houses, camping grounds and rest houses in the City;
- (13) the maintenance of an ambulance service;
- (14) the construction, establishment and maintenance of theatres, resthouses and other public buildings;
- (15) the organization or maintenance, in times of scarcity, of shops or stalls for the sale of necessaries of life;
- (16) the building or purchase and maintenance of dwellings for municipal officers and servants;

¹⁵ Clause (8), (8A), (8B) was substituted for the clause (8) by Guj. 16 of 1993 s. 15

- (17) the grant of loans for building purposes to municipal servants ¹⁶[*] on such terms and subject to such conditions as may be prescribed by the Corporation;
- (18) any other measures for the welfare of municipal servants or any class of them;
- (19) the purchase of any undertaking for the supply of electric energy or gas or the starting or subsidising of any such undertaking which may be in the general interests of the public ;
- (20) the construction, purchase, organization maintenance or management of light railways, tramways, trackless trams, or motor transport facilities for the conveyance of the public or goods within or without the City;
- (21) the furtherance of educational objects other than those mentioned in clause (15) of section 63 and making grants to educational institutions within or without the City;
- (22) the establishment and maintenance or the aiding of libraries, museums and art galleries, botanical or zoological collections and the purchase of construction of buildings therefor;
- (23) the construction or maintenance of infirmaries or hospitals for animals;
- (24) the destruction of birds or animals causing a nuisance, or of vermin, and the confinement or destruction of stray or ownerless dogs;
- (25) contributions towards any public fund raised for the relief of human suffering within the City or for the public welfare;
- (26). the preparation or presentation of addresses to persons of distinction;
- (27) the registration of marriages;
- (28) the granting of rewards for information which may tend to secure the correct registration of vital statistics;
- (29) paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary magistrate or any portion of such charges;
- (30) the acquisition and maintenance of grazing grounds and the establishment and maintenance of a breeding stud;
- (31) establishing and maintaining a farm or factory for the disposal of sewage;
- (32) supplying, constructing and maintaining, in accordance with the general system approved by the Corporation, receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains under the control of the Corporation.
- (33) granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, by-laws, regulations or standing orders;
- (34) laying out whether in areas previously built upon or not, new public streets, and acquiring land for that purpose and land required for the construction of buildings or curtileges thereof to abut on such

¹⁶ The words "drawing a monthly salary of not mere than four hundred rupees" were deleted by Guj. 1 of 1979, s. 10.

street or streets;

(35) the building or purchase and maintenance of suitable dwellings for the poor and working classes, or the grant of loans or other facilities to any person, society or institution interested in the provision of such dwellings;

(36) the provision of shelter to destitute or homeless persons and any form of poor relief.

(37) the building or purchase and maintenance of sanitary stables, or byres for horses, ponies or cattle used in hackney carriages or carts or for milchkine;

(38) surveys of buildings or lands;

(39) measures to meet any calamity affecting the public in the City;

(40) making contributions to the funds of the Local Self-Government Institute, Bombay;

(41) with the previous sanction of the ¹⁷[State] Government, the making of a contribution towards any public ceremony or entertainment in the City;

(42) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

Respective functions of the several Municipal Authorities

67. Function of the several municipal authorities.

Function of the several municipal authorities

(1) The respective functions of the several municipal authorities shall be such as are specifically prescribed by or under this Act.

(2) Except as otherwise expressly provided in this Act, the municipal Government of the City vests in the Corporation.

(3) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the Corporation or the Standing Committee and subject also to all other restrictions, limitations and conditions imposed by this Act or by any other law for the time being in force, the entire executive power for the purpose of carrying out the provisions of this Act and of any other Act for the time being in force which imposes any duty or confers any power on the Corporation vests in the Commissioner, who shall also-

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act or by any other law for the time being in force;

(b) .prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the Municipal Secretary and the Municipal Chief Auditor and the municipal officers and servants immediately subordinate to them, and subject to the regulations, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances;

(c) in any emergency take such immediate action for the service or safety of the public or the protection of the property of the Corporation as the emergency shall appear to him to justify or to require notwithstanding that such action cannot be taken under this Act without the sanction, approval or authority of some other

¹⁷ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

municipal authority or of the ¹⁸[State] Government:

Provided that the Commissioner shall report forthwith to the Standing Committee and to the Corporation the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a current budget grant under the provisions of this Act;

(d) perform the duties and exercise the powers imposed or conferred upon the Transport Manager by this Act in his absence or on failure by him to perform or exercise the same.

(4) Subject, whenever expressly so directed in this Act, to the approval of the Corporation or the Transport Committee and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of Chapter XX vests in the Transport Manager who shall also-

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act and perform such other duties in connection with the Transport Undertaking as may be required of him by the Transport Committee;

(b) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, all municipal officers and servants appointed under Chapter XX and, subject to the regulations, dispose of all questions, relating to the service of the said officers and servants and their pay, privileges and allowances;

(c) in an emergency take such immediate action for the protection of human life or of the property of the Corporation or for the maintenance of the service provided to the public by the Transport Undertaking as the emergency shall appear to him to justify or require, reporting forthwith to the Transport Committee, when he has done so. the action he has taken and his reason for taking the same and the amount of cost, if any, incurred, or likely to be incurred in consequence of such action, which is not covered by a budget-grant under the provisions of this Act.

Commissioner to exercise powers and perform duties of Corporation under other laws

68. Commissioner to exercise powers and perform duties of Corporation under other laws.

(1) Any powers, duties and functions conferred or imposed upon or vested in the Corporation by any other law for the time being in force shall, subject to the provisions of such law and to such restrictions, limitations and conditions as the Corporation may impose, be exercised, performed or discharged by the Commissioner.

(2) The Commissioner may with the approval of the Standing Committee by order in writing empower any municipal officer to exercise, perform or discharge any such power, duty or function under the control of the Commissioner, and subject to his revision, and to such conditions and limitation, if any, as he shall think fit to prescribe.

Municipal officers may be empowered to exercise certain of the powers, etc. of the Commissioner or the Transport Manager

69. Municipal officers may be empowered to exercise certain of the powers, etc. of the Commissioner or the Transport Manager.

(1) Subject to the provisions of sub-sections (2) and (3) any of the

¹⁸ This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.

powers, duties or functions ¹⁹[including powers, duties or functions of a judicial or a Quasijudicial nature], conferred or imposed upon or vested in the Commissioner or the Transport Manager by or under any of the provisions of the Act may be exercised, performed or discharged, under the control of the Commissioner or the Transport Manager as the case may be and subject to his revision and to such conditions and limitations, if any, as may be prescribed by rules, or as he shall think fit to prescribe in a manner not inconsistent with the provisions of this Act or rules, by any municipal officer whom the Commissioner or the Transport Manager generally or specially empowers by order in writing in this behalf; and to the extent to which any municipal officer is so empowered, the word "Commissioner" and the words "Transport Manager" occurring in any provision in this Act, shall be deemed to include such officer:

²⁰[Provided that nothing in this sub-section shall be deemed to empower-

- (i) the Commissioner or the Transport Manager to exercise control over, or
- (ii) the State Government, the Corporation, the Commissioner or the Transport Manager to prescribe any conditions or limitations in regard to, the exercise, performance or discharge of powers, duties or functions of a judicial or Quasi-judicial nature, by a municipal officer under this sub-section.]

(2) The Commissioner shall not, except with the prior approval of the Standing Committee make an order under sub-section (1) affecting his powers, duties or functions under any of the following sections, sub-sections and clauses, namely :-

10 (1) (h). 12 (1), 18 (1), 26 (2), 43 (2), 43 (4), 43 (5), 51 (2), 67(3)(b), 67(3) (c), 67 (3)(d), 71 (2). 73, 77, 78 (1), 85, 86, 87, 90, 92 (2), 94, 95, 121, 122, 125. 126. 130 (1) (b), 131(1), 134, 137, 144, 152, 154, 160, 174, 176, 177, 188, 195, 196, 197, 201,205, 207. 208, 209, 210, 212,213, 214, 216, 220, 224, 232, 243, 268, 269, 270, 272 (2), 273, 274, 275 (1), 277, 278, 281, 298, 300, 301, 303, 304, 305. 310, 317. 319, 321, 322, 323, 324.325, 328, 329, 330, 331, 332, 363,364, 371(2), 373, 386 (2), 439 (3), 439 (4), 441,442,445, 466, 481 except clause (a) of sub-section (1).

(3) The Transport Manager shall not, except with the prior approval of the Transport Committee, make an order under sub-section (1) affecting his powers, duties or functions under any of the following provisions, namely :-

43 (5), 67 (4) (b), 67(4)(c), 71 (2), 73, 97, 344, 346, 348, 354, 355, 356, 358, 362, 481 except clause (a) of sub-section (1).

Corporation may call for extracts from proceedings, etc. from the Standing Committee, etc.

70. Corporation may call for extracts from proceedings, etc. from the Standing Committee, etc.

The Corporation may at any time call for any extract from any proceedings of any committee or sub-committee constituted under this Act, and for any return, statement, account or report concerning or

¹⁹ These words were and were deemed always to have been inserted by Guj. 5 of 1970. s. 5 (1).

²⁰ This proviso was mid was deemed always to have been added, *ibid.*, s. 5 2.

Corporation may require Commissioner to produce documents and furnish returns, reports, etc.

connected with any matter with which any such Committee or sub-committee is empowered by or under this Act to deal; and every such requisition shall be complied with by the Committee or sub-committee, as the case may be, without unreasonable delay

71. Corporation may require Commissioner to produce documents and furnish returns, reports, etc.

(1) The Corporation may at any time require the Commissioner-

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him;

(b) to furnish any return, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal Government of the City;

(c) to furnish a report by himself or to obtain from any officer subordinate to him and furnish, with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal Government of the City.

(2) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition :

Provided that if, on such requisition as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the Corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the Corporation after he shall have declared as aforesaid.

(3) If at such meeting, or any meeting subsequent thereto, the Corporation shall repeat the requisition, and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the Corporation to elect one councillor who with the Mayor and the Chairman of the Standing Committee or, if the Mayor is also Chairman of the Standing Committee, with the Mayor and one member of its own body elected by the Standing Committee shall form a committee who shall engage to keep secret, save as herein after provided, the existence and purport of such documents and matters as may be disclosed to them; and to whom the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him, and embraced within the requisition.

(4) The said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part, and which part, if any, of such matters ought to be disclosed to the Corporation or kept secret for a defined time. Such decision of the committee shall be conclusive and shall be reported to the Corporation at the next ordinary meeting thereof, where also the Commissioner shall be

bound to produce documents and to make any report or statement requisite to give effect to the decision of the committee when called on to do so by the Corporation.

(5) In their application to matters relating to the Transport Undertaking the provisions of sub-section (1) to (4) shall have effect as if for the word "Commissioner" the words "Transport Manager" and for the words "Standing Committee" the words "Transport Committee" had been substituted.

Exercise of powers to be subject to sanction by Corporation of the necessary expenditure

72. Exercise of powers to be subject to sanction by Corporation of the necessary expenditure.

The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act which will involve expenditure shall, except in any case specified in sub-section (2) of section 86 or in sub-section (2) of section 355, be subject to the conditions that-

- (a) such expenditure, so far as it is to be incurred in the official year in which such powers exercised or duty performed, is provided for under a current budget- grant; and
- (b) if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said official year, the sanction of the Corporation is taken before liability for such expenditure is incurred.