

BRIHANMUMBAI MUNICIPAL CORPORATION

ODFN/ 3757 M. DL 24/03/2025

Sub : MHADA's encroachment into BMC's Civil Authorities/
Responsibilities.

Mumbai is one of "Biggest Metropolitan city in the world" and the Economical capital of India also homes to the more than 20 million people. To make the life of the people a pleasant experience various civic bodies has been constituted by Government and Brihanmumbai Municipal Corporation being oldest and biggest Working efficiently for more than 150 years.

The obligatory duties & discretionary duties of Brihanmumbai Municipal Corporation have been specified in Sections 61 & 63 of Mumbai Municipal Corporation act 1888. These duties involve:-

- 1) The construction, maintenance and cleansing of drains and drainage works, and of public latrines, urinals and similar conveniences.
- 2) Supply of water for public and private purposes.
- 3) Establishing and maintaining public hospitals and dispensaries.
- 4) The construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeways.
- 5) Slum improvement and upgradation.
- 6) The establishment, aiding or maintaining libraries, museums, art galleries, botanical or zoological collections.
- 7) The laying out or the maintenance of public parks, gardens or recreation grounds.

In the city of Mumbai along with BMC other Civic bodies such MHADA, MMRDA, BPT, CPWD, MSRDC etc are also task with providing basic civic amenities & infrastructure to citizens in their notified area as per the prevailing Government Guidelines.

However, Slum Improvement Board wing of MHADA executes a similar nature of work as executed by BMC through MLA, MLC & MP funds but without following DPL as mentioned in section 108 of MHADA Act - 1976 i.e. (1) "Where a Board upon report of any of its officers or other information in its possession is satisfied that any area is or may be a source of danger to the health, safety or convenience of the public of the area or of its neighbourhood, by reason of such area having inadequate or no basic amenities, or being insanitary, squalid, overcrowded or otherwise, and where the Board decides to carry out any improvement works in such area, it shall cause such area to be defined in a map, and then it shall by an order published in the Official Gazette, declare such area to be a slum improvement area and its intention to carry out such improvement works as in its opinion are necessary and are specified in such order. A copy of such declaration shall be displayed in conspicuous places in such area, and shall also be served upon the owner, occupier and mortgagee, if any, of the property or any part thereof

(2) Any person aggrieved by a declaration made under sub-section (1) may, within thirty days of the date such declaration in the Official Gazette appeal to the Tribunal.

(3) On an appeal, the Tribunal may make an order either confirming, modifying, or rescinding the declaration; and the decision of the Tribunal shall be final.

The above Process is not followed by MHADA, this result in administrative overlaps inefficiencies, duplication of work and sometimes inconvenience to citizens due to lack of uniformity, continuity and quality of work.

Following, are some of the types of works that are being executed by MHADA which have resulted in inconvenience to Citizens as well as BMC.

A) Open Sheds And Public Open Libraries:

At many places within the limit of BMC, the work of open shed and Open libraries are executed the Slum improvement board at many places these open Sheds are constructed on the footpath and public Streets which are in contravention to the

Pedestrian's Footpath Policy of BMC published vide Chk/114/Roads & traffic dated 26-05-2023 leaving very small space for pedestrians to walk on footpath forcing them to walk on carriageway hence endangering pedestrians life

B) Beautification Work:

Beautification works of a traffic island, the open spaces below bridges, Walls etc being carried out by MHADA. It is mentioned here that while carrying out a beautification of the island the IRC guidelines are overlooked which results in affecting the visibility of drivers also at many places the works are carried out without obtaining the NOC From the Mumbai Commission for Art, Music & Culture (MCAMC) which is mandatory for beautification work.

C) Storm Water Drain Work:

At some places the work of Construction of the Storm water drain are executed by the MHADA, however these works are carried out without obtaining the remarks of SWD planning cell resulting in insufficient Cross-section of drain which causes flooding in area during monsoon, also these SWDs are Connected to existing SWD Network of BMC without any approval which is in Contravention of action 227,228 229 of MMC act.

D) Construction & Maintenance Work Of Community Toilet Block:

The work of Construction of New toilet Block as well as the maintenance work of the Community toilet Block has been carried out by MHADA in the Slums, these works are being carried out without obtaining NOCs from land owner as well as BMC which sometimes results in litigation where BMC human resources are unnecessarily utilized. The sewer lines of these toilets are connected to Municipal drain without remarks of SP(P&D) dept. which is in contravention to section 227,228 229 of MMC act also this sometimes result in overflow of sewer resulting in unhygienic condition in vicinity endangering life of citizens residing thereby after construction the maintenance of these community toilet blocks (CTB) is usually not carried out by MHADA. Further DO letter

from Hon'ble MC to Vice Chairman & CEO of MHADA in which it is mentioned that before handing over toilet to BMC structural audit has to be carried and repair suggest in the structural audit report is to be carriedout. But in actual this process is not followed by MHADA. If this toilet will be handover to BMC without following above process then huge amount of BMC fund is unnecessarily utilized by BMC on these toilets. Further Lots of Complaint of these toilets blocks are received to BMC.

E) Road Work carriedout by MHADA:

The work of road repair & reconstruction of road at some places is taken up by MHADA without any remarks of road planning dept. and upgradation required for SWD line is not carriedout in the same work which result flooding in that surrounding area, due to accumulation of water, washing out of top layer of road crust taken place.

F) Construction of Arch Gates:

At some localities, the construction of arch gates are undertaken by MHADA entrance gates are not permitted on public streets as per BMC Guidelines published vide MGC/F/7865/dt.13/10/2025, also there gates constructed by MHADA in some cases obstruct the movement of Fire brigade or other emergency vehicles which may turn out to be fatal in some cases.

In view of above, it can be concluded that many times hardship are faced by BMC for the work executed by MHADA, also BMC is unaware about defect liability period of work executed by the MHADA. The possibility of duplication of work cannot be ruled. Hence, it is inevitable that there shall be uniformity in the policies of executing and similar type of work and it can be only achieved, if works are executed by one agency. As the things get complicated when two bodies with a different set of policies indulge in the same kind of work. Also, the primary work of MHADA is providing affordable housing to the society. List of NOCs given by BMC to MHADA are enclosed herewith however it is mentioned here that many of these works are executed without obtaining NOCs or work is being carried out in Contravention to the NOC given of which complaints are being

received by BMC. Also various other complaints received regarding MHADA work is attached at page no. C/27 to C/133.

Recommendations:

- 1) The work of basics civic amenities and duties of BMC specified in section of 61 & 63 shall only be executed through BMC.
- 2) Works which are proposed by Hon'ble MP, MLA, MLC, fund required to carry out those shall be transferred to respective ward. Same procedure which is used for the transferring the DPDC fund shall be followed.
- 3) No NOC shall be issued to MHADA Authority to the propose work which are going to affect pedestrian movement, Traffic movement & vehicular movement in Municipal Limit. In any case, NOC issued to MHADA any work proper DPL should be followed as per Provision given in MHADA Act -1976.

Submitted for approval please.


25.03.25
A.C. F/S Ward


24/3/25
A.C. F/N Ward


24/3/25
A.C. G/S Ward


24/3/25
A.C. G/N Ward

DMC (2-H)
Sir,



उप-आयुक्त (परिमंडल-२)

AMC (City)
Madam,

Hon'ble M.C.
Sir,

महोदय नाधिकारणाकडून वारेवार नियमबद्ध पद्धतीने महापालिका उद्याने, पथ थोवर सुशोभीकरणाच्या नावाखाली कामे केली जातात. हे टाळेबासी आमच्या असल्यास त्यानुसार, जिहा नियोजन समित्यानी कळविता येईल, आदेशार्थ सादर.

अथायसक्ति.
DMC (2-H)
20/3/25
A.C. (City)
AMC (City)

20/3/25