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Enhancing public participation through effective functioning of Area Sabhas

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List of Abbreviations

ABIDE	Agenda for Bengaluru Infrastructure and Development Task Force
AGNI	Action for Good Governance and Networking In India
ALMs	Advanced Locality management Groups
AMC	Ahmedabad Municipal Corporation
BBMP	Bruhat Bengaluru Mahanagara Palike
CBO	Community Based Organizations
CDS	Community Development Society
CMAK	City Managers' Association of Karnataka
CMC	City Municipal Councils
CPL	Community Participation Law
JAAG	Joint Area Action Group
JNNURM	Jawaharlal Nehru National Urban Renewal Mission
JUSCO	Jamshedpur Utilities and Services Company Limited
KMC Rules	Karnataka Municipal Corporations (Ward Committee)Rules
MCC	Mysore City Corporation
MCGM	Municipal Corporation of Greater Mumbai
MoUD	Ministry of Urban Development
NHGs	Neighbourhood Groups
NGOs	Non Government Organizations
NIUA	National Institute of Urban Affairs
RWAs	Resident Welfare Associations
SMC	Siliguri Municipal Corporation
ULBs	Urban Local Bodies
UNHABITAT	United Nations Human Settlements Programme

Executive Summary

TERI has been selected as a Centre for Excellence for Urban Development by the Ministry of Urban Development, Government of India. One of the areas where TERI worked under the ambit of the COE was enhancing citizen participation through area sabhas.

Through this , TERI brings out some of the issues involved in setting up of area sabhas in the states and suggests ways to establish area sabhas and enhance citizen participation in local governance.

Objective

Examining impediments in constitution of area sabhas and recommend suggestions for making them functional and effective .

Methodology

A detailed review of Ward Committees System (as a present arrangement for citizen participation) was carried out. One of the conditionality under the JNNURM scheme is that the states should enact Community Participation Law (CPL) .The Ministry of Urban Development has prepared the Model Nagar Raj Bill to guide states in enacting CPL or make necessary amendments in their Municipal Acts to enable citizen participation as desired under the mandate of CPL. The Model Nagar Raj Bill and the primer for Community Participation was reviewed and analysed to understand the proposed arrangement for community participation. Information was sought from the Ministry of Urban Development on the status of enactment of CPL by states under JNNURM.

3 cities, namely Ahmedabad, Mysore and Bengaluru were selected after consultation with MoUD for detailed case studies and field visit. Subsequently, TERI team visited these cities to understand their system for citizen participation, achievements, impediments and challenges on ground. A wide group of stakeholders were consulted in these cities and issues that emerged were collated and analysed.

Recommendations were made to enhance citizen participation , revamp the ward committee system and to establish area sabhas.

Review

The literature review comprised of a review of the status of 74th Amendment Act as regards setting up of ward committees; the provisions of the Nagar Raj Bill, detailed case studies on ward committee system adopted in Kerala, Mumbai and West Bengal; and the CPL. The main points that have emerged through these reviews are :

- Not all the states have the enabling state legislation for constitution of the ward committees.
- Not all the cities in states having the legislation, have ward committees
- Wherever the ward committees are functioning, they are not delegated proper functions and finances.
- The 74th Constitution Amendment Act empowers the states not only to set up the ward committees but also to decide on the powers, functions and finances to be delegated to them. This gives the states a freedom to draft their own legislation and rules and thus the present situation of the functioning of the ward committees varies across states and even cities
- Few examples exist where ward committee system has been reasonably successful and where citizen participation in decision making has been achieved to some extent. Overall review shows that, the intent of the 74th Constitution Amendment Act has not fully materialised and translated by various states in its true spirit.
- 12 states have enacted Community Participation Law and have constituted ward committees under JNNURM reforms. However, detailed information on the proper functioning of the ward committees is not available except for few states. None of the states have established Area Sabhas as yet.
- It was also observed that even though some of the states have enacted CPL and made changes in their respective Municipal Acts of the states, the provisions included in these Acts for Community Participation not necessarily confirm to the provisions prescribed in the Model Nagar Raj Bill, and do not confirm to the larger objective of involving citizens in municipal functions.

City Visits

To further understand the situation on ground, TERI visited Ahmedabad, Mysore and Bangaluru. The objective of these city visits was to understand the mechanism in place for citizen participation, with a view to draw lessons from their

experiences and challenges faced, and suggests a framework for further decentralization to sub ward levels.

It was found that Ahmedabad had no wards committee, but had 3 elected ward councillors per ward. Bengaluru used to have wards committee earlier. However, no elections have been held since last 3 years and the draft community participation Bill to enable citizen participation was under review by the State Government. Mysore follows a system of citizen committee, which was studied by TERI in detail.

Besides understanding the systems in place the team interacted extensively with the local NGOs, government officials and other stakeholders to understand their views on enabling a system for citizen engagement and participation. A lot of issues were raised by the stakeholders who were consulted during the city visits.

The stakeholders' opined that enhancing community participation in decision-making process needs strong political will. Stakeholders in Bengaluru informed that earlier about 100 wards were divided into 30 ranges monitored by revenue authorities. The RWAs were allowed to attend the meetings of the wards. Grievance redressal melas were organized to bring officials and citizens together. They reiterated the need for such regular interactions between the government officials and the citizens.

Stakeholders in Gujarat challenged the criteria of constitution of areas on the basis of polling booths and elections on the grounds that holding elections at sub wards level might need a lot of resources and time devoted to these activities. Also, it was opined that community participation needs to be an apolitical process and there is little need to associate area sabhas to electoral processes. As an alternative, it was suggested that, at sub ward level, groups of eminent and informed citizens could be invited to take part in decision-making.

Some of the stakeholders thought that decentralization does not necessarily mean that each citizen be involved in decision-making process. In addition, NGO's or political representative need not necessary be the means through which citizens can raise their concerns on civic matters. It was suggested that the members of the ward committees or area sabhas should be nominated and not elected.

The overall suggestions made by different stakeholders for effective functioning of ward committees and area sabhas are as follows;

- There should be one ward committee per ward to make local governance truly proximate and representative and to increase the ratio of wards committee: population.
- Enough staff and infrastructure should be provided at the ward level to help the ward committees to function effectively.
- A Charter of activities and responsibilities of the ward committees and the area sabhas should be prepared.
- There is a need for capacity building right up to the lowest level
- Primary health and education should become a function of the ward committees assisted by area sabhas.

TERI's Recommendations

Major recommendations made by TERI are summarised below:

1. TERI recommends that as a first step, all states should implement CPL and establish ward committees in all the cities and towns having population 1 lakh and above. At a later stage, the ward committees could be established in smaller cities as well. The Central Ministry should play a key role in pushing rigorously the states to implement CPL. A time frame should be established in all the states by which the constitution of 'ward committees' and 'area sabhas' is carried out.
2. TERI recommends that once ward committees are established and made functional, area sabhas should be constituted. Polling booth system (with a population ranging from 1500-2000 people at an average) as proposed in the Nagar Raj Bill would be a uniform and practical unit for constituting areas.
3. It was observed that an apolitical system involving mostly voluntary association of citizens would not be sustainable. Election is the only way of seeking representation in a democracy like that of India. TERI therefore recommends that an 'Area Representative' should be elected from each polling booth as stipulated in the Nagar Raj Bill.
4. The 'Area Representatives' from all the areas will become members to the ward committee of that ward.

5. Each ward will have a ward committee. The ward committee will have elected corporators, and the area representatives as members.
6. The city could identify eminent person from each ward who can become member to the ward committee without voting rights
7. Ideally, the 18 functions to be delegated to the municipal bodies under the 74th Constitution Amendment Act, should also be given to ward committees and area sahas. However, considering the fact that not all 18 functions have been devolved to municipal bodies in many states, a certain set of core functions would instead be uniformly assigned to all the municipal bodies and the ward committees and area sabhas. TERI's recent study on "An exploration of sustainability in the provision of basic urban services" suggests that a core set of functions as prescribed in the Chapter 6, section 47(1) of Model Municipal Law be delegated to the municipal bodies. The municipal bodies should be left to decide on its capacity to carry out these functions in absence of which the function could be assigned to a parastatal. The parastatal should then be made accountable to municipal corporation and not the state, as is the practice now. The core functions recommended to be delegated *en masse* to all the Municipal bodies are;
 - Water supply
 - Drainage and Sewerage
 - Solid waste Management
 - Preparation for Plans for economic development and social justice
 - Communication systems (such as construction and maintenance of roads)
 - Transport System accessories (Streetlights, parking areas)
 - Community health and protection of environment
 - Markets and Slaughterhouse
 - Promotion of educational, sports and cultural activities
 - Aesthetic Environment

Besides this, TERI's report also suggests delegating city planning as one of the core functions. The division of work amongst the Municipal Corporation, ward committee and the area sabha should be as per the activity mapping prescribed under the Model Nagar Raj Bill. It should be ensured that the role of ward

committees and area sabhas are not merely supervisory as has been done by many states at present.

8. The ward committees must be given financial powers and should have a say in the approval of municipal budget. Section 16(d) of the Model Nagar Raj Bill entails setting up of ward finance committee which would prepare ward budgets and maintain ward level bank accounts. It also specifies that the Ward Finance Committee would present the ward accounts before the ward committee.
9. To ascertain proper and effective functioning of ward committees, an office establishment should be provided/created at ward committee level and all meetings be held here. Citizen complaint redressal centres and information centres should be based here to assist one time solution to all queries/requirement of the citizens. Since the citizen will visit these centres frequently, for billing, complaint registration etc, they could be made abreast of the working of their wards, the ward budget, the development plans for the ward. They could be allowed to attend meetings of ward committees or to meet their area representatives in these offices. Besides this, procedures should be established for periodic meetings of all the population of the area with the Area Representatives for feedback and communication for various development issues.
10. At the later stages of establishing the area sabha system, E- portals can be established for general public on the lines of IT enabled consumer grievance system. The portal will be a virtual platform for citizens' involvement.
11. In order to support the implementation of the Act, detailed guidelines could be prepared by the Ministry. The guidelines would involve the details about the operational aspects of area sabhas and ward committees for example, functions, finances, elections, frequency of meetings, etc
12. Orientation programs may be designed and implemented to help establish the overall system at all the stages mentioned; second, training of each level officers and members to help them coordinate easily and understand their duties and responsibilities in a better way.

India's urban population is increasing at a fast rate. The 2001 Census of India recorded that 27.8% of the total population of 1.027 billion in India lived in 5161 towns. Out of these 35 cities were the million plus cities. It is estimated that population living in urban areas would rise to about 611 million (41 % of total population) by the year 2030 (United Nations 2008). Considering the growth of population in the urban centers, there is a strong need for improved governance in the cities in India. To achieve this and to ensure sustainable development of urban areas, institutional strengthening to the lowest levels of governance and strengthening of civil society to ensure participatory governance is imperative.

The global campaign for good urban governance (UNHABITAT, 2000) identifies civic engagement and citizenship as one of the critical norms of good urban governance. This could be achieved through the following operational steps defined by the campaign;

1. Promoting democracy through free and fair municipal elections and participatory decision making processes.
2. Enabling the civil society to participate effectively through mechanisms like development councils and neighbourhood advisory committees.
3. Promoting civic sense of responsibility through mechanisms like city watch groups;
4. Promoting mechanisms like meetings, citizens' forums, public hearing and surveys, city consultations, participatory strategy development and many more.
5. Undertaking city referenda concerning urban development options and strategies

In India, in recent years, there has been a steady rise in the number of local and international non-governmental organizations working in the various domains of urban development and governance, such as poverty, environment, citizen participation and corruption. The very existence of these organizations has created awareness for transparency and accountability on the part of government and calls for more participatory type of governance where citizens do not have a passive role but are actively involved in decision making process.

But to achieve this, urban local bodies and the citizens should be brought together more closely. Urban India at present lacks the bottom up approach which ensures proximity between the citizens and the urban local governance. If decentralization is to

be achieved in its true sense, it should be decentralization of funds, functions and functionaries essentially accompanied by accountability towards citizens (Ramanathan, 2007). The transformation of representative democracy to participatory democracy is possible only when a relatively closer proximity of local government with the citizens is established. This calls for an arrangement that give a formal opportunity to the citizens to participate in the local governance.

The Constitution 74th Amendment Act (1992) in its section 243 S provides for setting up of ward committees to ensure citizen participation in decision making and to bring the governance and the citizens together.

The 73rd and 74th Constitution Amendment Acts, in 1992, provided constitutional mandate for decentralization of governance and creating units of local self-government at the rural and urban settlements levels. There have been several successes emerging out of rural decentralization with Panchayati Raj Institutions, but this kind of achievement is greatly lacking in urban decentralization. However, implementing rural decentralization had its own difficulties and challenges. At some places the effective functioning was marred by vested interests and socio-cultural dominance yet the institutional arrangement has managed, as desired, to trickle down to the lowest levels in the gram sabhas with every registered voter being the member. In the words of Ramesh Ramanathan *“The idea that every registered voter is a member of a gram sabha and should participate in decision making through this vehicle is one that at least has sanction, if not much track record”*.

However, similar provision of setting of ward committees in urban areas could not take off barring a few states. In most of the states in India, the urban centres not only lack citizen participation, but have not been successful in providing them a legitimate platform to engage in decision making process. The ward committees, wherever established, have the representation ratio between the citizen and their elected representatives almost ten times larger when compared to their rural counterparts. This is in addition to lacunae like debatable nomination processes, limited citizen representation and unclear and sometimes even vague mandates.

This report is an outcome of TERI’s study on ‘enhancing citizen participation through establishing area sabhas’.The report deals with the issue of citizen participation through 3 sections.

Section 1 is a review of the Constitution 74th Amendment Act (1992) and the status of ward committees that were established

as an outcome to the Law. This section presents a documentation of available information on the same. It also reviews the Community Participation Law(CPL) mandated under the JNNURM and provisions thereof to enhance citizen participation by bringing it down to sub ward level which is an 'area'. The status of implementation of CPL has been discussed. A review of Model Nagar Raj Bill has been conducted. The section discusses the impediments in setting up and proper functioning of the ward committees. The section further, puts forth the observations on the Nagar Raj Bill

Section II deals with TERI's visits to selected cities and details of the consultations held therein on the system adopted by these cities for citizen involvement. The section describes various views that have emerged through these stakeholder discussions, which includes views from the State Government, the Municipal Bodies, local NGOs etc. The section brings out the issues involved in setting up area sabhas and in implementation of the CPL. Further it brings out stakeholders aspirations for citizen involvement and TERI's observation on the desired model for citizen participation.

Section III deals with TERI's recommendations on desired model for citizen participation in urban areas.

SECTION - I
REVIEW

Decentralization through the Constitution 74th Amendment Act- provision for Ward Committees

The provisions

The Constitution 74th Amendment Act (1992) has granted a constitutional status to the municipal bodies. The provisions specified in the Act include constitution of three types of municipalities; namely the Municipal corporations, the Municipal Councils and Nagar Panchayats. The Constitution Amendment provides for greater devolution of functional responsibilities and financial powers to the municipal bodies ensures greater participation of weaker sections and women. More importantly the Act provides for fair, free and regular elections within the municipal bodies for its representatives, constitution of ward committees to ensure greater citizen participation in the decision making, and constitution of district planning committees, metropolitan planning committees and State Finance Commission.

The Act has provided a broad structure for decentralization of urban governance with a view to create this active link between the citizens and the governance and supposed to be the first serious attempt to ensure a democratic municipal government through constitutional provisions. The provision for constitution of ward committees is an important step towards achieving citizens' participation in governance at the lowest level. As per the Act, every city with a population of more than 3 lakhs should constitute ward committees consisting of one or more wards. The ward committees are expected to address local problems by participating in the planning, financial and administrative functions having a direct bearing on the related wards. The Act prescribes that the State legislature, by law, make provisions for the composition and the territorial area of a ward committee and the manner for filling the seats of the committee. If the ward committee consists of one ward then the ward councillor becomes the ward committee chairman, whereas if the number of wards in a ward committee is more than one the councillors elect a chairperson from amongst themselves. Ward committees also have seats reserved for women (1/3 rd) and schedule tribe and schedule caste. The states decide about the fiscal resources and the tasks to be delegated to the ward committees. The Act also allows for nominated members with experience in municipal administration, representatives from NGOs and citizen group etc in the ward committee. The nominated candidates have no voting power.

However, despite the clarity and details that the 74th Constitution Amendment Act provides about the constitution of the ward committees, the states have either not constituted the ward committees as yet or have interpreted the provisions differently.

Status of constitution and functioning of ward committees in various states in India

The 74th Amendment Act empowers the states not only to set up the ward committees but also to decide on the powers, functions and finances to be delegated to them. This gives the states a freedom to draft their own legislation and rules and so the situation regarding the ward committees varies across states and even cities. Studies reveal that ward committees at Kerala and West Bengal have been established and suitably empowered.

The following section gives a review of the existing situation of ward committees in some of the states:

Constitution of ward committees

As per the section 243S of the 74th Amendment Act, it is mandatory for the legislature of the State to make provision by law for constituting ward committees in all metropolitan areas having population of three lakhs or more. However,

- Not all the states have the enabling state legislation for constitution of the ward committees.
- Not all the cities in states having the legislation, have ward committees
- Wherever the ward committees are functioning, they are not delegated proper functions and finances

Available information on some of the states, suggests that only 19 states including the Union Territory of Chandigarh have enacted the enabling legislation for constituting the ward committees on the lines of the 74th Constitution Amendment Act (Sivaramakrishnan, 2006). Under JNNURM reforms the states are required to enact the Community Participation Law (CPL), and constitute ward committees and area sabhas as per the Act. As per information received from MoUD (December 2009 status), only 12 states have enacted Community Participation Law and have constituted ward committees. The rest of the states have committees to but have not yet constituted ward committees. Detailed information on the proper functioning of the ward committees is not available except for few states.

Proximity between citizens and government

The proximity between citizens and government is neglected even in those states where wards committees are established. The average population covered per wards committee varies with states and even cities within same state. For example, in Maharashtra where the ward committees- have been established only in the year 2000, 16 ward committees have been constituted out of 227 electoral wards. The average population covered under each ward is as large as 7.5 lakhs (Environment and Urbanization, 2008). Similar case is in Delhi where there are 12 ward committees and each caters to a population of about 8 lakhs people on an average (Baud and Wit, 2009). Another available example is Chennai where pre-existing administrative zonal offices were converted in to ward committees .Each ward committee represents a population of 4.2 lakhs at an average. Here about 155 municipal wards are grouped into 10 wards committees. Similar situation exists in other cities like Pune, Navi Mumbai and Pimpri- Chinchwad where ward committees have been grouped widening the distance between citizen and Government (Ramanathan Ramesh,2006) .

Functions and financial powers

The 74th Amendment Act provides a list of 18 municipal functions that may be delegated to the urban local bodies. Not all states have delegated all 18 functions to the local bodies. The functions delegated to the local bodies vary from State to State. In the Act, the composition and functions of the ward committees have been left to the state legislatures to decide. Hence, limited functions have been delegated to ward committees wherever they have been constituted. In most of the cases the ward committees are largely advisory bodies with no or limited financial powers. For example; West Bengal, Madhya Pradesh, Maharashtra and Kerala are the states that have conferred financial powers to the ward committees. In other states though, they are advisory bodies with no financial powers (WIT et al, 2009).

Composition

In the absence of any set rule or a standard, the composition of ward committees across the states varies considerably. The number of elected members and nominated members differs and method of nomination and nominating authority is different for different states. Andhra Pradesh, Greater Mumbai, Tamil Nadu, Delhi and Haryana have only elected councillors as the members of the ward committees. In other states, the ward committees have members nominated either by the State, or by the Mayor, Municipal Commissioner or the elected representatives.

Typically, most of the states, for example, Madhya Pradesh and West Bengal, have members who are residents of the ward/wards falling under the purview of the ward committee in question. The other nominated members are usually those having knowledge and experience in Municipal administration. On the basis of available information however, it is clear that present system of elected and nominated members have not been able to provide proper representation of all class of citizens. This is because of the fact that the people nominated by the State Government do not usually belong to poor class, elderly, or women.

Most of the times, the vested interest play a foremost role in selection and nomination of the members of the ward committees, defeating the basic premise of the institution to have a representation from all, especially, weaker sections and the women folk(Sivaramakrisnan,2006).

Detailed Case Reviews to study Implementation and functioning of ward committees

There is little documentation available on ward committees. On the basis of available information, 3 states have been studied in detail to understand the functioning of ward committees .These are Mumbai, Kerala, and West Bengal. Mumbai was selected to understand the situation in a mega city where each ward's population is quite large. Kerala and west Bengal are considered as good examples and hence studied in detail to understand how they have constituted the ward committees and what makes them unique.

Ward Committees in Mumbai

Mumbai is divided into 227 wards, each headed by a councillor who is an elected representative. These wards are known as electoral wards. The 227 wards are grouped together into 24 administrative wards clubbing 8 to 20 electoral wards at an average. The 24 administrative wards are further clubbed into 16 ward committees.

Composition

The ward committees have elected councillors representing the electoral wards within the territorial area of the wards committee, and ward officers along with 3 NGO/ CBO nominated members. Currently these seats are largely occupied by nominees from political parties (Nainan and Baud, 2009).

Powers and Functions

The main functions assigned to the ward committees are;

1. Redress grievance of citizens with respect to services like water supply, drainage, sanitation and storm water disposal
2. consider estimates of expenditure pertaining to the wards under different heads of account of the budget
3. Grant administrative approval and financial sanction for municipal works up to Rs 5 lakhs each, depending on the provision of the same in the budget sanctioned by the corporation.

The meetings of the ward committees are held once in a month, presided by the chairperson who is elected by the members of the ward committee.

Councillors in the ward committees have a dual role, they are not only responsible for the ward committee they belong to, but are also considered part of the municipal corporation. The dichotomy of the arrangement lies in the fact that the councillors of a ward committee collectively have access to only 5 Lakhs of rupees which they can spend on the development work, whereas, individually, in the capacity of the member of the municipal corporation they have control over Rs 2 million. The ward councillors have an upper hand on the ward officers who is a government official of the rank of an assistant commissioner.

Studies (Baud and Nainan, 2008; Baud and Wit eds., 2009) show that the limited powers and functions endowed to the ward committees have left them in a situation where they have become instruments for political power game. The ward committees are thus known to function on the lines of the political party's agenda. For the larger development works in the ward area, the ward committees have an advisory role only. Besides this the nominated members have little say in the committee's affairs as they have no financial or voting rights. Members are known to have very little attendance in the ward committee meetings; there is as such no provision in the law for any disciplinary action against such practices.

Besides this, instead of strengthening the structure and working of wards committee within the city of Mumbai, the government is supporting greater role of the voluntary activities. There are several citizens' initiatives that have links with the Municipal Corporation of Greater Mumbai (MCGM). For example the NGO 'Pratham' works for the municipal school systems and have presence in almost all the slum communities of the city. The NGO partners with corporate, voluntary actors and government. Advanced Locality Management Groups (ALMs) are well known entities in the city. It is a partnership of citizens and the MCGM and works for creating infrastructure and

awareness particularly in the area of solid waste management. The Action for Good Governance and Networking in India (AGNI) through its basic unit Joint Area Action Group (JAAG), helps build interaction between citizens administration and elected representatives in each of the wards. 'Bombay First' an initiative to make the city better works in partnership of the government, business and the civil society. The Bombay First-Mckinsey Report entitled "Vision Mumbai: Transforming Mumbai into a World Class City, has suggested an eight point programme for the development of the city. The State Government is working in direct partnership with the corporate sector on the city up gradation programme as suggested in the report.

Kerala

The Government of Kerala enacted the Kerala Municipality Act, 1994, which was made applicable to municipal councils, municipal corporations and town panchayats. Subsequent amendments in the act in 1995, 1996, 1999 and 2000, changed the Act into its present form.

The Kerala Municipality Act 1999 prescribes constitution of ward committee for every municipality having population equal to or above 1 lakh. The ward committee shall be constituted for each ward. For smaller municipalities the constitution of ward sabhas in line with the gram sabhas has been prescribed. The ward committees started functioning in the year 2001.

Composition

1. Councillor of the ward shall be the chairperson
2. 15 persons to be elected from the RWAs falling and registered under that ward.
3. 20 members to be elected from the neighbourhood groups falling and registered under that municipality
4. 1 person each nominated by every political party having representation in the municipality
5. heads of all recognised educational institutes falling under that ward
6. 20 persons nominated by the chairperson and the councillor of the ward of whom 10 shall represent cultural organization, voluntary organizations, educational institutions and industrial- commercial establishments belonging to the ward; 5 shall be professionals like agriculturists, industrialist, Doctor, Engineers etc; 5 members from the registered trade union

Ward Convention

Held once every year, this convention is the meeting of the voters called by the councillor representing a ward in any municipality having a population of more than 1 lakh.

Powers and Functions

1. Help in the collection and consolidation of details necessary for the formulation of development schemes for the municipality
2. Formulate proposals on development schemes for the municipal area and determining priority
3. Prepare the final list for beneficiaries for various schemes
4. Provide and mobilise voluntary service and assistance for social welfare programs
5. Prepare the order of priority for development works like provision of street lights, water taps etc.
6. Formulate literacy programmes
7. Identify the lapses in building regulation and implementing spatial planning
8. Assist in the public health centres.
9. The ward meetings would discuss the budget and plan outlays; and discuss the audit reports coming for the consideration of the ward committee.
10. The frequency of the meetings would be once in 3 months
11. The secretary and the heads of departments of the services under the municipality shall attend the meeting of the ward committee.

By far Kerala is considered one of the two successful examples of setting up and functioning of ward committees in Indian states, the other one being West Bengal. What is unique in Kerala System of ward committees is the way proximity with citizens has been enhanced through setting up of ward committees for population above 1 lakhs, unlike the figure of 3 lakhs what 74th Amendment Act prescribes. Also the constitution of ward sabhas in smaller municipalities ensures that decentralisation is realised in its true sense.

However, Sivaramakrisnan (2006) in his study reveal that Kerala Municipalities Act 1994 does not specify criteria for the membership of women in the ward committee. The study reveals that although half of the total population comprises of women there is only 22 % representation from women.

The study reveals an amount of 10 lacs is supposed to be allocated to the ward committees to carry out the functions delegated to them. The income and expenditure of the ward committees also differ across municipal bodies within the state. The meetings of the committee are open to citizens to attend.

West Bengal

West Bengal is one of the few states where ward committees have been established and working since last decade. The West Bengal Amendment Act 1993, which was amended in 1994, provide for constitution of ward committee in each municipal ward. The amended West Bengal Municipal (Ward Committee) Rules 2003, entrusts some very important functions to the ward committees.

Composition

In West Bengal, the number of nominated members depends upon the population of the ward. A ward committee has 4 nominated members up to a population of 2500, after which 1 member is added to every 500 population. The maximum number of nominated members should not in any case exceed 17 and should not be less than 7 as per the amendment in the West Bengal Municipal (Ward Committee) Rules 2003.

The 2003 amendment makes provision for the representation from the poor in the ward committees. All ward committees having nominated members up to 9, would have at least 2 people from the community development society(CDS) .In case of absence of any CDS member in any of the ward the women member of any BPL family is nominated .

The councillor and the local body have the sole authority to nominate the members. The amendment of 2003 proposes that after a ward committee has been constituted the councillor should place the name of the members of the committee in the first general meeting of the citizens of the ward and call for objections or suggestions.

Power and Functions

The wards have been assigned 4 categories of functions:

1. *Supervisory*-Detection of any violations like tax evasion, encroachment, unlicensed activities etc
2. *Financial*- generating resources within the wards by using public land for commercial purposes, using water bodies for pisciculture, running municipal transport system, construction of market places, shops and buildings for commercial usage (Rule 15 states that 15 to 60 % of the amount so generated would be used for the development of the ward from where it has generated.
3. *Planning*- ward committees are required to prepare a list of schemes for development within the wards and identify priority areas. These schemes could be short term schemes for one year and longer term schemes for 5 years.

4. *Execution of development projects*-implementation of development functions with the help of beneficiary committees constituted with citizens from the area.

Sivaramakrisnan (2006), in his study reveals that in reality the ward committees have not been entrusted with any power and authority to generate resources. The committees are not entrusted with the responsibility of implementation and hence no funds are allocated to them. The municipalities allocate funds to the ward committees for holding meetings.

However, the interaction of the ward committee members with the youth clubs, women organization etc shows that the institution is involving citizens' views for development of their respective wards.

Learning from Case Studies

The States of West Bengal and Kerala and the city of Mumbai have established that the provisions as prescribed in the 74th Constitution Amendment Act can be achieved and done, though at varying degrees. Here is a discussion on what makes these states distinct in their approach towards setting up of the ward committees.

Mumbai is a large city and conducts election for all 227 wards. The citizen-government proximity is however, reduced because the wards are clubbed to form ward committees. The ward committees have been delegated with limited functions and have become a seat for political power play. The two States of Kerala and West Bengal on the other hand, have formulated very specific and elaborate laws for the ward committee that gives clarity about the role of these institutions in the local governance. Kerala has enhanced the proximity between citizens and the local government setting up the ward committees in every municipality having population more than 1 lakh, as against the 74th Constitution Amendment Act(1992) that prescribes constitution of ward committees in municipalities having population more than 3 lakhs. For smaller municipalities the Kerala Municipality Act 1999 prescribes setting up of ward sabhas. The ward committees are set up for each ward. West Bengal also prescribes setting up of ward committee in each ward. Besides this, in order to further decentralize the ward committee system and to make the system more representative, some of the municipal corporation in West Bengal like, Siliguri, has formed subcommittees under the ward committees. Box below give details for the same.

BOX: Sub Committee System in Municipal Corporation of Siliguri (West Bengal)

Siliguri Municipal Corporation (SMC) has 47 wards and ward committees have been constituted for each of them. SMC has also established sub-committees within the ward committees. One of the ward committee members is made the convener of the sub-committee but other members are drawn from the general population of the ward. For example, in ward 47 of SMC, the ward committee has been divided into seven subcommittees for construction, conservancy, health, Sports, culture, electricity and water. Each sub committee has 6-10 members. The sub committees look after the day to day problems regarding the concern functions in the ward and supervise developmental works. In other wards where the slum population is more, beneficiary committees have been formed to represent beneficiaries of different poverty alleviation schemes and also to supervise and implement these schemes.

The two examples have been therefore pioneers in establishing the ward committee system through various additional measures, which were introduced apart from those prescribed in the constitutional amendment act. The two states have gone ahead from the other states in the sense that they chose to allow more proximity between citizens and the government, they ensured proper representation from all walks of life by including women, teachers, people from community development society(CDS), labour class, business persons etc and delegated important functions and necessary funds to let the ward committees perform better.

Enhanced Citizen Participation- Setting up Area Sabhas through Community Participation Law

Few examples exist where ward committee system has been reasonably successful and where citizen participation in decision making has been achieved to some extent. Overall review shows that, the intent of the 74th Constitution Amendment Act has not fully materialised and translated by various states in its true spirit.

Better government-citizen proximity and systems needs to be developed where proper representation of the citizens be it representation from women, poor, people from academia, businesspersons, and members of the civil society are involved equally. Citizen participation as a system is a two way process. It requires that citizens be aware of the need for them to participate as well as be allowed to participate actively in the decision making process. Citizen participation is also not a one time process but is an ingoing long term relationship between the local authorities and the citizens where the two entities join hands in development of their respective wards/areas.

The need was realised under the JNNURM scheme and a Community Participation Law was made mandatory to be enacted in the states which involves constitution of Area Sabhas enabling further decentralization below the Ward Committees to bridge the gap between the government and citizens, and foster citizens' participation in decision making. The law has been made mandatory in order for the states to avail funding under JNNURM.

The Community Participation Law

The Community Participation Law, also termed as the 'Nagar Raj Bill', is an elaborate law that prescribes the structure, powers and functions of the Area Sabha as well as prescribes the constitution and governance of the ward committees. As per the law, the hierarchy of representation after municipal body would be ward committees followed by area sabhas. Thus area sabha would be the lowest unit in the hierarchy.

The salient features of the area sabhas as per the Nagar Raj Bill have been presented hereunder;

1. The area for constituting an area sabha would be the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory or if the government decide two or more polling booths (not exceeding five), are ordinary resident [(part II,3(b)].
2. Each Area Sabha would be governed by an Area Representative. Any registered voter in an area is eligible to file his/her nomination for the office of the area sabha representative [(part II, 5(1)].
3. The election to the office of area sabha would be conducted by State Election Commission.
4. The area sabha representative of any area shall be a member of the ward committee of his own ward(part III,11).
5. The area sabha representatives would constitute not less than 2/3rd of the total members of the ward committees [(part III,12(2)].
6. The number of area sabha would equal the number of members within a ward committee. The larger the municipality, the greater the number of wards and greater representation from the area sabhas, thus ensuring improved participation.

Status of Enactment of the CPL and Issues involved

According to the Ministry of Urban Development (MoUD,2009), so far, 12 states have enacted community participation law. The rest have committed to enact the law in due course of time. The states that have enacted the CPL are

Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Kerala, Madhya Pradesh, Maharashtra, Rajasthan, Tripura, Uttar Pradesh, West Bengal.

The Technical Advisory Group (TAG) of JNNURM under the Ministry of Urban Development (MoUD) analyses implementation of CPL in various states under JNNURM. The group has analysed the Acts enacted by various states in conformity to the CPL. Some of the Acts/ordinances and guidelines, prepared or enacted by various states reviewed by TAG are;

1. The Rajasthan Municipalities Bill,
2. The Haryana Municipal Citizens' Participation Bill,2008;
3. The Assam Nagar Raj Act,2007;
4. Draft Guidelines for Enactment of Community Participation Law of The Government of Orissa;
5. Draft Notification of The Government of Gujarat issued under the Bombay Provincial Municipal Corporation Act;
6. Madhya Pradesh Nagar Palika Mohalla Committee Rules 2008;
7. Ordinance of the Government of Andhra Pradesh to further amend the Hyderabad Municipal Corporations Act,1955 and the Andhra Pradesh Municipalities Act 1965

It was found that the Acts and Ordinances prepared by states are not in complete conformity with the JNNURM guidelines in general and the Nagar Raj Bill in particular. Most of the states that were reviewed do not confirm to Nagar Raj Bill on the following grounds;

1. Nagar Raj Bill recognises an 'area sabha' to be a body of all the persons registered in the electoral rolls pertaining to every polling booth in the area, in a municipality and prescribes that any registered voter in an area may file for his nomination for the office of area sabha representative .However, some States like Andhra Pradesh empowers the RWAs and CBOs to choose area sabha representatives and recognises 'area sabhas' to be a body of representatives from residents welfare associations(RWAs) and community based organizations(CBOs).These provisions as in the Andhra Pradesh Ordinance defeat the basic mandate of CPL since representations thus obtained do not represent popular opinion or interests.
2. Similarly, some of the States like Gujarat and Orissa have no provision for constituting area sabhas. In addition to this, Gujarat Draft restricts functions of ward committee to merely advisory functions.

3. The Constitution of ward committees as prescribed in the Nagar Raj Bill prescribes that at least two-third (majority) of the members should be the area representatives. Some of the State Acts reviewed fail to have such a provision.
4. The Nagar Raj Bill prescribes for election of the area representatives. Some States like Haryana Municipal Citizens' Participation Bill, 2008 vide section (6) prescribes for nominated area representatives, which again is the violation of the provision and mandate of the Nagar Raj Bill.
5. Some of the states reviewed have deviated from their commitment made under the JNNURM MoA to establish three tiers.

It is observed, therefore, that even though some of the states have enacted CPL and made changes in their respective Municipal Acts of the states, the provisions included in these Acts for Community Participation not necessarily confirm to the provisions prescribed in the Nagar Raj Bill, and do not confirm to the larger objective of involving citizens in municipal functions.

Little information is available on the performance of the area sabhas or even constitution of the area sabhas in these states. Similar interventions in other states are also not documented, leaving a void in terms of knowledge of status of implementation and the challenges faced.

It was understood from the reviews made that some ground work/case studies are necessary to understand the issues and complexities involved and faced by the state and the Local Government in implementing the Community Participation Law(CPL) and accepting the provisions of the Model Nagar Raj Bill. It was also realised that having discussions with NGOs would also help understand the issues involved with ensuring citizen participation.

Three cities were selected for the same after consultation with the Ministry of Urban Development, which were Ahmedabad in Gujarat; Bengaluru and Mysore in Karnataka.

SECTION II

CASE STUDIES

Ahmedabad, Bengaluru and Mysore cities

Case Studies

There has been a considerable debate on the constitution and functioning of ward committees or the lack of it. In spite of clear mandate provided by the Constitution 74th Amendment Act, the progress in setting up of ward committees has been slow. Notwithstanding the poor situation of setting up of ward committees in Indian cities, the JNNURM stipulation of enacting the Community Participation Law (CPL) and the constitution of area sabhas to further decentralization to sub-ward levels as one of the mandatory reforms has also not made any significant headway.

Several issues emerge while operationalizing citizen participation in urban governance decision-making system. The foremost being that of getting a system in place that is easy to implement, acceptable to politico- bureaucratic set up of Indian cities, and able to involve citizen's aspirations to participate in decision-making.

3 cities were selected in consultation with Ministry of Urban development to understand the mechanism at place for citizen participation, with a view to draw from their experiences and challenges faced, and suggest a common framework to further decentralization to sub ward levels. A team of research professionals from TERI visited Ahmedabad, Bengaluru and Mysore. Besides understanding the systems at place the team interacted extensively with the local NGOs, government officials and other stakeholders to understand their views on enabling a system for citizen engagement and participation. List of people met during these visits are given in Annexure 1.

The following section describes the system followed in these cities in detail and our learning from each.

Ahmedabad Municipal Corporation

The Municipal Corporation of Ahmedabad follows the Bombay Municipal Act, 1949 and as per the Act wards are constituted within the municipal area. At present there are 43 wards. Each ward has 3 elected councillors out of which one vacancy is reserved for women candidate. Each voter has to cast 03 votes in each ward and the three toppers (One woman and two men) are declared elected. Of these three votes, voter gives his preference separately for women candidates and the topper woman candidate is declared elected.

As per the Government Gazette each ward has a ward office with an Assistant City Engineer designated as the ward officer. Elections are held every five years. The entire Ahmedabad

Municipal Corporation has been divided into 6 zones and budget allocation is done zone wise. Each ward councillor has been allocated a budget of Rs 15 Lakhs for development work in his/her ward.

The municipal general board is the policy making political body, comprising of the Mayor and all the councillors. Below this is the standing committee comprising of both political members and members from the administration including the Municipal Commissioner. The standing committee has advisory role only and no financial powers.

The members of the Standing Committee are the councillors who have been selected by the General Board of the Municipal Corporation. At AMC the Standing Committee comprises of 12 members. As a protocol at AMC the representation of these councillors is done on pro rata basis. e.g. in a general board of 129 councillors, for every 10 councillors of a party one councillor is selected to be a member of the Standing Committee by the general board. The board at present has 96 councillors from BJP and remaining from Congress. Hence the Standing Committee has 9 members including Chairman from BJP and remaining 3 members from Congress

The ward councillor moves a proposal for any development work required within his ward. The Municipal Commissioner then takes this up for implementation and is required to apprise the Standing Committee about the action taken within 3 months time.

The next level comprises of 15 sub committees, also known as the special committees which are functional committees like committee on health, education, water etc. Each committee has 12 members out of which 9 are from ruling party and 3 from opposition party

The general body meets on a monthly basis .The standing committee meets every week and the sub committees have their meeting every 15 days. The agenda comprises of all the proposals submitted by the Commissioner with regard to sanctioning of tenders of above Rs. 5 lakhs.

As per the information received from MoUD, the Community Participation Law has been enacted in Gujarat. However, no area sabhas have been formed, and the municipal authorities, satisfied with their present system of 3 councillors per ward (and no ward committee), seemingly have no such intention to constitute area sabhas. Ahmedabad Municipal Corporation opines that the 3 elected councillors (representatives) in each ward provide adequate representation of people's interest.

Further AMC stated that the councillors regularly meet the population in their wards and are always available for any kind of complaints. Each ward has a muster for registration of complaints, and hence there is less need for constitution of a sub ward level functionary like area sabha. At the sub-ward level, the State Government is considering setting up Urban Resources Centres as model for public participation. These institutions are envisaged as one-stop stations for the citizens for all their queries and suggestions. The centres will be available for all citizen services, including consumer redressal. They will host all individual beneficiary schemes, under Swarana Jayati Shahari Rozgar Yojana, enable, and facilitate the vocational training component through these centres. Three URCs are already running in 3 slum areas in Ahmedabad on a voluntary basis by an NGO 'SAATH'.

Bengaluru Municipal Corporation

Earlier Bengaluru had ward committee system. Since last 3 years, they have not had any elections in BMP. No ward committees exist in Bengaluru as of now. Presently it is through various NGOs that citizen participation takes place in Bengaluru. For example, The 'Agenda for Bengaluru Infrastructure and Development Task Force' (ABIDE)- A body established by representatives from different fields like urban expert, ex- Chief Secretary(chairman), faculty from IISc, Member of parliament has prepared the Bengaluru Governance Bill 2009 which is pending with the Government for approval.

The Community Participation Law (CPL) had to be enacted within 4 years starting 2005. However, later the government sought 1-year grace period. Now the Government of Karnataka has to take a decision on enacting CPL by 31st June 2010.

Salient features of the ward committee system adopted in Bengaluru city

As per section 13A of the KMC act, each ward committee shall consist of:

- The councillors of the corporation representing the wards in the corporation and;
- Not more than five persons having knowledge and experience in municipal administration, nominated by the government;
- Not more than two members nominated by the government from such NGOs and CBOs working within the area of the wards committee, as the government may specify in this behalf

A ward committee in Bengaluru included 3-4 wards. The KMC (Ward Committee) Rules entrust 22 functions to ward

committees. However, no clear authority was developed and no procedures had been prescribed on how to enable ward committees to perform all these functions. Power was only devolved to give administrative approval to work estimates not exceeding Rs. One lakh in a year for BMP and Rs. 50,000 to other corporations. Regular meetings open to public on payment of nominal fee were mandated. the 'ward committee: people' ratio for Bengaluru worked out to be 1:1 to 1.5 lakh population and 'elected representative: voter population' was about 1: 25,000 to 30,000.

Nominations were being done by the party in power at the State government purely on political party lines. Once the party in power lost in the State elections, the wards committees constituted by it with its party members became redundant. During nominations, no applications were called for publicly and no public scrutiny of public nominations and filing of the objections were carried out.

Problems in ward committee functioning (as reported by CIVIC, Bengaluru)

Discussions held with CIVIC- an NGO in Bengaluru brings out the following issues:

- Regular meetings were not held.
- Most ward committees did not have meeting rooms, office space and secretarial help, thus hampering their effective functioning.
- Ward committee members were not provided ward maps or information regarding ward works, income and expenditure of the Range, list of properties in the ward, etc.
- Lack of finances: The money assigned to the ward committees was not released to them hampering the development works.
- Ward committee members had no role in planning for the ward or in the monitoring or auditing of works.
- Ward committees were unable to bring about systematic changes in terms of greater control over the resources of the ward or over the decision making of the area.
- There was also no systematic, institutionalised procedure, such as 'ward sabha', on the lines of 'gram sabha' under the Panchayat Raj Act, through which the ward committee interacted periodically with the people of the range to allow a bottom up process for planning for the ward and for identifying beneficiaries. There was no mechanism by which the people could participate in monitoring the works in their wards or do a social audit of the accounts at the ward level

- Political interference and bureaucratic apathy were considered to be the major problems preventing effective functioning of ward committees.
- Ward committees did not bring about greater decentralisation or accountability.

Mysore Municipal Corporation

Mysore Municipal Corporation has constituted citizen committees which are citizen representation forums, formed at all polling booth across the city consisting of 9 members who are registered voters in the respective polling booths and that have a strong desire to serve the community and for the development of the city. The members of the citizen committee are selected by calling nominations from general public. A steering committee is constituted to select the members based on the following criteria:

- A mix of members of all age groups
- 1/3rd representation of women
- 1/3rd representation shall at least be SSLC qualified.
- There shall not be more than one member from the same family.

The 9 members select a citizen committee representative from amongst themselves. The citizen committee representative then becomes the member of the Zonal Sub-Committee. The main functions delegated to the citizen committees are participation in solid waste management, propose projects under Community Participation Fund and support Mysore City Corporation in the planning and execution of other activities including budget. Mysore Municipal Corporation has appointed private agencies to provide orientation to the citizen committee members with regard to their participation and understanding of the system in which they have to operate.

Stakeholders' View on ward committee system, the area sabha system that is proposed and the issue of citizen participation

The stakeholders' opined that it is unlikely that the community participation will take off in the absence of political will. It also depends upon the relationship between the council and the officials. Usually entities like ward committees die down with the change of government. However, it is difficult to maintain citizens' engagement with an apolitical set up.

Stakeholders in Bengaluru told that earlier about 100 wards were divided into 30 ranges monitored by revenue authorities. The RWAs were allowed to attend the meetings of the wards. Grievance redressal melas were organized to bring officials and citizens together.

Stakeholders in Gujarat challenged the criteria of constitution of areas on the basis of polling booths and elections on the grounds that holding elections at sub wards level might need a lot of resources and time devoted to these activities. Also, community participation needs to be an apolitical process and there is little need to associate area sabhas to electoral processes. As an alternative, at sub ward level, groups of eminent and informed citizens can be invited to take part in decision-making. Decentralization does not necessarily mean that each citizen be involved in decision-making process. In addition, NGO's or political representative need not necessary be the means through which citizens can raise their concerns on civic matters. It was suggested that the members of the ward committees or area sabhas should be nominated and not elected.

Discussions revealed that there is a need to look at a model that enables actual participation of the citizens in decision-making process. If we look at the model for gram sabhas, due to cultural dominance, the representation is caste based and often the people belonging to lower class have no voice.

'The Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2009' has also received a lot of opposition on the grounds that the Act prescribes nominating area sabha representatives giving control to the ruling political party. The proponents of the area sabha system in Maharashtra want that ward committees be established for each ward in urban areas as envisaged in the Article 243S of the Constitution. The Amendment prescribes constituting area sabhas for not less than 5 pooling booths, which defeats the proximity issue.

The overall suggestions made by different stakeholders for effective functioning of ward committees and area sabhas are as follows;

- There should be one ward committee per ward to make local governance truly proximate and representative and to increase the ratio of wards committee: population.
- Enough staff and infrastructure should be provided at the ward level to help the ward committees to function effectively.
- A Charter of activities and responsibilities of the ward committees and the area sabhas should be prepared.
- One might draw from the Kudumbashree poverty eradication initiative in Kerala that was launched in 1998. The grassroots of Kudumbashree were Neighborhood Groups (NHGs) consisting of about 20 households, which elected their members (chair). This was a completely non-political system.
- Need for capacity building to lowest levels

- Primary health and education should become part of functions of the ward committees assisted by area sabhas.

TERI's Observations

The problems that emerge in having ward committees functional are:

- Although most of the states have enacted the law to have ward committees, the ward committees are functional in very few.
- Where ever they are established, the delegation of functions and finances are weak, and make them ineffective
- The proximity between the citizens and the government is not achieved to the desired level.
- Nomination process is biased and politically driven.
- Citizens also lack the initiative and drive to take part in the development of their city/neighbourhood/area.

Community participation at sub ward level, by establishing Area Sabhas has also not taken off as desired, in spite of the provision of enacting CPL under JNNURM. Only 12 states have enacted the legislation, but none has constituted area sabhas as yet. Some of the State Acts prepared or enacted as a mandatory reform under JNNURM, also do not conform to the provisions prescribed under the Model Nagar Raj Bill. There is a need to look at these issues in detail and develop essential guidelines, which could become part of the Act /Amendment carried out by the states. This will also bring in uniformity and clarity in the functioning and domain of area sabha system.

The aim should however, be to have a system at place first. Considering the weak situation of ward committee system, bringing in of area sabhas looks far more challenging. Also it seems that for an area sabha system to be at place, a functional ward committee system is a pre-requisite.

SECTION III
RECOMMENDATIONS

A Framework for Community Participation in Indian Cities

The study recognises that citizen participation is necessary and that decision-making process should not be vested in a few hands but be a public affair where citizens are involved at the grassroots level. The framework suggests the way forward in establishing a structured process for citizen participation.

Presently, there is little scope for involving citizens in decision-making process within the urban areas. Their role till now has rested on electing their representatives for ward elections. Within the rural context, gram sabhas have at least provided a mechanism to involve citizens. However, this has not happened in urban areas.

To fill up this major gap in participatory urban planning and governance, the JNNURM prescribes enactment of Community Participation Law and through it setting up of ward committees and area sabhas in all urban areas. A model law, known as the Nagar Raj Bill has been prepared by the Ministry of Urban Development to assist the states in enacting the provisions required under the CPL or to make amendments in their own Municipal Laws. CPL aims at involving people in municipal functions like setting priorities, budgeting provisions and exerting pressure for compliance of existing regulations. This section recommends on how to provide for implementation of the provisions of CPL and effective functioning of ward committees and area sabhas.

Recommendations

1. In spite of the fact that Ward committees have not taken off as desired and envisaged in the 74th Amendment Act because of various reasons, they are essential in enhancing citizen participation in governance process. TERI recommends that as a first step, all states should implement CPL and establish ward committees in all the cities and towns having population 1 lakh and above. At a later stage the ward committees could be established in smaller cities as well. The Ministry should play a key role in pushing rigorously the states to implement CPL. A time frame should be established in all the states by which the constitution of 'ward committees' and 'area sabhas' is carried out.
2. TERI recommends that once ward committees are established and made functional, area sabhas should be constituted. Area Sabha has been envisaged within the Nagar Raj Bill to be an institution at a sub ward level

that increases proximity between the citizen and the government. The 'wards' shall be divided into 'areas' as per the polling booth norm suggested in the Model Nagar Raj Bill. The area sabha model is based on the gram sabhas model where there is one elected representative (panch or sarpanch) for approximately 450-600 people. In cities context, it has been argued that an RWA or a mohalla (neighbourhood) would be a proper unit. However, not all cities have demarcated neighbourhoods or even mohallas. In many cities RWAs do not exist. Polling booth system(with a population ranging from 1500-2000 people at an average) as proposed in the Nagar Raj Bill would therefore, be a uniform and practical unit for constituting areas.

3. It was observed that an apolitical system involving voluntary association of citizens would not be sustainable. Election is the only way of seeking representation in a democracy like that of India. TERI therefore recommends that an 'Area Representative' should be elected from each polling booth as stipulated in the Nagar Raj Bill. The area representatives from all the areas will become members to the ward committee of that ward. Each ward will have a ward committee. The ward committee will have elected corporators, and the area representatives as members. The city could identify eminent person from each ward who can become member to the ward committee without voting rights
4. Ideally, the 18 functions to be delegated to the municipal bodies under the 74th Constitution Amendment Act, should also be given to ward committees and area sahas. However, considering the fact that not all 18 functions have been devolved to municipal bodies in many states, a certain set of core functions should instead be uniformly assigned to all the municipal bodies and the ward committees and area sabhas. TERI's recent study on "An exploration of sustainability in the provision of basic urban services" suggests that a core set of functions as prescribed in the Chapter 6, section 47(1) of Model Municipal Law be delegated to the Municipal bodies. The Municipal bodies should be left to decide on their capacity to carry out these functions in absence of which the function could be assigned to a parastatal. The parastatal should then be made accountable to Municipal Corporation and not the State, as is the practice now. The core functions recommended to be delegated *en masse* to all the Municipal bodies are;

- Water supply
- Drainage and Sewerage
- Solid waste management
- Preparation for plans for economic development and social justice
- Communication systems (such as construction and maintenance of roads)
- Transport system accessories (Streetlights, parking areas)
- Community health and protection of environment
- Markets and slaughterhouse
- Promotion of educational, sports and cultural activities
- Aesthetic Environment

Besides this TERI's report also suggests delegating city planning as one of the core functions. The division of work amongst the Municipal Corporation, ward committee and the area sabha should be as per the activity mapping prescribed under the Model Nagar Raj Bill. It should be ensured that the role of ward committees and area sabhas are not merely supervisory as has been done by many states at present.

5. The ward committees must be given financial powers and should have a say in the approval of municipal budget. Section 16(d) of the Model Nagar Raj Bill entails setting up of ward finance committee which would prepare ward budgets and maintain ward level bank accounts. It also specifies that the ward finance committee would present the ward accounts before the ward committee.
6. To ascertain proper and effective functioning of ward committees, an office establishment should be provided/created at ward committee level and all meetings should be held here. Citizen redressal centres and information centres should be based here to assist one time solution to all queries/requirement of the citizens. Since the citizen will visit these centres frequently, for billing, complaint registration etc, they could be made abreast of the working of their wards, the ward budget, the development plans for the ward. They could be allowed to attend meetings of ward committees or meet their area representatives in these offices. Besides this procedures should be established for periodic meetings of all the population of the area with the Area Representatives for feedback and communication for various development issues.

7. At later stages of establishing the area sabha system, E-portals should be established for general public on the lines of IT enabled consumer grievance system. The portal will be a virtual platform for citizens' involvement. This could also be an information portal about all area and ward committee meetings, minutes of the meeting held, budget allocations for the year and other relevant information. This would help proper maintenance and documentation of records and bring in transparency in the working of the overall system. This might look ambitious for smaller cities at this point of time, which do not have an active e-governance system, but could be introduced in the larger cities.
8. In order to support the implementation of the Act, detailed guidelines could be prepared by the Ministry. The guidelines would involve the details about the operational aspects of area sabhas and ward committees for example, functions, finances, elections, frequency of meetings, etc.
9. The Municipal Corporation of Mysore organises orientation programmes for the citizen committee members to equip them to perform better and in a positive way. The main areas of training involve;
 - Working in team
 - Creating functional groups and inter group coordination
 - Training on leadership
 - Time management, punctuality
 - Format for writing records, making decisions

Similar orientation programs may be designed and implemented to first, help establish the overall system at all the stages mentioned; second, training of each level officers and members to help them coordinate easily and understand their duties and responsibilities in a better way.

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Annexure 1- List of Stakeholders Met

S no	Person Met	Organization
1	Dilip Mahajan, Deputy Municipal Commissioner	Ahmedabad Municipal Corporation (AMC)
2	Mr I P Gautam, Municipal Commissioner	Ahmedabad Municipal Corporation (AMC)
3	Prof. H. M Shivanand Swamy, Professor & Associate Director	Centre for Environmental Planning and Technology (CEPT), Ahmedabad
4	Ms Gauri Kumar, Principal Secretary	Urban Development Gujarat
5	Ms Trupti Jain, Executive Director,	City Managers Association Gujarat
6	Rajendra Joshi,	Saath (NGO)
7	Principal Secretary	Urban Development Department, Karnataka
8	Mr S M Sonnad Deputy Secretary	Urban Development Department, Karnataka
9	Mrs Sapna N Director, CMAK	City Managers' Association, Karnataka (CMAK)
10	Mr Pramod Goni	Janaagraha Centre for Citizenship and Democracy, Bengaluru
11	Harish Kumar, Program coordinator	CIVIC Bengaluru
12	Mrs Chamaraj	CIVIC Bengaluru
13	Raykar. K.S, Commissioner	Mysore City Corporation
14	All Officials	Mysore City Corporation