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# Enhancing public participation through effective functioning of Area Sabhas

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## **Introduction**

India's urban population is increasing at a fast pace. Considering the growth of population in the urban centres, there is a strong need for improved governance in Indian cities. To achieve this and to ensure sustainable development of urban areas, it is imperative to strengthen institutions to the lowest levels of governance and to consolidate the civil society to ensure participatory governance.

To make this happen, the urban local bodies and citizens should be brought together more closely. Urban India at present lacks the bottom-up approach which ensures proximity between the citizens and urban local governance. The 74<sup>th</sup> Constitution Amendment Act (1992), in Section 243S provides for setting up of ward committees to ensure citizen participation in decision making and to bring governance and citizens together. However, the provision of setting up ward committees in urban areas could not take off, barring a few states. Most of the urban centres in India not only lack citizen participation, but have been unsuccessful in providing the citizens a legitimate platform to engage in decision-making processes.

The Ministry of Urban Development (MoUD), under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM), mandated that states enact the Community Participation Law (CPL) and its provisions thereof, to enhance citizen participation by bringing it down to the subward level. However, as per the information received from the JNNURM, MoUD, along with case studies and reviews carried out by The Energy and Resources Institute (TERI), only 12 states have enacted the CPL and the Area Sabhas have not been set up anywhere yet.

Through this study, TERI highlights some of the issues involved in setting up Area Sabhas in Indian states and suggest ways to establish them to enhance citizen participation in the local bodies.

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## **Objective**

To examine impediments in the constitution of Area Sabhas and recommend suggestions to make them functional and effective.

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## **Methodology**

A detailed review of the Ward Committee System (as a present arrangement for citizen participation) was carried out. One of the conditions under the JNNURM scheme is that the states should enact the CPL. The MoUD has prepared the Model Nagar Raj Bill to help states enact the CPL or make necessary amendments in their Municipal Acts to enable citizen participation. 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 MoUD on the status of enactment of the CPL by states under the JNNURM scheme.

Ahmedabad, Mysore, and Bengaluru were chosen for detailed case study and field visit after consultation with the MoUD. Subsequently, city visits were carried out at 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 from these visits were collated and analysed.

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

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### Review

Reviews were conducted for the 74<sup>th</sup> Constitution Amendment Act with regard to setting up of ward committees; the provisions of the Nagar Raj Bill; detailed case studies on the ward committee system adopted in Kerala, Mumbai, and West Bengal; and the CPL. The main points that emerged through these reviews are:

- Not all states have the enabling state legislation for the constitution of the ward committees.
- Not all cities have the legislation and ward committees.
- Wherever the ward committees are functioning, they are not delegated proper functions and finances.
- The 74<sup>th</sup> 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 them a freedom to draft their own legislation and rules, so that the situation regarding the ward committees varies across States and even cities.
- There are a few examples where the ward committee system has been reasonably successful and citizen participation in decision making has been achieved to some extent. The overall review shows that the intent of the 74<sup>th</sup> Constitution Amendment Act has not fully materialized and translated by various states.
- A total of 12 states have enacted the CPL and constituted ward committees under JNNURM reforms. However, detailed information on the proper functioning of the ward committees is not available, except for a few states. None of the states have established Area Sabhas yet.
- It was also observed that even though some of the states have enacted the CPL and made changes in their respective municipal acts, the provisions included in these Acts for community participation neither conformed to the provisions prescribed in the Model Nagar Raj Bill nor to the larger objective of involving citizens in municipal functions.

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### City Visits

To understand the situation on the ground, TERI visited Ahmedabad, Mysore, and Bengaluru. The objective of these city visits was to understand the mechanisms in place for citizen participation, and suggest a common framework for further decentralization to subward levels.

It was found that Ahmedabad had no ward committees, but had three elected ward councillors per ward. Bengaluru used to have ward committees earlier. However, no elections were held since the last three years, and the Draft Community Participation Bill to

enable citizen participation was under review by the State Government. Mysore follows a system of citizen committees, which was studied by TERI in detail.

Besides, understanding the systems in place, the team interacted extensively with the local non-governmental organizations (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 that were consulted during the city visits.

The stakeholders opined that enhancing community participation in decision-making process needs strong political encouragement. Stakeholders in Bengaluru informed that earlier, about 100 wards were divided into 30 ranges, monitored by revenue authorities. The Resident Welfare Associations 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 citizens.

Stakeholders in Gujarat challenged the criteria of the constitution of areas on the ground that holding elections at the subward level might need a lot of resources and time devoted to these activities. Also, it was told that community participation needs to be an apolitical process and there was little need to associate Area Sabhas to electoral processes. As an alternative, it was suggested that, at the subward 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 each citizen should be involved in the decision-making process. In addition, NGOs or political representatives need not necessarily be the means through which citizens can raise their concerns on civic matters. It was also suggested that the members of the ward committees or Area Sabhas be nominated and not elected.

The suggestions made by different stakeholders for effective functioning of ward committees and Area Sabhas are:

- There should be a ward committee per ward to make local governance proximate and representative, and to improve the ratio of ward committees to population.
- Adequate 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 to the lowest levels.
- Primary health and education should become part of the functions of the ward committees assisted by Area Sabhas.

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## **TERI's Recommendations**

Major recommendations made by TERI are:

- As a first step, all states should implement the CPL and establish ward committees in all cities and towns having a population of one lakh and above. At a later stage, the ward committees could be established in smaller cities as well. The Central government should play a key role in pushing the states to implement the CPL.

- Once the ward committees are established and functional, Area Sabhas should be constituted. The polling booth system (with a population ranging from 1,500 to 2,000 people at an average) as proposed in the Nagar Raj Bill would be a uniform unit for constituting areas.
- It was observed that an apolitical system involving mostly voluntary associations of citizens will 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 of all the areas will become members of the ward committee.
- Each ward will have a ward committee. The ward committee will have elected corporators and area representatives as members.
- The local authority could identify eminent persons from each ward and invite them for ward committee meetings from time to time.

Ideally, the 18 functions to be delegated to the municipal bodies under the 74<sup>th</sup> Constitution Amendment Act should also be given to ward committees and Area Sabhas. 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 set of functions, as prescribed in Chapter 6, Section 47(1) of the Model Municipal Law be delegated to the municipal bodies. The municipal bodies should decide on its capacity to carry out these functions, in the absence of which, they could be assigned to a parastatal. The parastatal should then be made accountable to the Municipal Corporation and not the state, as is the practice now. The core functions recommended to be delegated *en mass* to all municipal bodies are:

- water supply;
- drainage and sewerage;
- solid waste management;
- preparation of plans for economic development and social justice;
- communication systems (such as the construction and maintenance of roads);
- transport system accessories (streetlights, parking areas);
- community health and protection of environment;
- markets and slaughterhouses;
- promotion of educational, sports and cultural activities; and
- maintaining an aesthetic environment.

Besides these, TERI's report also suggests delegating city planning as one of the core functions. The division of work among the Municipal Corporation, ward committees, and Area Sabhas 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 is not merely supervisory as has been done by many states at present.

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 committees 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.

1. To ascertain proper and effective functioning of ward committees, an office establishment should be provided/created at the ward committee level and all meetings should be held here. Citizen complaint redressal centres and information centres should be based here to assist one-time solution to all queries/requirements of the citizens. Since the citizen will visit these centres frequently, for billing, complaint registration, etc., they should be abreast of the workings in their wards, the ward budget and 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, a procedure 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.

At the later stages of establishing the Area Sabha system, e-portals should be established for general public on the lines of an IT-enabled consumer grievance system. The portal will be a virtual platform for citizens' involvement.

In order to support the implementation of the Act, detailed guidelines could be prepared by the MoUD.