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Community Participation in Municipal Governance

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74TH AMENDMENT ACT, CONSTITUTION OF INDIA, 1992

DECENTRALISATION IS a backbone for democracy and the Constitution of India recognized it. The 74th amendment to the Constitution in 1992 provides that each urban area shall have a municipality¹ and municipalities are divided into three categories, a nagar panchayat—for a transitional area, that is to say, an area in transition from the rural one to an urban area; a municipal council for a smaller urban area; and a municipal corporation for a larger urban area. In addition to the municipality, the Constitution also provided, in each municipality, Wards Committees, consisting of one or more wards within the territorial area of a municipality having a population of three lakh or more².

Wards Committee

The subject 'municipalities' is a state subject in India. In compliance with the constitutional mandate, many states have provided the institution of Wards Committees. The states have interpreted the constitutional provision according to their convenience; and many states have provided the Wards Committees, not limiting to one, but for a group of wards. The constitution and composition of Wards Committees in general are:

- Wards Committees are constituted in municipalities having population of three lakh or more. In some states, they are constituted even if the population is less than three lakh. In such cases, certain conditionalities like minimum annual income of the municipality etc. are imposed;
- Each Ward Committee shall consist of five to 10 wards;
- The Ward Committee shall consist of the members elected from the wards for which Wards Committee is constituted;
- Persons having special knowledge and experience in municipal administrations have been nominated in certain states;
- The Chairperson of the Wards Committee shall be elected by the members from amongst themselves;
- There would be a Secretary to assist the Wards Committee in its functioning. The Secretary is an official of the municipality to be identified by Commissioner;

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The powers and functions of Wards Committee in general are:

- Maintenance of sanitation, solid waste management, water supply and drainage/sewerage;
- Maintenance of roads and street lighting;
- Maintenance of markets, parks and playgrounds;
- Maintenance of school buildings, dispensaries and maternity and child welfare centres, if they are under the control of the municipality;
- Review of revenue collections;
- Preparation of draft annual budget of its jurisdiction and forward to council for consideration and incorporation in municipal budget; and
- Approval of works of capital nature as well as maintenance to a limited extent of finances in some states.

The Wards Committee, no doubt became an administrative decentralized apparatus in the municipal governance, but devoid of real participation of the people in its functioning. The principal reason for non-participation of people in the governance is due to large size of the Wards Committee. The aspirations of the common people could not be represented in the system.

JNNURM—Mandatory Reforms

The real people's participation, i.e., community participation can be achieved, if the decentralisation is at some more lower level, a ward in the municipal context. The Jawaharlal Nehru National Urban Renewal Mission (JNNURM) therefore, as a measure of urban governance and service delivery has, among others, identified 'enactment of community participation law to institutionalise citizen's participation and introduce the concept of Area Sabha in urban areas' as a mandatory reform at the State level³. This reform is indeed in consonance with the provisions of Constitution 74th Amendment⁴. As indicated above, the 74th Constitutional Amendment provides establishment of Wards Committee consisting of one or a group of wards in a municipality.

Community Participation Law

The basic model of Ward Committee would be :

- There should be a Ward Committee for every ward, not a group of wards in the municipality;
- The ward member would be the chairperson of the Ward Committee
- The Ward Committee would consist a few members belonging to the

ward. These members are to be nominated by the municipality;

- The members nominated should represent Non-Government Organisations, Community Based Organisations representing the urban poor, resident welfare associations, professional groups, trade or industrial groups, academicians, social or cultural groups etc. Half of the members should be women;
- If the population of the municipality is large enough, the ward may be divided into few areas, each area to have Area Sabha and all voters of the area will participate in Area Sabha meetings. Each area is represented by Area Sabha Representative, who is nominated by the municipality;
- The Area Sabha Representative should be a voter in the concerned area of the ward. The Area Sabha Representatives will also be made members of the Ward Committee;
- If the population of the ward is small, there would be Ward Sabha and all voters of the ward will participate in Ward Sabha;
- Members of Ward Committee as well as Area Sabha Representatives should be nominated only by the municipality. They should neither be elected nor nominated by government or government agencies;
- The arrangement should bring the people at the grassroots to the system of governance.

Area Sabha/Ward Sabha

During the Area Sabha and Ward Sabha meetings, all voters of the concerned area and the ward respectively would participate and show their voice. The objective of the Area Sabha/Ward Sabha meetings is to ensure people's participation in municipal governance and to make the public voice reflected in the decision-making process of the municipality. The Area Sabha and Ward Sabha are not decision-making bodies and as such do not have any powers to exercise. However, they should have certain functions to perform. The functions may consist the following:

- Generate proposals and determine priority of schemes in the area and forward to Ward Committee for inclusion in Ward Development Plan;
- To identify the eligible beneficiaries under government sponsored welfare schemes on the basis of already fixed criteria;
- To identify deficiencies in the services provided by municipality;
- To suggest location of street lights, public taps, public conveniences etc.;

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- To cooperate with Ward Committee in maintenance of sanitation; and
- To impart awareness on matters of public interest like literacy, health care, environmental issues and pollution etc.;

The Area Sabha/Ward Sabha should have certain rights also, like getting information of the services rendered or works taken up in the next three or six months from the officials concerned and of the action taken by the Ward Committee on the proposals sent by it and the decisions taken thereon.

Ward Committee

The Ward Committee should have an office and a Secretary to assist in the functioning of the Ward Committee. It is a formal institution and the proceedings of Ward Committee should be recorded formally and maintained. The Commissioner should provide formal accommodation (office) to Ward Committee and identify an officer of the municipality to act as Secretary to the Ward Committee to assist in its functioning. The Secretary assists in convening Ward Committee meetings; and also Area Sabha and Ward Sabha meetings. The Ward Committee should have certain functions to perform. They may include:

- Supervision over sanitation, distribution of water supply, working of street lights, minor repairs to roads, maintenance of markets, parks and play-grounds;
- Monitoring poverty alleviation programmes;
- Monitoring the functioning of schools, maternity centres and dispensaries maintained by municipality;
- Facilitate collection of taxes and non-taxes;
- Preparation of list of beneficiaries under various government welfare schemes
- Preparation of annual Ward Development Plan including financial plan and forward to Municipal Council for consideration and inclusion in the municipal budget;
- To approve works covering maintenance of services to a limited financial extent;

The Ward Committee should have certain rights also. They may include:

- Seek information from Commissioner on any matter pertaining to the ward ;

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- Seek information on Master Plan and Zonal Development Plan of the municipality;
- To be consulted in development of land use and zonal development regulations in the ward;
- To obtain municipal budget; and
- To obtain details of revenue items relating to ward.

The Ward Committee, while making decisions or in its normal functioning should take into consideration the outcomes during Area Sabha meetings and Ward Sabha meetings, which are attended by all voters in the Area or Ward respectively. In fact, these Area Sabha and Ward Sabha are represented by the people at the bottom.

Allocation of Funds

In the present day context, unless certain financial powers are allotted to the Ward Committee, there would not be any effective decentralization. The municipality may allocate certain percentage of budget earmarked in the annual budget towards maintenance of services to all ward committees for performing the functions referred to above.

Some states have already responded and passed the law and it has to be seen how many states would respond to the mandate of reforms identified by JNNRUM and really decentralize the municipal governance to enable people's participation.

FOOTNOTES

¹Article 243 Q

²Article 243 S

³Jawaharlal Nehru National Urban Renewal Mission –An Overview