A Compendium of Suggested Measures
for

"Inclusive Growth & People's Participation"

through effective implementation of the
74th Constitutional Amendment in Bangalore

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Contents

13. Ward office as point of information disclsosure

14. Grievance Redressal at ward level

15. Official committees at ward level

> 15.1 Information & Statistics Committee

> 15.1.1 Ward Human Development Index
> 15.1.2 Ward Social Infrastructure Index
> 15.1.3 Ward Physical Infrastructure Index
> 15.1.4 Ward Assets & Resources Register

> 15.2 Ward Finance Committee

16. Sub-committees at ward level

17. Community-based planning (CBP)

18. Giving voice to the excluded

19. Performance Management System at ward level

20. Ward and sub-ward sabhas for direct interaction with citizens

21. Roles and responsibilities of ward committees

> 21.1 Functions of ward committees
> 21.2 Powers of ward committees

22 Making decision-making more participatory
> 22.1 Making decision-making more inclusive

23. Ward committee secretariat

24. Ward revenues

25. Functions and duties of Neighbourhood Area Sabhas

> 25.1 Powers of Neighbourhood Area Sabhas
> 25.2 Neighbourhood Area Sabha secretariat
> 25.3 Beneficiary Sabha
> 25.4 Powers and duties of Neighbourhood Area Representative

26. Fund allocations

27. Collection of taxes

28. Administrative approvals

29. Power to impose penalties

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**A Compendium of Suggested Measures
for
"Inclusive Growth & People's Participation"**

**through the effective implementation of the 74th Constitutional
Amendment for Bangalore**

1. Effective Implementation of the 74th Constitutional Amendment - "Planning for economic development and social justice"

The basic purpose of the 74th CA, as expressed in Article 243, i.e., **"Planning for economic development and social justice",** has been a forgotten mandate. Urban development has come to mean only more and better roads, flyovers, elevated highways, etc. Human welfare through social justice, with the citizen at the centre, needs to become the goal of urban local governments, such as BBMP.

K.C. Sivaramakrishnan in a lecture on "Municipal and Metropolitan Governance: Are they relevant to the Urban Poor?" has pointed out: "Both the 73rd and the 74th Constitutional Amendments went as far as they could in identifying a list of functions to be assigned to rural and urban local bodies and included them as the 11th and the 12th Schedules of the Constitution. The 12th Schedule contains a specific subject called "urban poverty alleviation". …*The clear intention of the Constitution Amendment was that local governments should have a major role in the alleviation of urban poverty*. It was, therefore, expected that the very first model law prepared *(Model Municipal Law)* by the Government of India after the Amendment would consider this aspect in some detail provide an adequate legal framework for the municipalities to handle the subject. However the reality has belied the expectations**."**

"….Section 49 lists the other functions in six broad categories namely town planning, protection of environment, public health and sanitation, education and culture, public welfare, and community relations. ***Poverty alleviation is not even mentioned as an item in any of these descriptions***. There is a provision for shelter to the homeless and relief works for destitute persons but there is no attempt anywhere in the model municipal law to understand or amplify in detail, what poverty alleviation measures could be and how the municipal law should provide for a local government to implement these provisions."

"Local economic growth and employment generation are commonly understood to be important measures in dealing with urban poverty. But even this common understanding is not reflected in the Model Municipal Law. Though the Constitution specifically refers to the preparation of plans for economic development and social justice as the organising principle in determining the functional domain of the Municipalities and the Panchayats, this does not find adequate delineation in the Model Law. Of course the words economic development and social justice are repeated in Section 47 as a core municipal function but thereafter it is not amplified."

Further, the conclusions of the conference of academics on "Inclusive Growth through Inclusive Governance: The Future Agenda for Local Government" held on 25 & 26 February, 2009, says: "The first step is to arrive at an estimate of the functionaries required by LGs to carry out the entire range of functions assigned to them. These must be provided in the first instance by transferring departmental personnel and making them accountable to LGs."

In view of the above comments, t**here is a need to make BBMP an agency for bringing about social justice and not merely for providing services.** For this, there needs to be an enlargement of the list of functions devolved to BBMP to enable it to "plan for economic development and social justice" including urban poverty alleviation. This would necessarily need inclusion of issues that affect the basic needs of citizens such as:
- PDS
- livelihood and employment issues
- housing
- primary health
- primary education and
- poverty alleviation and social welfare
- social security

In fact most of these issues are listed for Basic Services to Urban Poor under the Jawaharlal Nehru National Urban Renewal Mission (JnNURM) and hence need to become municipal functions. In order to bring about this paradigm shift, the funds, functions and functionaries of all these departments, most of which are currently being implemented by the line departments of the State government, should be brought under the ambit of BBMP. The concerned officials need to be made accountable to the BBMP/ward committee.

2. Metropolitan Planning Committee

Despite more than 17 years after the passage of the 74th CA, which mandates the setting up of Metropolitan Planning Committees (MPCs) in cities with more than 10 lakh population, it has not been set up in Bangalore, which currently has a total population of close to 8 million. Setting up an MPC is essential to devolve the function of "urban planning" to elected representatives of urban local bodies as per the 74th CA. This function is currently being performed by parastatals such as BDA which mostly consist of bureaucrats who are accountable to the State government or structures such as ABIDe which have hardly any elected representatives of the cities for which they are creating the plans on their management boards. The MPC is also necessary to bring in coordination between the various agencies servicing the Bengaluru Metropolitan Region (BMR).

The 74th CA mandates that a Metropolitan Planning Committee (MPC) shall have 2/3rd representation of elected representatives from the different local bodies within the BMR. The following points may be kept in mind while forming the MPC for the BMR

- The 1/3rd representation on the MPC that is left to be decided by States, can be filled by giving representation to organised groups of various stakeholders in society whose views need to be considered in planning for the city. Viz., urban planners, urban researchers, the Chamber of Commerce and Industry, trade unions and traders' unions, small-scale industries, PSUs, unorganised workers' unions, slum-dwellers' federations, federations of RWAs, federations of SHGs, federations of NGOs, in addition to the 2/3rd representation to elected representatives.

- It is a moot point whether the CM should be the chairperson of the MPC as this would mean that the planning for the Metropolitan Region would be handed over to the State-level authorities which is against the spirit of the 74th CA which requires planning to be performed by the urban local bodies. The Mayor of BBMP, who would represent the biggest local body within the BMR could be the chairperson.

- In order to ensure that the expanded roles of the third tier of governance as spelt out in the 74th CA are taken into account, the following suggested Sectoral Committees could be constituted under the MPC to draw up sectoral plans:

- o Land-use planning
- o Food security
- o Water, sewerage and sanitation
- o Health, education and Early Childhood Care & Development (ECCD)
- o Urban poverty alleviation & housing
- o Economic development, livelihood, skill training and social security
- o Power, roads and transport, railways
- o Environment, wetlands & parks

- Sectoral experts and NGOs and CSOs having expertise and experience in the individual sectors could also be made part of the sectoral committees.

- The MPC could prepare the Comprehensive Development Plan (CDP) for a period of five years for the BMR integrating and consolidating the bottom-up plans from the grassroots upwards. **It should spell out what the MPC is going to do in terms of performance targets and outcomes, how it is going to do it, the cost for implementing the plans, how the resources will be raised and what is the monitoring and evaluation system.**

- All the relevant plan finances of the Central and State governments and respective parastatal / line departments currently handling these issues in the BMR could be transferred to the MPC and an MPC Fund created.

- Each Sectoral Committee of the MPC could be helped by a technical body for drawing up plans, such as BMLTA for transport, BWSSB for water and sewerage; BESCOM for power; etc. Others to be created where non-existent.

- Each technical wing of MPC [such as BDA, BWSSB, BESCOM, and the others to be created for each sectoral committee] could have a BBMP wing and be answerable to BBMP.

- A monitoring and evaluation unit needs to be set up to evaluate the implementation and outcomes of the plans of the MPC.

- Extra-constitutional bodies [such as BATF] which distort accountability structures and mechanisms need to be avoided.

3. Urban Poverty Alleviation

Urban poverty alleviation being a new functional domain for urban local bodies devolved by the 74th CA, many institutional changes are required to enable ULBs to perform this role effectively. A separate and exclusive institution, a "State Urban Poverty Alleviation Authority" needs to be created within the State Urban Development Department to provide greater focus to the subject of poverty alleviation – as is clearly articulated in the concept paper of SJSRY from the Ministry of Housing and Urban Poverty Alleviation. All programmes and services to the urban poor need to be channellised through this single window.

- A sectoral committee within MPC looking into the issue is also necessary as given above already.

- There is a need to convert the "welfare" department of BBMP into an "Urban Poverty Alleviation Department" in order to shift the focus from "charity" to "empowerment' of the urban poor. The Department should look at all basic services and livelihood-related issues of the urban poor, including all schemes for urban poverty alleviation.

- There is a need for an "Urban Poverty Eradication Cell" to coordinate the implementation of all poverty alleviation schemes at field level, as mandated under SJSRY scheme.

- An exclusive wing within this cell to identify the urban poor, maintain a common and convergent (with all service agencies) database of the BPL population, and update the database continually needs to be created.

- An Information Cell needs to be set up for creating mass awareness about government schemes, eligibility criteria, etc., using multi-media techniques of street plays, songs, skits, radio and TV programmes. It should be located in the Urban Poverty Alleviation Cell.

- Pooling of resources of various agencies for the urban poor needs to happen and a single-window delivery system for all services to the urban poor could be envisaged on the lines of the Samajik Suvidha Sangam (Mission Convergence) of Delhi.

The services of the following departments have been converged under Mission Convergence in Delhi:

1. Health & Family Welfare
2. Education
3. Women & Child Development
4. Social Welfare
5. Food & Civil Supplies
6. Labour
7. Urban Development
8. Information technology
9. SC&ST/OBC/Minority/Backward Class Welfare Depts. and Corporations

4. Harmonization of jurisdictions within BBMP

The jurisdictions of various service providers within BBMP need to be harmonized with the administrative units, zone, ward, etc. of BBMP, such as the ranges/divisions of BWSSB, BESCOM, the Depts. of Food & Civil Supplies, Education, Health, Labour, Social Welfare, etc. for smoother functioning.

5. Other institutional changes within BBMP

A four-tier structure could be envisaged in the municipal corporation with:
- BBMP Council equivalent to Zilla Panchayat with elected Mayor with 5-year term.
- Zonal committees in each of 8 Zones composed of the elected councillors of each ward coming under the zone (approximately 25 wards) and concerned officials
- One ward committee per ward at ward-level equivalent to the grama panchayat (upper limit of 30,000 population).
- One neighbourhood area committee at neighbourhood level for a few contiguous and whole polling booths not exceeding 3,000 population.

6. Sub-committees at council level

Currently, sub-committees or 'Standing Committees' at the BBMP level consist only of a few elected councilors. There is a need to broad-base them to provide greater representation to people's organizations and their representatives and sectoral experts. Such broad-based committees with multi-stakeholder representation have been suggested at the city level, for instance in the National Policy on Street Vendors. Such sectoral sub-committees may be formed at the BBMP council level on the same lines as at the MPC level to plan for the BBMP area for:

- o Land use planning
- o Food security
- o Water, sewerage and sanitation
- o Health, education, ECCD
- o Urban poverty alleviation & housing
- o Economic development, livelihood, skill training & social security
- o Power, roads and transport, railways
- o Environment, Wetlands & Parks

(Representatives of the ward-level committees dealing with each of these sectors could be made part of each sectoral committee at the BBMP council level on the basis of well-defined procedures.)

7. Activity mapping

Currently, there is no clear division of functions between the city, zone ward and neighbourhood levels, with most tasks being performed in concurrent fashion.

- The principle of subsidiarity needs to be followed and "what can be done at the lowest level needs to be done at that level and not at a higher level".
- Activity mapping of functions between the State and BBMP, and BBMP and zonal, ward and neighbourhood levels needs to be undertaken as already done for Panchayat Raj Institutions.

8. Performance Management System at council level

Currently, there is no means of ensuring that budget outlays are resulting in desired outcomes within the BBMP. While there is stress on physical infrastructure development in the form of roads, fly-overs, expressways, etc., there is hardly any focus on social infrastructure and human development. The achievement of the Millennium Development Goals, spoken of under JnNURM is merely on paper.

Unaffordable housing and lack of water supply and sewerage have resulted in about 15 lakh households living in slums lacking basic amenities causing high degree of water-borne and other diseases linked to lack of sanitation. Several poor families, widows and destitutes fail to get BPL ration cards or social asisstance. Most work in the informal sector is marked by insecure and casual work devoid of social security. The status of primary schools is abysmal with broken furniturere, lack of toilets with running water, lack of drinking water and electricity. Drop-out percentages of children continue to

be high with child labour being rampant at construction sites, hotels and garages.

Primary health centres and maternity hospitals have a huge number of vacancies and lack essential medicines forcing citizens to resort to private medical care which they can ill afford. Anganwadis cover hardly one-tenth of the 0-6 year children and day-care centres for children of poor working mothers are practically nil. To ensure that specific targets and outcomes for social infrastructure and human development are achieved within the BBMP, there is a need to:
(Based on South African Act)

- develop a performance management system (PMS) **based on outcomes**
- set targets and outcome indicators and monitor and review performance based on those indicators
- publish an annual report on performance for the councillors, the staff, the public and other spheres of government
- conduct an internal audit on performance before tabling the above report
- have the annual performance report audited by the Auditor General
- include in their PMS the Performance Indicators (PIs) prescribed and report on these indicators
- involve the community in setting indicators and targets and reviewing municipal performance.

For instance, Mission Convergence of Delhi has set the following development goals, among others, linked to the Millennium Development Goals:

Goal 1: Eradicate extreme poverty and hunger
Goal 2: Achieve universal elementary education
Goal 3: Promote gender equality and empower women
Goal 4: Reduce child mortality
Goal 5: Improve maternal health
Goal 6: Combat HIV/AIDS, malaria and other diseases
Goal 7: Ensure environmental sustainability

9. Fiscal Responsibility

Illusory and bloated budgets are being prepared by BBMP on wholly wrong assumptions of revenues expected. Thus all that is expected to be achieved through the budget can never be achieved. Cuts have to be necessarily made but there is no democratic process through which it is decided where the cuts should be made. Invariably the basic needs and human development needs

tend to get axed first, whereas many projects which are grandiose in nature and which cannot be justified on the grounds of 'relevance, efficiency or effectiveness' get pushed through.

Often these grandiose projects have no outcomes expressed in terms of basic needs fulfillment or human welfare enhancement. In fact, if their social and environmental impacts and the costs of these were factored in, these projects would not be viable at all. These subvert the whole process of earmarking and prioritisation for basic needs. Hence there is a great need to frame the rules under the Karnataka Local Fund Authorities' Fiscal Responsibility Act (KLFAFRA) which have not been framed though the Act was passed in 2002. The provisions of KLFAFRA are more comprehensive than those of the Public Disclosure Law, the passage of which is a mandatory requirement under the conditionalities of the JnNURM.

9.1 KLFAFRA is meant to bring discipline and realism into the budget-making process within BBMP and also greater attention to the prime needs of citizens, rather than grandiose projects which have no human welfare or development outcomes.

KLFAFRA lays down the principles to be followed by municipalities while preparing budgets. Importantly, it requires the preparation of a Medium-Term Fiscal Plan to be prepared annually along with the budget.

9.2 Medium-Term Fiscal Plan

KLFAFRA mandates a Medium-Term Fiscal Plan to be prepared annually with the budget which:

- Sets four-year rolling target for fiscal indicators
- Includes assessment of sustainability in relation to:
  - Balance between revenue receipts and revenue expenditures
  - Use of capital receipts, including borrowings, for generating productive assets

The Medium-Term Fiscal Plan shall *inter alia* contain:

- Medium term fiscal objectives
- Mission, objectives and goals of LFA
- Evaluation of performance of fiscal indicators in previous year vis-à-vis targets
- Policies, fiscal measures and targets for the year relating to expenditure, borrowings, liabilities, lending and investments

- Evaluation of policies in relation to fiscal management principles and objectives
- Linkage between physical and financial targets
- Key performance areas and corresponding performance indicators
- **Be the source document for the preparation of the annual budget and shall address the prime needs of the citizens as relevant, such as water supply, education, public health, solid waste management, etc.**

Financial management principles to be followed under KLFAFRA are:

- Ensuring transparency at all stages
- Introducing performance-linked budget policies
- Maintaining debt at prudent levels
- Ensuring that borrowings are used for productive purposes and not for current expenditure
- Pursuing expenditure policies that improve human welfare
- Allow public to scrutinise the conduct of fiscal policy
- Pursue tax and fiscal policies with due regard to economic efficiency, cost recovery and equity
- Use resources to get best value for money
- Manage expenditure consistent with revenue
- **Formulate budget realistically and minimise deviations**
- Ensure collection of dues and taxes expeditiously
- Discharge liabilities in a timely manner
- Adopt techniques for measuring cost of services

9.3 Measures for fiscal transparency

A requirement under KLFAFRA, as a means of ensuring that the public knows about the finances of the municipality, is that the municipality must put key financial information in the public domain by placing it on the municipality's website.

This information includes:
• budgets and related documents
• the annual report
• performance agreements
• service delivery agreements
• partnership agreements
• any other documents providing insight into the state of the municipality's financial affairs.

9.4 Produce an annual report

BBMP has an obligation to produce and table an annual report as another important mechanism for accountability and transparency. The purpose of the annual report is to "promote accountability to the local community for the decisions made throughout the year by the municipality or municipal entity."

The annual report needs to set out information on:
• municipal activities
• performance against budget
• the state of finances, including arrears (as set out in financial statements)
• the Auditor's assessment and the municipality's responses to audit remarks.

The annual financial statements must include notes on the salary packages of senior managers and allowances and benefits of councillors, as well as any arrears owed by councillors to the municipality.

9.5 Public consultations and disclosure of finances

Currently, budgets are being prepared by BBMP without having any institutionalized public consultations with citizens' associations or specific interest groups, such as women, unorganized workers, the disabled, SC/STs, etc. The Karnataka Local Fund Authorities' Fiscal Responsibility Act (KLFAFRA) mandates:

- that there are at least two meetings every year at the time of budget preparation and finalization with such citizen forums as may be prescribed.
- that provision shall be made for meetings at such intervals and with citizen forums as may be prescribed to review the operations and finances of the local fund authority.

In particular, local fund authority shall, at the time of presentation of the annual budget, disclose:
- significant changes in the accounting standards, policies and practices affecting or likely to affect the computation of fiscal indicators;
- the contingent liabilities created by way of guarantees and the actual liabilities arising out of execution of works by external agencies where liability for repayment is on the local fund authority.
- **These provisions have never been implemented and need to be built into the legislation on BBMP**

10 Public Participation in Local Governance

Though 'public participation' has become a buzzword and slogan in governance, there are very few institutionalized mechanisms to make this a reality.   Often, hardened mindsets of elected representatives and bureaucarats, that they have a prerogative in decision-making and that they have nothing to seek or learn from citizens, are difficult to break.   Elected representatives often assume that the mandate given to them by the people is to represent themselves.   Many forget that they have been given a responsibility to represent the people and not themselves. To correct this, the South African Act says, "One way of achieving successful and lasting models to ensure that citizen participation takes place is through establishing structured and institutionalised frameworks for participatory local governance".

10.1 City-wide Participatory Forum

Currently, major decisions are being taken for city infrastructure such as for the Metro, high-speed rail links, monorail, road-widening, etc., often involving loans of thousands of crores from international finance institutions, etc., without wider consultation among the public at a city-wide level, *before these plans are finalised*. For this, BBMP needs to establish a city-wide forum with representatives of various interest groups (as already delineated under MPC) to discuss city-wide policy issues.   Currently there is no forum where these can be discussed. The forum must be representative and enhance community participation in the Comprehensive Development Plan (CDP).   In addition, the forum must enhance public participation in monitoring, measuring and reviewing municipal performance at city level.

The **functions of the forum** could include:
* consultation and monitoring of the CDP and its implementation and review
* discussion of the PMS and its implementation and review
* monitoring municipal performance according to the Performance Indicators and targets set by the municipality.

10.2 Ward Participatory System

Sub-municipal ward committees are best placed to give practical meaning and substance to the basic political commitment of giving "Power to the People" envisaged in the 74th CA. Ward committees can bring democracy to where people live. As per the South African Act on ward committees, "They are at the cutting edge of addressing such basic challenges as underdevelopment, unemployment, stagnation and poverty and play a critical role in achieving the above."

"Ward committees have an important role to play in actively taking part and, finding ways to ensure that citizens give input to the decisions that local councils make and participate fully in the decisions that affect them at local level, such as the framing, implementation and monitoring of the Comprehensive Development Plan, municipal budgeting and municipal performance management processes. These details may be made available on the municipality's website, but since a minority of the public enjoys no access to websites, this is clearly a limited form of transparency. For this reason ward committees are an important way of reaching the broader community as they may be able to assist a broader spectrum of the public to access and understand this information. Without them, the system of democratic government and developmental local government cannot be said to be rooted among the people. Citizen and community participation is an essential part of effective and accountable governance at local level."

"In essence, where communities will be involved in governance matters, including planning, implementation and performance monitoring and review… communities would be empowered to identify their needs, set performance indicators and targets and thereby hold municipalities accountable for their performance in service delivery."

10.3 Constitution of Ward Committees

Current Rules allow ward committee members to be nominated by the State government. Nominations generally mean doling of patronage to ruling party supporters who may be more interested in pleasing party bosses rather than the community. It is necessary to let communities elect their ward committee members to make the ward committees more proximate, democratic and representative.

A mix of area-based representatives and sector-based representatives on ward committees is considered a sound principle that can be adjusted to suit circumstances. The South African Act suggests a few simple principles to help guide municipalities and local civil society:

- Clearly identifiable interest groups with existing standing in the community and a well defined focus that intersects with municipal governance are clearly important.
- Insofar as possible, let local civil society define its own preferred and credible representatives.
- While it is important for council to recognise civil society interest groups on ward committees, council should avoid screening nominations or 'hand-picking' such groups. The idea that council should elect ward committees is clearly antithetical to the essential autonomy of these bodies.
- Negotiation between political parties for the recognition of civil society groups is a misguided exercise and only confuses the distinction between a community mandate and a party mandate.
- Using important development issues within the ward to define which interest groups are relevant to municipal functions is pragmatic.
- In the interests of deeper public understanding, municipalities should conduct education programmes around the ward committee model of representation immediately prior to ward elections and ensure that the nomination process for such elections is clearly understood and open to all significant interest groups within local civil society.

The South African Act cautions against political parties influencing how ward committees are appointed. It says:

"There are a few obvious **problems with this way of establishing a ward committee such as:**
- It may simply reproduce the main political forces already represented on council and it therefore becomes difficult for council to hear anything new from local civil society as most feedback will be filtered through the party machine.
- Many wards contain citizens who do not all vote for the same party. When the ward committee is seen to be controlled by a single party, potentially important interest groups and individuals aligned to other parties inevitably become alienated from the ward committee and feel that there is little or no point in participating as their opinions, ideas and suggestions will not be listened to."

10.4 Ward Committee Composition

To make the ward committees democratic, representative and proximate:
- Every ward (ca. 30,000 population) to have an elected ward committee (on the lines of grama panchayats).

- Ward committee to consist of 10 directly-elected members from geographical sub-units of the ward (or neighbourhood sabhas)
- Geographical sub-units of a ward to consist of 2-3 contiguous polling booth areas declared as a neighbourhood (1 Neighbourhood Area Representative for ca. 3,000 population)
- 33% reservation for women on ward committees through rotation
- Ward-level officials of all service providers, BBMP, BWSSB, BESCOM, police, transport, food inspector, primary school HMs, doctor of primary health centre, anganwadi teacher, jurisdictional SJSRY, labour and social welfare officer, etc. to be ex-officio members of ward committees. All service providers to have the same ward-wise geographical jurisdiction.
- Other interest groups in the ward to be members as given below
- The ward councillor to be the chairperson of the ward committee. It needs to be considered whether the ward councilor should be indirectly elected by the ward committee members, as in grama panchayats, to make him accountable to the other members.

10.5 Other interest groups to be represented on Ward Committees

- A ward committee to also have ca. 10 elected people to represent a diversity of interests in the ward.
- Diversity has typically been understood to mean a variety of representation, e.g. civic (RWAs) or rate-payers' bodies, development organizations (NGOs), labour unions, business associations, transport and commuter associations, women, youth, faith-based, cultural and other organizations.
- Above-mentioned stakeholder groups to decide on their representatives to sit on ward committee; or a committee of distinguished persons to be set up to select them.

10.6 Election of ward committee members representing various interest groups

The Council needs to make the rules for electing ward committee members.

A typical election procedure and method of selecting candidates could be: (based on South African Act)

- Community members representing various interest groups are elected at a community meeting (show of hands or formal ballot) to serve in the ward committee. Or

- Similar type of sectoral structures (for example women's groups, traders' organisations) come together to nominate their representative to represent their sectoral interest in the ward committee. Or
- Existing structures in the ward are requested to send their nominations to a meeting where names are to be confirmed by residents of the ward to constitute the ward committee.

10.7 Allocation of portfolios to ward committee members
(based on South African Act)

Since ward committees are established to ensure that the opinions of the public are taken into account, giving ward committee members specific portfolios is one way of making sure that this happens. For this reason, many ward committees in some countries give portfolios to ward committee members to ensure effectiveness. This approach allows portfolio members from all the wards (who are responsible for the same portfolio) to meet with relevant municipal departments and portfolio committees to discuss issues related to their portfolio.

In some countries, sub-committees have been established based on portfolios. In this way, ward committee members who are responsible for particular portfolios are able to link with these subcommittees, thereby deepening consultation with communities on issues affecting them. This system aims to strengthen community and ward committee involvement in council decision-making processes.

In cases where ward committee members are allocated portfolios, the system ensures that each member has a particular role to play within the ward. This also allows members to develop experience and understand the issues related to their portfolio. The portfolio arrangement allows members to engage with both the municipal line departments and the sub-committees of council that are relevant to the portfolio.

In some cases ward committee members are allocated to portfolios by virtue of the structures or sectors in which they are already active as members of civil society. For example, a ward committee member who is an educator may work on the education portfolio.

11. Interaction between the Council and Ward Committees

11.1   Improving accountability between the Council and ward committees

The South African Act provides a number of options for improving accountability between ward committees and communities on the one hand, and ward committees and councils on the other, namely:

"(a) Holding regular ward committee meetings: this needs to become part of the councillor's own performance assessment.

(b) Ensure there is clear communication from ward committee meetings to council. This can be done by having proper procedures and formats for tabling reports. The system of simply returning minutes to council is inadequate. Key points for council's information that require a direct response or where further process is necessary, needs to be summarised and made explicit for the council to respond.

(c) Ensuring that there is clear communication between council and the ward committee via the ward councillor. This can only be done if there are proper procedures and formats in place for tabling reports. Having a checklist that records which points and queries are resolved and which remain unresolved will help the ward committee and the councillor keep track of what matters still need to be attended to.

(d) Ensuring that issues raised by the ward committee are adequately dealt with and answered by council. This requires continuity between meetings and ensuring that important issues are only removed from the agenda once they have been resolved. The checklist mentioned in (c) can help the ward committee in keeping track of the outstanding matters.

(e) Being able to present council with a detailed and accurate picture of the ward and its needs and priorities when called on to do so by council.

(f) Being able to provide council with accurate feedback on the performance of its various line/service functions and the impact in the ward."

11.2 Ward Committees as Conduits for Council Decision-Making
(Based on South African Act)

There are no means currently for eliciting public comment on resolutions and decisions being planned by the Council. Ward committees are a conduit for citizen's participation in the decision-making process. Therefore they must strive to carry out the full mandate and seek involvement in:

• the process of receiving, processing and consideration of petitions and complaints

• procedures for notifying the public of issues being considered by the council and a process that allows for public comment

• procedures for public meetings and hearing by councillors and municipal officials

• regular sharing on information on the state of affairs of the municipality through consultation with community organisations and traditional leaders.

11.3 Ward Committees and Comprehensive Development Planning (CDP)

Currently, there is no means of conducting ward and sub-ward level consultations on the proposals contained in the Comprehensive Development Plan for the city. A copy of the draft CDP is exhibited at the BDA or one central place in the city and citizens given a few weeks' time to respond to it. The ward committees and their sub-ward level meetings with citizens provide a conduit for publicizing the draft plans and giving every citizen an opportunity to comment about the plans for his ward and city. The opinions from the sub-ward level can be consolidated to arrive at a ward-level response to the CDP.

According to the South African Act, "Through the CDP process, the ward committees can become involved in:
- identifying its key development priorities
- formulating appropriate strategies
- developing the appropriate systems to realise the vision and mission of municipalities
- aligning resources with the development priorities.

Ward committee members should also take the initiative to attend CDP portfolio committee hearings and ordinary sittings of the relevant sub-committee."

12. Making ward committees more effective

The few ward committees that ever functioned in Bangalore for short durations, between 1999-2001 and again between 2003-2006 were hampered by various constraints which prevented them from functioning effectively. These need to be set right in the following manner:

- Necessary infrastructure and personnel to be provided for the effective functioning of ward committees.
- Each ward committee to have a full time Secretary, Accounts Assistant, Office Assistant, Computer Operator and technical support .

- Necessary funds and functionaries for performing their functions to be devolved to ward committees.
- Mandatory holding of ward committee meetings every month on a pre-determined / specified day in a public place within the ward.
- Date, time and venue and agenda of ward committee meetings to be announced by the media and the proceedings covered by them.
- Proceedings to be open to the public as observers as mandated by the 74th Amendment.

13. Ward office as point of information disclosure

Currently, there is a dearth of information in the public domain at the decentralized ward-level specifically about ward-level data and activities. The following data needs to be made available to citizens of the ward proximately at their ward office:

- All items of information about the ward, minutes of ward committee meetings, details of properties, revenues collected, ward budgets, accounts, programme of works, work orders, bills, vouchers, muster rolls, etc., to be either available for scrutiny at ward office or displayed on notice board
- They should have information boards on which important Section 4(1) (b) information under Right to Information (suo motu declaration) is displayed/painted; OR
- Detailed suo motu information should be availablein booklet/pamphlet form or on touch-screen kiosks.
- Every ward office should be upgraded with computers which have all ward-level information.

14. Grievance redressal at ward-level

Citizens need an effective grievance redressal system close at hand by all the five means of grievance redressal – by phone, sms, e-mail, post, and by registering a complaint in person at the ward office. Most of these systems are currently centralized. Due to the lack of an effective grievance system at ward level, most citizens take their grievances to higher levels, even queueing up before the Commissioner, choking the system and forcing higher level officials to devote time to local grievances which should not have reached them in the first place.

- Complaint registration needs to be computerised at ward-level, carry a unique complaint number and provide Action Taken Reports within time-frames.
- All complaints / grievances, emanating from all sources and levels (CM's office, BBMP head office, zonal office, etc.) also need to be computerised, and numbered.
- All complaints need to be reviewed at the monthly ward committee meeting.
- Only those not resolved should be escalated to higher levels (Zonal DC and Commissioner's level).

15. Official committees at ward level

15.1 Information and Statistics Committee

It is not possible to plan for a ward without a clear data-base of the necessary statistics at ward-level to know the current status of physical and social infrastructure and level of human development. There is a need at ward level for an Information and Statistics Committee to conduct necessary surveys, prepare and update essential ward-level statistics which can serve as the basis for making ward-level plans, set targets and indicators.

While it is usual to have records on physical infrastructure such as roads, drains, it is more important to collect data on Social Infrastructure and Human Development Indicators in order to bring about the necessary paradigm shift in the understanding of what constitutes development and correspondingly plan for it.

15.1.1 Ward Human Development Index (HDI)

Templates need to be evolved to enable Ward Information and Statistics Committees to develop a Ward Human Development Index. The committee needs to hold statistics on:

- life expectancy
- literacy
- income levels
- IMR
- MMR
- malnourishment and nutrition status
- number of employed & unemployed persons and sectors of employment
- BPL lists

- eligibility lists for old-age, widow, physically-challenged pensions etc.

15.1.2 Ward Social Infrastructure Index

Templates need to be evolved to enable the development of a Ward Social Infrastructure Index depicting:

- number of PHCs per population and their status
- number of schools per number of children and their status
- number of anganwadis per number of children and their status
- day-care centres for children and the elderly
- residential schools for deprived children
- workers' facilitation and service centres
- workers' and migrants' social rental housing
- community kitchens
- night shelters for the homeless, etc.

15.1.3 Ward Physical Infrastructure Index

A Ward Physical Infrastructure Index (state of roads, drains, water supply and sewerage, local processing of solid waste, housing, greenery, parks, playgrounds, etc.) needs to be developed based on:

% of asphalted roads
% of persons without pucca houses
% of houses with water and sanitation
% of solid waste locally processed
% of green and open spaces in ward
number of playgrounds

15.1.4 Ward Assets & Resources Register

Assets and resources of the ward need to be mapped and documented:
- number of residential, commercial and other properties
- number of properties assessed for revenue
- revenue from ward
- other economic information
- land-use information, etc.,

The statistics also need to be updated annually (the above is based on the Model Nagararaj Bill of MoUD)

15.2 Ward Finance Committee

A ward finance committee is needed to prepare the budget, maintain accounts and prepare quarterly reports, taking into account plans generated by Neighbourhood Area Committees (Based on Nagararaj Bill). It could consist of the CEO of the ward, the elected councilor and a member of the ward committee.

16. Sub-committees at ward level for people's direct participation

To deepen people's participation, issue-specific sub-committees could be formed at ward level headed by one ward committee member, and comprising concerned officials, CBOs and interested citizens on issues such as:

- PDS
- Labour, skill training, livelihood and social security
- Water, sewerage and solid waste management
- transport, roads and drains
- health, education, ECCD
- poverty alleviation and housing

The sub-committees can meet monthly and plan, implement and monitor the functioning of the respective departments. Sub-committees can give monthly reports at the ward committee meetings and also quarterly reports at ward sabhas.

Alternatively, already-existing people's committees, set up by line departments or the BBMP which are currently working independently of the ward committee need to be brought under the ward committee. Manner of ensuring their representation on the ward-level committees needs to be debated. **This is essential in order to ensure that there are no parallel bodies diluting the work of the ward committees, for instance:**

- PDS vigilance committees for every shop
- SDMCs of each school
- Hospital Board of Visitors set up by BBMP
- Mothers' committees of anganwadis
- Neighbourhood groups and committees under the SJSRY

For instance, vigilance committee members of each PDS shop could elect a specified number of members from amongst themselves who could represent them on the PDS subject committee at the ward-level.

17. Community-based planning (CBP)

Currently, elected councilors plan for the ward along with officials without an open transparent process of consulting citizens and letting them decide the prioritization of works. Nor is there a system of publicizing a draft programme of works for the ward and eliciting people's comments and suggestions on this. There is even less citizen inputs into planning at the city level. This violates Section 4(1)(c) and (d) of the Right to Information Act which requires governments to publicise all facts to the affected people "while formulating policies" and also "provide reasons for their administrative decisions". To enable bottom-up planning, which is currently a mere slogan, a process of community-based planning needs to be institutionalized.

The South African Act sets out the aims of community –based planning as follows:
- empower the community to plan for itself
- help local government and the municipality to understand and address service needs of the citizens
- help the municipality to be responsive to the community.
- The objectives of CBP are to:
    o improve the quality of plans
    o improve the quality of services
    o improve the community's control over development
    o increase community action and reduce dependency.

The CBP model outlines a specific role for ward committees in the needs analysis. The South African Act says that ward plans should include:
- specific targets for service delivery and infrastructure development which can be monitored through properly defined ward indicators
- reporting systems to council and line departments should accommodate periodic feedback guided by these ward indicator reports
- the presentation of the Annual Report to council should make special provision for a summary report on ward committee feedback.

In addition:
- Grassroots plans prepared by each neighbourhood area committee to be consolidated by ward committee and further consolidated at zonal level by zonal committees and BBMP at city level.
- In order to finance the community-based plans, it is necessary to devolve at least 40% of BBMP budget as untied grants to ward committees and

further to Neighbourhood Area Committees for preparing people's plans (on the lines of grama panchayats and the Kerala model of people's plans).

18. Giving voice to the excluded

Given the high levels of migration that take place to urban areas, measures need to be taken to give voting rights in elections and right to participate at the ward/sub-ward sabha to every citizen – even to those without a ration card, to residents of unrecognized slums, migrant workers, pavement dwellers, etc., who are at present excluded.

19. Performance Management/ Service Delivery Process at ward level

Ward committees and residents have very important roles to play in the planning and delivery of municipal services. Some of the ways in which they play a part, as part of the South African Act, are:

- assisting the municipality to accurately decide on which services should be expanded and improved, particularly during the planning stages, and insisting that council consults citizens during the decision-making process.
- residents should work with NGOs, CBOs and political parties to develop proposals for council to consider.
- communities can also request the municipality to appoint a committee of community representatives to monitor processes as well as to advise the municipality on priorities for service extension and improvement.
- communities or their representatives can also play some role in the evaluation of potential service providers, the involvement of communities in service provision and monitoring of the service providers.

Ward committees can play a key part in performance management in three stages:

• Planning: Work closely with the councillor and other community organisations, to identify priority needs and make sure that these needs are included in the budget proposals and plans.

• Follow-up and feedback: Insist on regular reports on municipal projects and services to the ward committee and at public meetings in your ward so that you keep residents informed of progress and/or problems. Make constructive suggestions for improvement and, if necessary, organise the community to help get the job done.

• Yearly performance reviews: Council should report regularly to the ward committees and communities on their budget and performance reviews, as part of community meetings. In addition, if your committee does not get a regular performance report from your council, let the mayor know that your ward committee expects better performance from democratic local government.]

20. Ward and sub-ward sabhas for direct interaction with citizens

There is no mechanism currently to hold ward or sub-ward (neighbourhood) sabhas where all citizens of the ward/neighbourhood get an opportunity to congregate as in the grama/ward sabha in rural areas.

• Quarterly or bi-annual ward/neighbourhood sabhas (on the lines of grama sabhas) need to be held in each councillor/ward committee member constituency to inform citizens about the functioning of the ward committee and its sub-committees, and get inputs from citizens for planning, budgeting, implementing, monitoring and auditing of works in the area.

21. Roles and responsibilities of ward committees

A ward committee can perform the following roles and responsibilities (based on South African Act):

(1) Will create formal unbiased communication channels and co-operative partnerships between the municipality and the community within a ward.
(2) Will ensure contact between the municipality and community through the use of, and payment for, services.
(3) Will create harmonious relationships between residents of a ward, the ward councillor, geographic community and the municipality.
(4) Will facilitate public participation in the process of development, review and implementation management of the Integrated Development Planning of the municipality.
(5) Will act as advisory body on council policies and matters affecting communities in the ward.
(6) Will serve as officially recognised and specialised participatory structures in the municipality.
(7) Will serve as a mobilising agent for community action.
(8) May receive and record complaints from the community within the ward and provide feedback on council's responses.

(9) May make recommendations on any matter affecting the ward to the ward councillor or the local council, the executive committee and the mayor.

(10) May execute other functions as delegated by the municipality.

(11) Ward committee members shall participate in the stakeholder cluster forums.

(12) Ward committees shall be represented in the council's study groups by their chairpersons.

21.1 Functions of ward committees
based on Parivartan's Nagararaj Bill

The following suggestions from Parivartan's Nagararaj Bill are worthy of consideration in any bill to bring in community participation:

- Ward committees shall discharge all such functions as delegated by various Neighbourhood Area Sabhas under Section ….. of this Act.
- Ward committees shall make special arrangements for training for socially significant groups such as women, S.Cs., S.Ts. etc., to empower them and to build their capabilities.
- Ward committees must focus on awareness building of citizens, to develop social capital and put pressure on improving LG functioning.
- Ward committees shall maintain a data base of the population of the ward, disaggregated by sex, SC/ST, child population (0-6, 6-14, and 14-18), workers (wage-employed and self-employed), below poverty level families, senior citizens, etc.
- Ward committee shall maintain a register of ward assets, (schools, hospitals, anganwadis, parks and playgrounds, civic amenity sites, properties, etc.)
- Ward committee shall supervise all institutions in the ward, such as the ration shops, PHCs, dispensaries, family welfare centres, primary schools, anganwadis, day-care centres for 0-6 and the elderly, livelihood centres, workers' facilitation centres, residential hostels/schools for SC/STs, OBCs, etc., social housing, etc. over which the ward committee has jurisdiction.
- Heads of all these institutions shall report to the ward committee.
- The financial resources for running all these institutions shall be transferred to ward committees
- Ward committee shall maintain all ward assets such as roads, parks and playgrounds, community toilets, schools, hospitals, anganwadis, hostels, community halls, etc.
- Ward committee shall assist the NAC wherever such assistance is sought.

21.2 Powers of ward committees

- The ward committee and ward councillor shall have the power to seek any information from any officer of the State govt. or municipality related to the functioning of their ward
- The employees and all assets of all such institutions that are functioning within the jurisdiction of the ward committee and which deal with items specified in Schedule ….. of the Constitution and which are delegated upwards by the NASs, shall stand transferred to the ward collectively.
- The transfers, disciplinary matters and salaries of the employees, which get transferred to ward committee shall be directly handled by ward committees. All these employees would be treated as employees of the ward and would not be transferred out of the ward without the permission of the ward committee.
- The salaries of all employees working in a ward in various departments shall be placed at the disposal of the ward committee and shall be paid every month by it.
- Any Development or Planning Authority, in charge of preparing the Master Plan for that town or city, shall call for the views of all ward committees, who shall finalise their views in consultation with NASs. The authority shall accept such views except in the rarest cases, wherein it shall give adequate reasons in writing for not doing so.
- The ward committee, in consultation with NASs, shall have the powers to appoint such staff as they feel necessary. Such appointments shall be treated as ad hoc and they shall be paid from the funds available with the ward committee or NAS. Appointments shall be done as laid down in Schedule …..
- The municipality or state government shall seek concurrence of ward committee and/or NAS, as the case may be, before making any appointments for posts falling under the control of the ward committee or NAS
- Ward committee shall have the power to impose financial penalties on such government officials who report to ward committee and with whose functioning the ward committee is dissatisfied. Provided such penalties are imposed in the manner described and the officer is given a chance of being heard.

- On the PDS, the ward committee shall have power to:
    - award contract to run the PDS shop
    - monitor functioning of the PDS shops in the area
    - revoke license on the basis of complaints from the public

- o award compensation to card-holders who have not received their entitlements

In addition, ward committees can perform the following functions:

- On primary education, the ward committee shall have power to:
    - o Conduct surveys of all school-going children in the area
    - o Maintain statistics on school children
    - o Ensure 100% enrollment and retention
    - o Conduct enquiries on drop-outs
    - o Bring recalcitrant drop-outs and parents before Child Welfare Committee and provide financial assistance where needed
    - o Monitor attendance and leave of teachers
    - o Ensure minimum infrastructure in schools (classrooms, toilets, drinking water, electricity, play equipment, study materials)
    - o Monitor usage of school funds and provision of midday meals
    - o Oversee contract for upkeep and maintenance of school infrastructure

- On primary health care, the ward committee shall have power to:
    - o Ensure minimum infrastructure and staff in primary health centres
    - o Monitor attendance and leave of doctors, ANMs, nurses, ayah, etc.
    - o Monitor availability of medicines
    - o Oversee contract for upkeep and maintenance of PHC

- On anganwadis and creches, the ward committee shall have power to:
    - o Ensure minimum infrastructure in anganwadis and crèches
    - o Monitor attendance of anganwadi teacher and ayah
    - o Monitor provision of nutrition supplement to children
    - o Oversee contract for anganwadi upkeep and maintenance

- On urban poverty alleviation, social justice and livelihood, the ward committee shall have power to:

    - o Ensure there are sufficient affordable rental housing units in the ward for unskilled migrant workers
    - o Ensure that there are no homeless persons in the ward by running night shelters for street children / the destitute unemployed
    - o ensure that all destitute, physically and mentally challenged, widowed/deserted women, are given priority in housing schemes

  o Ensure that all eligible are provided social security under maternity benefit and widow / disability / old-age pension schemes and other insurance social security schemes

  o Ensure there are adequate skill training facilities and credit facilities at low interest rates for starting own enterprises, and raw material procuring and marketing facilities for the informal sector through the SJSRY cell at ward level

  o Ensure wage-employment on municipal works for all those unemployed and registered at Workers' Facilitation Centres within the ward.

  o Ensure implementation of all labour laws within the jurisdiction of the ward

22. Making decision-making more participatory

Lack of mechanisms for citizen consultation and lack of awareness among citizens about the means of citizen participation are deterrents to effective people's participation.

- Information on available methods of participation to be disseminated to citizens and citizens encouraged to use them.
- Consultation through public notices and public meetings with specific communities
- All new policies, projects, etc. to be publicized at every stage and at every level (city, zone, ward, neighbourhood), before and after the process of drafting them, public hearings conducted on them at all four levels to collect feedback, rationale for decisions taken and reasons for not accepting suggestions to be made public before finalizing policies, programmes, etc.
- Right to referenda needs to be included on important issues, such as budgets, investments, user charges, regulations, sale and purchase of public property, location of industries, mega infrastructure projects, etc. (Swiss cantons)
- Laws could be enacted by citizens themselves by-passing provincial or local legislative body through the ballot box (24 US states and Washington DC have this)

22.1 Making the participatory system of decision-making more inclusive

Even if participatory approaches are adopted, it is likely that the marginalized remain excluded in the decision-making process as these may get monopolized by the more powerful sections of the ward.

According to Nico Steytler in "Enhancement of Democracy through empowerment of Disadvantaged groups", "Better organised and well-off sectors of civil society tend to exploit the opportunities for participation. Access to political systems of participation is difficult and costly. But community participation is easier for disadvantaged groups and women. Existence of avenues for dialogue does not mean the marginalized are able to use them." To make decision-making more inclusive he suggests:

- Information disclosure must be effective in relation to target audiences, such as the illiterate, the disabled, women, etc., their language, the style and medium of communication.
- Send material and info to disadvantaged groups about the electoral and participatory processes of BBMP
- Provide translations of public documents in disadvantaged groups' language
- Provide translators at public meetings
- Advertise info and opportunites in disadvantaged groups' media
- Send invitations to attend and participate in council sessions
- Procedures should be accessible to disadvantaged groups – not technically inaccessible - someone to transcribe comments from illiterates at municipal offices (SA).
- Info about this to be publicized along with name of official responsible.
- Consultation procedure should suit the disadvantaged
- Door-to-door approach to integrate most impoverished who cannot attend meetings
- Or transportation and child care facilities should be arranged to bring them to meetings.
- Encourage organization of the disadvantaged and civil society

23. Ward committee secretariat

The municipality shall provide the ward committee with adequate funds and manpower to set up and run the ward committee secretariat. The secretary of the ward committee shall be a person not less than the rank of Asst. Commissioner. The municipality shall provide a lump-sum amount every year, inked to inflation, to each ward committee. The ward committee may spend additional amounts from its other sources, if necessary.

All ward committee secretariat staff , including ward committee secretary, shall be directly appointed by the ward committee.

24. Ward revenues

- All funds, tied or untied, received directly from municipality, state or central government
- Revenues as received from various NASs.
- All revenues raised through voluntary donations
- Funds received from various departments of municipality or state government for running schools, PHCs, anganwadis, etc. which would now be run by ward committees

25. Functions and duties of Neighbourhood Area Sabha
(Section 25 to 30 are based on Parivartan's Nagararaj Bill):

The following suggestions of the Nagararaj Bill prepared by Parivartan and several other civil society groups deserve consideration to give genuine "power to the people". However, given that local communities are often dominated by local power elites, it is necessary to ensure that there are adequate checks and balances on the powers of the Neighbourhood Area Sabha to prevent elite capture of power at the neighbourhood level.

"To have jurisdiction over all items in 12th Schedule and welfare of all individuals in the neighbourhood – delegate upwards to ward committee what it feels it cannot do:
- To generate proposals, schemes and development programmes and determine their *inter se* priority – forward the same to ward committee for consolidation into ward plan
- Members of neighbourhood area, their cooperatives, or SHGs can be given preference in award of contracts
- Preference to be given to local skilled and unskilled workers on the projects to be executed in the neighbourhood area
- Employment guarantee scheme can be implemented by the neighbourhood area committee
- Wages for workers to be fixed by neighbourhood sabha but not to be less than minimum wages
- Welfare measures for workers to be decided by mohalla sabha to be followed by contractor
- Earmarking and prioritization of budgets for needs of disadvantaged as per their population
- Preparation of list of most vulnerable persons /families (unemployed, illiterate, homeless, disabled, ill, etc.) and updation each year.

Selection of most eligible persons for beneficiary schemes and prioritization of names.
- Preparation of additional schemes where necessary to ensure that no one in the neighbourhood area is unassisted when hungry, unemployed, illiterate, chronically ill, disabled, destitute or homeless.
- Verification of eligibility for beneficiary schemes
- Mobilise voluntary labour and contributions in cash and kind for various activities and supervise such works through voluntary teams
- Certify satisfaction for every project. Payment by municipality or ward committee only after such certification.
- Neighbourhood Area Committee shall supervise/monitor the collection of taxes, especially property tax.
- A certain % of taxes shall be retained by the NAC for welfare of own Neighbourhood Area
- To promote unity and harmony among various groups of people in the neighbourhood
- Arranging sports and cultural festivals
- To undertake social reforms and social change
- To strengthen struggles of disadvantaged sections against injustice
- To empower disempowered groups

25.1 Powers of Neighbourhood Area Sabha (NAS)

- Get any information from any official regarding issues directly or indirectly related to their neighbourhood.

- For those projects, which require:
  o environmental clearances
  o public hearings
  o land acquisition
  o privatization of services
  o displacement of residents
  o zoning changes

The neighbourhood area sabha shall receive from the state or municipality, detailed project reports, including their cost-benefit analyses, environment and social impact assessment reports, survey details of affected persons from the neighbourhood, etc. The neighbourhood shall be given 3 months' time to give their opinion. All opinions received shall be collated and publicized widely.

- To hire consultants to seek technical guidance on any issue

- To authorize any kind of expenditure for the welfare of the people of the area on subjects within the jurisdiction of the NAS
- To impose financial penalties on officials with whose functioning the NAS is dissatisfied
- To summon officials who provide services to the neighbourhood to attend NAS meetings and provide information, clarifications, etc. and resolve public grievances
- To allow/disallow any commercial or industrial activity or any land use conversion within the neighbourhood. Such activity to be allowed on such terms and conditions as specified by NAS. Land use conversion to be allowed if NAS feels it is in larger public interest and is within the law. Details in Schedule….
- To decide whether to allow acquisition of any land in the neighbourhood by any government agency, and if yes, on what terms and conditions. NAS's decision whether the purpose for which land is being acquired is in public interest or not shall be final.
- No slum or a part of it can be removed without permission of NAS. No permission shall be given until those being removed are resettled as per existing policy.
- NAS shall have the power to get all encroachments removed from public land under its jurisdiction.
- No liquor shop can be opened or closed in any NA without the approval from NAS and approval of at least ….% of women members present and voting.
- NAS shall have first right and control over all natural resources in its jurisdiction, such as land, water, flora and fauna, minor minerals, etc. The NAS shall plan for their fair and equitable utilization
- NAS shall have the power to form any committee for any purpose
- If two-thirds majority of any NAS, or if a ….% of NASs resolve that the municipality should discuss and decide any matter, the municipality shall take it up.
- NAS shall have jurisdiction over the subjects mentioned in Schedule ….. The municipality or State government may not take away from this Schedule but may add to it, in which case the necessary funds and functionaries shall also be provided to the NAC.

25.2 Neighbourhood Area Sabha (NAS) secretariat

The municipality shall provide the NAS with adequate funds and manpower to set up and run the NA secretariat which shall include at least one secretary and such other officials as the NAS decides. The municipality shall provide a fixed lumpsum amount linked to inflation to the NAS each year for

running its secretariat. NAS shall spend more from its other resources if it feels it necessary. All NAS secretariat staff shall be appointed by the NAS as per procedure mentioned in Schedule…..

25.3 Beneficiary Sabha

For any decision taken by the NAS, a Beneficiary Sabha of those affected by that decision shall monitor and supervise the execution of that decision, for instance for PDS, any development work for SC/STs, etc. but not for those works which benefit all.

25.4 Powers and duties of Neighbourhood Area Representative (NAR)

- To implement the directions and decisions of the NAS
- To seek approval of NAS before expressing any views, committing to anything, or taking any decision on important issues at ward committee meetings. However, he/she is free to do so on minor issues on which he has been authorized by the NAS.
- To circulate and advertise the minutes of every ward committee meeting within a week of the meeting and to convey any dissatisfaction of the NAS with any decision at the next meeting. The ward committee shall re-consider such decision at its next meeting.

26. Fund allocations

- The state government in its annual budget separately mention the amount of funds allocated to each municipality, ward committee and each NAC, which shall all be untied funds without any conditionalities.
- The municipality shall in its annual budget separately mention the amount of funds allocated to each ward committee and each NAC, which shall all be untied funds without any conditionalities.
- The state government or municipality shall not make any scheme or plan expenditure on functions in Schedule …. Which have been devolved to ward committees and NACs

27. Collection of taxes

The State government and each municipality shall through separate notifications list out those items on which ward committee or NAC shall have the powers (1) to levy and collect taxes, (2) those items on which the ward committee or NAC merely collects taxes levied by state govt. or

municipality and (3) those items on which the state govt. or municipality levies and collects taxes but passes on a certain percentage to ward committees and NACs.

The notification shall also mention the percentage of such collections from (1) and (2) above which should be deposited by ward committee or NAC with the state government

28. Administrative approval

All projects cleared by NAS or ward committee shall be treated as administrative and financial approvals for such projects. Concerned officials shall immediately proceed with technical sanctions, wherever needed.

29. Power to impose penalties

The ward committee or NAC shall have the power to impose penalties on officials failing to perform their duties within the ward / neighbourhood area jurisdiction

30. Ombudsman

An Ombudsman system should be established in each State to deal with appeals, complaints of mal-administration, hear appeals, redress grievances of citizens and investigate misdemeanours in the field of administrative activity of the local bodies.]

31. Right to recall of ward councillor /neighbourhood area representative

Right to recall of the neighbourhood area representative and ward councilor needs to be built into the legislation to ensure a more responsive system of representation.

32. Citizens' charters

Citizens' charters should be institutionalised at all LG levels, so that citizens are aware of what they can expect from LGs against clearly defined criteria. Citizens' Charters represent the commitment of the organization towards standards, quality and a time frame of service delivery, grievance redressal mechanism, transparency and accountability.

33. Community Development Workers

(based on South African Act)

Community Development Workers (CDWs) are multi-skilled public servants who are deployed at community level to bridge the gap between the provision of services by government and access to those services by the communities.

CDWs are deployed to municipalities where they live to address, amongst other things, the lack of information, knowledge and poor communication that communities experience in relation to government services. Municipalities are responsible for the CDW daily programme.

33.1 Role and task of the CDWs

The role and task of CDWs is to link communities with all government spheres and departments.

CDWs work as community facilitators and organisers focusing on the following key functions:

- Assisting communities with developing and articulation of their needs
- Facilitating the development of community structures
- Facilitating public participation in government development projects (e.g. infrastructure and service delivery projects etc.)
- Identification of service blockages in the community
- Finding solutions to identified needs and blockages by interacting with national, provincial and local government structures.

Some Community Development Workers who are already active in our urban communities are:

- Community Organisers (COs) under SJSRY scheme
- Auxiliary Nurse-Midwives (ANMs) and Lady Health Visitors (LHVs) from PHCs
- Proposed Urban Social Health Activists (USHA)
- Anganwadi workers

Needed are:
- School Attendance Authority
- Housing facilitators from Slum Board
- Water & sanitation workers

34. Capacity building
(based on South African Act)

There should be a separate cadre of service/officials to serve urban local governments. Institutions should be set up for the continuous capacity building and training of officials, elected representatives, ward committee and neighbourhood committee members.

34.1 Ward committee training

Municipalities should provide support to train ward committees to build their capacity. Training may be conducted on the following issues (based on South African Act):

34.2 Generic training needs

- Basic literacy
- Communication
- Interpersonal skills
- Conflict management and negotiation skills
- Democracy and community participation
- Identification, monitoring and prioritisation of needs, including basic training in survey methodology
- Leadership

34.3 Training needs on municipal policies and processes

- The establishment, terms of reference, nature and functions of ward committees
- Municipal structures, legislation & processes
- Municipal Service Partnerships
- Payment for services
- Principles of good governance

34.4 Specialised training needs

- Meeting procedures and secretariat services
- Administration
- Budgeting
- Monitoring and evaluation
- Project management

• Performance management

34.5 General training components

Ward committee capacity-building and training could encompass the following topics:
- Roles, responsibilities and functions of ward committees
- Effective communication between ward committees and broader community
- Matters related to the establishment and operation of ward committees
- Comprehensive Development Planning and review thereof
- Related to the above, municipal budgeting and citizen participation in the budgeting cycle
- Municipal Performance Management Systems
- Ensuring adequate community participation in all municipal functions and processes.
- Other legislative provisions that relate to community participation in municipal governance, including the Karnataka Local Fund Authorities Fiscal Responsibility Act, 2002

34.6 Training of trainers at district level

To sustain the knowledge and capacity needed for well-functioning ward committees, a training-of-trainers approach needs to be taken up. The district can play a strong role in facilitating train-the-trainer workshops involving all local municipalities falling under its jurisdiction.

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