

People's participation in urban governance

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By Kathyayini Chamaraj, Jun 25, 2014 :

The recurring garbage crisis in Bangalore points to the lack of citizens' participation and citizen monitoring of this vital function of the municipalities.

The attempt to bring in people's participation in urban governance through the 74th Constitutional Amendment and the concomitant Nagara Palika Act 22 years ago, has a chequered history, marked by the gross unwillingness of elected representatives to accommodate it as it would mean shedding their own powers and being accountable to citizens. The latest attempt to strengthen people's participation in urban governance was when an amendment was made to Section 13A of the Karnataka Municipal Corporations (KMC) Act in Jan 2011 bringing in one ward committee per ward and also area sabhas, as a mandatory reform prescribed by the Centre for getting funds under the JNNURM. However, this amendment too left much to be desired.

Citizens' groups objected to several of its clauses as it again called for nominations of ward committee members and area sabha representatives, rather than their election as suggested by the model Nagara Raj Bill circulated by the Centre. It also gave veto powers to councillors over the decisions of the area sabhas and ward committees, nullifying citizen participation. But these objections of citizens went unheeded. However, after passing this amended Act, no effort was made to frame rules for implementing it or to constitute ward committees and area sabhas, fuelling the suspicion that it was passed merely to garner funds from JNNURM which had been withheld for not complying with the Centre's rules.

Ward committees

The Karnataka high court noted this lacuna during the hearings on the garbage crisis in 2012 and directed the BBMP to set up ward committees immediately and also frame the rules. Thus draft rules were framed by the Urban Development Department (UDD) in January 2013 and again in August 2013 calling for suggestions from the public. Several suggestions were given by civil society organisations to make the ward committees truly effective and participatory. But the final rules prepared by UDD are sketchy and hardly incorporate suggestions made by citizens.

Only two suggestions made by a citizens' body are in the final rules submitted by UDD to the high court in April 2014, viz., "every ward committee member should be given a portfolio, a 5-year ward vision plan should be prepared by the councillor, based on the baseline data of the ward, and outcomes against targets should be measured through indicators and a performance management system."

There does not appear to be any system in the UDD to publicise draft rules, tabulate citizens' suggestions, record the reasons for rejecting them, and put all these in public domain. But a new policy formulated by the Centre on pre-legislative consultation requires all departments/ ministries to do exactly this before finalisation of any principal or subordinate legislation. The department/ ministry might, in addition, hold consultations with all stakeholders. If the department/ ministry feels that it is not desirable/feasible to hold pre-legislative consultation, it has to record the reasons in the note for the

cabinet.

Some other countries require all proposed legislations to be approved by a city-level stakeholder forum comprising various interest groups of citizens. If the citizens' forum rejects the proposal, it lapses and is not legislated. But such a forum and provision are unavailable here. If ward committees are to really fulfill the true spirit of the 74th Constitutional Amendment, supervision of poverty alleviation schemes and slum development, monitoring of ration shops, primary health centres, primary schools and anganwadis also need to be devolved to ward committees.

Ward committees and area sabhas need to be given powers to decide on the use of the ward's properties; be consulted about projects planned in their ward; plan, prioritise and budget for their wards and hold officials accountable. Area sabhas need to be able to get time-bound redressal of grievances at ward level and also conduct social audits of all municipal works. Citizens could be enabled to participate in sub-committees on garbage management, roads, greening, etc. These measures would bring better accountability than splitting BBMP. But sadly, they do not provide an optimistic prognosis for the garbage crisis or for 'good governance', the slogan of the new government at the Centre.