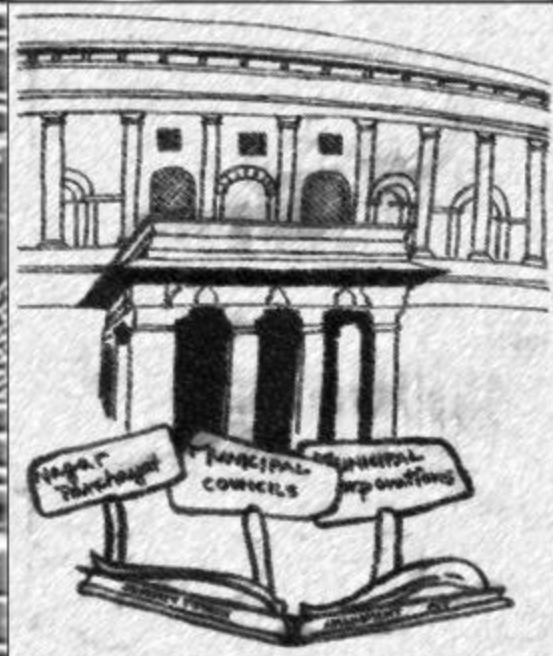


GOVERNMENT BY THE PEOPLE BY THE PEOPLE BY THE PEOPLE



Analysing 74th Constitutional
Amendment Act 1992



HAZARDS CENTRE
January 2007

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Acknowledgement

In the course of our work in urban areas over the last nine years, Hazards Centre has frequently encountered this crucial question from community groups: “Who actually represents us?” Such a question underlines the frustration, anger, and despair of people with processes of representative democracy; but may also point the way towards a deep yearning for participatory democracy.

Hazards Centre has been studying the opportunities available for people to participate in governance for the last 4 years. Therefore, the idea to publish this booklet on the basis of our studies and experiences with the communities.

The research could not have been complete without the consistent guidance and encouragement of Dunu Roy, who patiently discussed all the aspects of the Act.

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Anuradha Sharma
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Introduction

Popularly known as the Nagarpalika Bill, the 74th Amendment to the Constitution was passed by Parliament on 22nd December 1993, just after the 73rd Constitutional Amendment Act (known as Panchayati Raj Act) was legislated under Article 368¹ of the Indian Constitution. Article 368 of the Constitution gives the power to Parliament to make certain Amendments to the Constitution. The Amendment Bill is then introduced in Parliament and has to be passed in each House by a majority of two-thirds of the members. To pass the Constitutional Amendments 73 and 74, the Central Government took more than 5 years under the leadership of three Prime Ministers, with repeated changes in the period.

The process to democratise the Nagarpalikas was started by Rajiv Gandhi (then Prime Minister) in 1989. It was through his initiative that the 64th (now 73rd) and 65th (now 74th) Amendment Bills² were placed in Parliament. The Panchayati Raj section of the Bill was well received and won its two-thirds majority in the Lok Sabha, but lost in the Rajya Sabha by two votes. It was this defeat that eventually gave birth, five years later, to the 73rd and 74th Constitutional Amendments.

The 65th (now 74th) Amendment Bill recommended some major structural changes in local governance, to ensure the functioning of Municipalities as democratic units and

¹ Article 368 - “ Powers of Parliament to amend the Constitution and procedure therefore. Thus the Parliament can amend by way of addition, variation or repeal any provision of this Constitution. The clause of amendment gives power to the Parliament to pass the amendment in both the houses of the Parliament and not less than half of the states assemblies”.

² 64th and 65th Amendment bills were brought in 1989 which were then passed as 73rd and 74th Amendments in 1992

result in greater participation of the people at the grass roots in decision-making. It thus reduced the role and control of politicians at the State level in local governance, which was seen as a threat to political control by leaders in the State legislature³.

There were three main arguments against the passage of the Bill: firstly, Parliament had no locus standi to consider such a Bill since local self-government and Panchayats are in the State list; secondly, the Amendment Bill was altering the basic features of the Constitution; and thirdly, the Government was trying to put forth an illusionary legislation at the end of its term. These arguments not only delayed the process of amending the Constitution but also thwarted the implementation of the 64th (now 73rd) and 65th (now 74th) Amendments.

Subsequently, it was asserted that the spirit of the 74th Constitutional Amendment was to bring about a change in urban local self-governance. In the inaugural session of the World Mayors' Conference, the then Union Minister of Urban Development, Gulam Nabi Azad, said: "Through the 74th Amendment in 1992, the Centre added a three-tier system to the country's federal polity. It was aimed at strengthening the municipal administration to have the institutional capability to deal with problems of urbanisation and urban population".

Apart from West Bengal, none of the States have been able to meet the mandatory provision of regular elections for municipal bodies. States like Chattisgarh have failed to elect urban local bodies, while in others, where municipal elections have taken place, the tenure has been much longer than five years.

A Parliamentary Review Committee of the 13th Lok Sabha chaired by Chandrakant Khare in 1999, comprising of 30 members from the Lok Sabha and 13 members from the Rajya Sabha, reviewed 10 years of implementation of the Amendments and expressed the view that this period had witnessed a wilful violation of the Constitution with respect to devolution of rights to the Panchayati Raj Institutions (PRIs). One important

³ Shivaramakrishnan; Power to the People

reason for poor resource generation was inadequate control of the PRIs on natural, physical, and human resources within their jurisdiction. Unfortunately, according to the Committee, fiscal devolution was increasingly dependent on political pressures, market forces driven by contractors, and plain and simple corruption⁴.

While there has been a considerable body of work on reviewing and critiquing the functioning of participatory governance in rural areas under the 73rd Amendment, there has been much less attention given to the performance of the 74th Amendment. The purpose of this study is to generate discussion and debate on the concepts and problems of decentralisation of power in urban areas. The study attempts to cover several aspects of how the Amendment was framed, what were the debates around it, what was the social context in which it emerged and was implemented, and the many problems in practice at the State level, with comparisons between the States and the national capital of Delhi. ■

⁴ Parliamentary Review Committee on Local Governance, 1999

Content and Functions of the 74th Constitutional Amendment

Article 243 of the Indian Constitution was amended by the Constitution (7th Amendment) Act 1956⁵, which brought in the definitions of Panchayats and Municipalities within the ambit of the Constitution. The 74th Constitutional Amendment brings in basic changes in the definition of Metropolitan Area, Municipal Area, and Municipality laid down in **Article 243 P**.

According to **Article 243 P**, Metropolitan Area means an area having a population of ten lakhs or more, comprised in one or more districts, and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan Area for the purposes of this Part. Municipal Area means the territorial area of a Municipality as is notified by the Governor or State Government, and Municipality means an institution of self-government constituted under **Article 243 Q**.

While constituting the municipalities every State has to constitute a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area; a Municipal Council for a smaller urban area; and a Municipal Corporation for a larger urban area, in accordance with the provisions of this Part. This Article also mentions that the Governor, with respect to the population,

⁵ 7th Amendment Act 1956 brought in the Centre – State relations.

revenue, density etc of the particular areas, would demarcate these areas into transitional, smaller, and larger urban areas.

The Amendment (**Article 243 S**) also provides for decentralization of municipal administration, wherein each Municipality will be divided into territorial constituencies known as Wards. Accordingly, one, or more than one, Ward, with a population of more than 3 lakhs, will constitute a Ward Committee. Ward Committees will consist of elected members of the Municipal Council who would represent the Wards of that particular Ward Committee. The councillors of all the wards in the Ward Committee will nominate the Chairperson of the Ward Committee.

The Amendment further states that respective State Governments would make laws on the composition and the territorial area of a Ward Committee and the manner in which the seats in a Ward Committee shall be filled. The member of the Municipality will also be the member of the Ward Committee and all members would nominate the Chairperson.

Scheduled Castes (SC) and Scheduled Tribes (ST) would be given reservation according to the population of their communities, and women will be given one-third reserved seats. It is also noted in the Act that the Chairpersons should be preferred from women, SC, or ST representatives (**Article 243 T**).

Unfortunately, the 74th Amendment is silent on the possible change in institutional design, especially in the direction of a strong mayor or a more people-oriented form of local governance. An important provision of the Amendment is the grant of a 5-year term to the Municipalities, with the opportunity to be heard if they are to be dissolved or superseded (**Article 243 U**).

Article 243 W lays down some of the powers and functions of the Municipalities as listed out under the Twelfth Schedule. There are 18 major functions out of which some are very ambitious in origin and some are conventional. The objective was to put an end to para-statal organisations like Urban Authorities. But the Amendment is not clear on

how a State will be able to remove these obstructions and eventually leaves it to the State's discretion. The details of the powers and functions enumerated under the Twelfth Schedule are as follows:

1. ***Urban planning including town planning.***
2. ***Regulation of land-use and construction of buildings.***
3. ***Planning for economic and social development.***
4. ***Roads and bridges.***
5. ***Water supply for domestic, industrial and commercial purposes.***
6. ***Public health, sanitation conservancy and solid waste management.***
7. ***Fire services.***
8. ***Urban forestry, protection of the environment and promotion of ecological aspects.***
9. ***Safe guarding the interests of weaker sections of society, including the handicapped and mentally retarded.***
10. ***Slum improvement and upgradation.***
11. ***Urban poverty alleviation.***
12. ***Provision of urban amenities and facilities such as parks, gardens, and playgrounds.***
13. ***Promotion of cultural, educational and aesthetic aspects.***
14. ***Burials and burial grounds, cremations, cremation grounds and electric crematoriums.***
15. ***Cattle pounds; prevention of cruelty to animals.***
16. ***Vital statistics including registration of births and deaths.***
17. ***Public amenities including street lighting, parking lots, bus stops and public conveniences.***
18. ***Regulation of slaughterhouses and tanneries.***

Executing these 18 functions will mean that every Municipality would need financial support from the State, which could be either from the taxes collected or through the fund allocations in State budgets. For this purpose the State may authorise municipalities to levy, collect, and appropriate taxes, duties, tolls and fees, and provide

for making such grants-in-aid to the municipalities from the Consolidated Fund of the State (**Article 243 X**)

One of the important features of the Constitutional Amendment is the constitution of the Finance Commission (**Article 243 Y**) once every five years, which will make recommendations regarding sharing of finances between State and Municipality and also suggest ways for improving finances and determine grant in aids. The auditing of accounts is the duty of the State Legislature (**Article 243 Z**) that will make provisions for the maintenance of accounts by the Municipality. Article 280 of the Constitution was amended to bring in effect the financial needs of State governments in the context of the requirements of local bodies and reports of the State Finance Commission.

Article 243 ZA states that the superintendence, direction and control of the electoral rolls and elections to the Municipalities would come under the State Election Commissions. While this Amendment will not be applicable to the scheduled areas and tribal areas, and in the Gorkha Hills of Darjeeling District of West Bengal (**Article 243 ZC**), it is applicable to the Union Territories (**Article 243 ZB**).

Provision for the District Planning Committee has been enumerated in **Article 243 ZD**. Every State will have a Planning Committee at the district level to consolidate the plans prepared by the panchayats and municipalities to make a comprehensive plan for the district. Similarly a Metropolitan Planning Committee has to be set up (**Article 243 ZE**) to look into the planning and coordination for the Metropolitan Area ■

The Need for the Amendments

In 1688, the British introduced the Municipal Corporation in Madras, followed by Municipal Corporations in Bombay and Calcutta by 1762 (Mayraj Fahim; 2006). Since then the structure of the municipalities has remained the same, ignoring the complex demography and vastness of Indian cities.

The post-independence era brought in many more cities in the ambit of municipalities, like Nagpur, Delhi, Bombay, Gujarat, to confer significant control and supervisory powers on the State Government. Municipal Commissioners, appointed by the State Governments through their administrative services, were delegated various powers enumerated in the Statute.

The Delhi Municipal Corporation Act 1957 was enacted subsequent to the outburst of jaundice in Delhi in 1955 in which 700 people died. These people died in those areas where there was no supply of clean drinking water and these were where the economically weaker sections lived. Relief and compensation was given to those who were affected by the epidemic. This led to a massive cleanliness drive in Delhi and there was a huge burden on the sanitation staff. Consequently, there was a strike by the municipal sweepers under the leadership of the caste-based Samaj and this contributed to the public feeling that the city was being administered in an ad-hoc manner. There was a need for planning the city, so the Delhi Development Authority was established under the Delhi Development Act 1957, and Municipal Corporation of Delhi was formed

under the Delhi Municipal Corporation Act 1957, to oversee the proper development and provision of basic amenities for the growing needs of the city⁶.

Significantly the municipalities were getting more and more powerful and the common man had no role to play apart from taking what was offered by a central agency. The need for a people-centric local body emerged precisely to give more power to the people through the formation of Wards and Ward Committees. With the idea of encouraging people's participation, the historic 73rd and 74th Amendments were made to the Constitution in 1992.

Vigilance over municipal finances and the constitution of State Finance Commissions were made obligatory. The Central Finance Commission had to recommend, from time to time, steps to support State resources for the assistance of municipal governments. The provision for reservation of one-third of the seats for women and scheduled castes in municipal bodies was strongly endorsed.

The rationale behind the decentralisation process in India was explained by the then Prime Minister Rajiv Gandhi, while introducing the earlier 64th and 65th Amendment Bills in 1989, although his main emphasis was on the Panchayat Bill, and the Nagar Palika Bill came as its companion piece. According to him, 'the irregular and uncertain elections, the wide gap between the people and the implementing authority were the main reasons that had ignited the need for decentralisation in governance'⁷.

The Eighth Plan recognised the essential need to involve the people in the process of development by removing the total dependence on the Government for development activities. The plan aimed to formulate institutional strategies, which would create and strengthen various peoples' institutions at the District, Block and village levels. The role of elected Panchayats and Nagarpalikas were enlarged in formulating and implementing development projects in their areas. They were vested with adequate financial resources, technical/managerial inputs, and decision-making authority.

⁶ Dilli Kiski Hai? Hazards Centre 2003

⁷ Selected speeches and writings 1989, Vol. V, GOI, 1991

The Plan also elaborated the need for bringing about systematic involvement and active participation of the people in developmental activities. Two principal grounds which provided the rationale for this were: (a) decentralised institutions have the capacity to diagnose the needs of the areas, interact with the governmental agencies in order to draw need based local plans, and to implement those plans in close cooperation with the administration; and (b) they are accountable to the community. These institutions are better placed to improve the delivery systems in administering schemes and programmes drawn up when responding to the felt needs of the people, and to optimise the benefits reaching those for whom they are meant.

Thus the main objectives of the Amendments can be defined as the decentralisation of power and ensuring popular participation in planning, management, and delivery of civic services. It also introduced some fundamental changes in the system of municipal governance⁸:

1. First, it mandated that where a local government is 'dissolved', it shall be reconstituted by holding elections within six months. This was to ensure the continuity of elected municipal governments and active engagement by directly elected representatives of the people.
2. Second, a framework was provided for earmarking government functions for urban local bodies through the Twelfth Schedule of the Constitution.
3. Third, the States were required to set up Finance Commissions to recommend to their legislatures measures on State-local revenue sharing, improving resources, and functioning of local bodies.

Generally speaking, therefore, decentralised governance is rooted in the axiom that the people have the ultimate authority to take decisions, since there is no direct sharing of power in the federal institutions.■

⁸ Power to the People? The Politics and progress of decentralization – K.C.Shivaramakrishnan

The Debates

In a nutshell, we can say that the need for decentralization and community participation was identified even before independence, but it took almost 40 decades to legalise, whereas its implementation is yet to be completed. Even during the process of its legalisation, there were significant debates in the administrative and legislature about the nature of participation and the extent to which it could be promoted within the existing socio-political realities of the country. We present some of those debates that marked the long path towards achieving a political consensus amongst the major political parties and the intelligentsia on these issues

Establishment of community development blocks in rural India marks the beginning of the process of empowerment of citizens of India in 1952. The Balwant Rai Committee in 1957, the Asoka Mehta Committee in 1977, and the Sarkaria Committee in 1986 advanced this process through debates, but with varied conclusions. The concept of district planning was a major step in further pushing the debate on decentralisation.

Rajiv Gandhi

On 8 August 1989, both the 64th (now 73rd) and 65th (now 74th) Amendment Bills were taken up for consideration. At the height of the Bofors controversy many MPs had resigned, hence the debate was one-sided and there was little opposition. Interestingly, Syed Shahabuddin⁹ (M.P. Lok Sabha) pointed out, on legislative and Constitutional grounds, that the Constitution described India as a 'Union of States and not a 'Union of

⁹ Syed Shahabuddin, Janata Party MP, editor of Muslim India, Working President of All India Muslim Majlis-e-Mushawarat, and the most stridently voluble Muslim on the national scene. He also happened to be somewhat in the doghouse at the time, due to a split in the ad-hoc committee formed earlier to reclaim the Babri Mosque of Ayodhya from illegal Hindu occupation.

States, Municipalities and Panchayats'. Hence the Amendments would alter the basic feature of the Constitution. Moreover, he pointed out that the Amendment Bills were framed hastily.

Besides this intervention, a few amendments were suggested. One was the substitution of the word 'Governor' by the words 'State Government', giving more powers to State legislatures and allowing representation of MPs in the district panchayat only. The irregularity in holding elections was also remarked upon (experience of Hyderabad where elections were held after twenty-two years). Another point was of recognising the elected mayor as the executive authority by providing for Mayor-in-Council rather than giving powers to an appointed Commissioner. However, the amendments proposed by the non-Congress members were not considered and the Bills were passed, for further reference to the Rajya Sabha.

The debate on the Bills began on 14 August, 1989. Many States, which were led by the Opposition, maintained that decentralisation could be brought about by political will and political leadership and not by Constitutional Amendment. It was also emphasised that devolution should be from the Centre to the States. At the same time, the provisions of the Nagarpalika Bill on Ward Committee and Zonal Committee were opposed.

L.K. Advani (then in the Opposition) also opposed the Bill. He offered three suggestions: the first one was to replace the word 'State Government' with 'Governor'; the second was to follow the Sarkaria Commission's recommendation on decentralisation; and the third, to refer the Bill to a Select Committee as proposed by Satya Prakash Malalviya, the Rajya Sabha member¹⁰. The Opposition was trying its level best to block the Bill. Nonetheless, Rajiv Gandhi contributed his best to support the Bills. He emphasised that the Bills were not curtailing the jurisdiction of the States in any way by altering the State List. He advocated the uniform structure of nagarpalikas and panchayats in order to have the same pattern throughout the country. To get an experience of the ground

¹⁰ Rajya Sabha debate 17 August 1989

reality Rajiv Gandhi even organised consultations with District Magistrates, to obtain their opinion on the subject.

After forceful deliberations on the 64th (now 73rd) and 65th (now 74th) Constitutional Amendment Bills, the motion was put to vote. There were 83 Nays and 157 Ayes, three short of the requirement of two-third majority of the total of 240 members present and voting. As a result the motion was announced defeated.

Apart from the Parliamentary debates, there was also an ongoing public debate. Eminent jurists wrote in the newspapers. In fact, Justice Krishna Iyer submitted his inclination to enlarge the scope of the Bill so that the Panchayat could also function as the village judiciary with power to release bonded labourers and against discrimination of Dalits and women¹¹. Many distinguished personalities advocated for decentralisation, but with minor alterations.

Interestingly, at the same time, the President of the Janata Dal, V.P. Singh had appointed a committee under the chairmanship of S.R. Bommai. In its report, this committee appreciated the Amendments for making the panchayats and local bodies effective units, but also proposed a few alterations¹².

V.P. Singh

After the general elections in 1989 the National Front formed the Government under the leadership of Prime Minister V.P. Singh, and affirmed its intention to strengthen the federal structure through Panchayati Raj, as it was part of its manifesto. In fact, the NF Government wanted a concise legislation allowing enough flexibility to State Governments to have their own arrangements. Therefore, they asked the Law Ministry to prepare an integrated Bill, instead of two separate Bills.

¹¹ Krishna Iyer, V.R. "Illusion and Reality". Hindustan times, New Delhi, September 28 & 29 1989.

¹² "The basic of Democratic Decentralisation", Report on Panchayats and Self government of the Committee appointed by V.P. Singh, President Janata Dal. A Janata Dal Publication, Delhi, July 1989.

In September 1990, the Law Minister introduced the Bill in the Lok Sabha, which was not substantially different from the drafts of Rajiv Gandhi. Here also Article 40 of the Constitution was the source of inspiration. Moreover, the Bill recognised the same statement of objects, reasons, and inadequacies as the last draft (including the absence of regular elections, prolonged suppression, inadequate representation of the weaker sections, insufficient devolution of powers, and lack of financial resources)¹³.

This time there was no objection based on Parliament's incompetence in legislating such a Bill. But the Amendment Bill added a new part, titled "local authorities", covering both the municipalities and panchayats. Although the Bill was not substantially different from the Rajiv Gandhi Government's drafts yet a few new provisions were appended. The important provision contributed by the V.P. Singh Government was to recognise the Gram Sabha (comprising all the voters in a particular settlement) as the General Assembly. It also incorporated the provision of proximity between the people and their representatives. These Gram Sabhas (two or more) would constitute Panchayats at the village level comprising the elected representatives from territorial constituencies. Apparently, the State Governments were at liberty to decide on two or three tier set-up at other levels.

The recommendations of the Balwant Rai Committee (formed during the Congress regime) had proposed a three-tier arrangement at the village, block, and district levels, whereas the Ashok Mehta Committee (constituted during the non-Congress regime) advocated a two-tier arrangement of District and Mandal Panchayats. Ironically, the non-Congress States of Karnataka and West Bengal pursued a three-tier Panchayati Raj in contrast to Congress led governments in Maharashtra, Rajasthan, etc.

For the urban local bodies the Bill contained the same provisions as earlier. Three types of bodies - a Nagar Panchayat for transition from rural to urban, a Municipal Council for smaller urban areas, and a Municipal Corporation for larger areas - but without the cut-off sizes in the Rajiv Gandhi draft. The one-third reservation of seats for Scheduled

¹³ Bill no. 156 of 1990, the statement of Objects and reasons appended to the bill.

Castes and Scheduled Tribes and women were retained as before. The establishment of Ward and Zonal committees were left to the discretion of the State Governments. The separate provisions for elections by the Election Commission and audit by the Comptroller and Auditor General were omitted, although the provision for a State Finance Commission was maintained. Unfortunately, before the Bill could be introduced in Parliament for consideration, the Mandal issue had aggravated the situation followed by agitations on the Babri Masjid issue. Consequently, the Bharatiya Janata Party withdrew its support and the V.P. Singh Government was defeated by 346 votes to 142.

Chandrashekhar

The Chandrashekhar Government ruled only for a few months, and couldn't take up the issue of decentralisation for discussion. Decentralisation became an important part of the Congress manifesto to come into power again in 1990, but Rajiv Gandhi was assassinated on 21 May 1991, and the Narasimha Rao Government sworn in on 21 June 1991.

Narasimha Rao

The Narasimha Rao Government reintroduced the Panchayati Raj and Nagarpalika legislation in September 1991. It was in the form of two separate Bills: the 72nd (now 73rd) Amendment Bill for rural local bodies and the 73rd (now 74th) Amendment Bill for municipalities. Because of the fifteen months time between the introduction and final approval of the Bills the numbering changed. They were referred to a Joint Select Committee of Parliament and were ultimately passed as the 73rd and 74th Amendment Bills in December 1992.

The redrafting of the Amendment Bills continued as two separate exercises, pursued by two separate Ministries. On 16 September 1991, Shri Venkataswamy and Smt. Shiela Kaul¹⁴ separately introduced the 72nd (now 73rd) and 73rd (now 74th) and Amendment

¹⁴ The Constitution 72nd Amendment Bill 1991 (Bill No. 158 of 1991) introduced in the Lok Sabha by Shri Venkataswamy, minister of Rural Development and the Constitution 73rd amendment Bill (bill no.159 of 1991) introduced in the Lok Sabha by Smt. Shiela Kaul, minister for Urban Development on 11 September 1991.

Bills in the Lok Sabha. Although the two Bills broadly resembled the 1989 versions but they differed in some important respects.

In the Panchayat Bill, provision for a Gram Sabha as a conclave of all voters, introduced by the V.P. Singh government, was included. As for reservation of Chairperson's positions for SC/STs, the draft contained an affirmative provision rather than merely an enabling clause. The 1989 Bill had only stated that nothing would prevent a State legislature from providing for reservation for SC/STs or women in the Chairperson's position but the 1991 draft made it more positive by stipulating that such reservation should be made and it was left to the State legislatures only to determine the manner.

The differences of perspective in the Municipalities Bill were more significant. Firstly, in the Rajiv Gandhi version, size classes were indicated for Nagar Panchayats, Municipal Councils, and Municipal Corporations. The revised version mentioned a 'transitional area', a 'smaller urban area', and a 'larger urban area' but it was left to State Governments to make the determination. In regard to the election of a Chairperson of a Municipality, the 1980 Amendment Bill had proposed that this should be indirect but stipulated some restrictions on removal. The 1991 Amendment Bill left the matter to be decided by the States. Thirdly, in another major difference, the Bill did not make any provision for Ward or Zonal Committees leaving the same to be determined by the State Governments.

A close study of Article 243 H in the 64th (now 73rd) Amendment Bill 1989, Article 243 J of the 72nd (now 73rd) Amendment Bill, and Article 243 U of the 73rd (now 74th) Amendment Bill shows that the 72nd (now 73rd) Amendment Bill proposed to assign responsibility of accounts and audit of panchayats to the State Governments, whereas in regard to 73rd (now 74th) Amendment Bill it proposed the same provisions as the 1989 version, where the municipal accounts were to be kept as advised by the CAG and the "CAG shall cause the same to be audited"¹⁵. It is difficult to understand the reason for this difference between two Bills formulated by the same Government. It is also

¹⁵ Article 243 H in the 64th Amendment Bill 1989, article 243 J of the 72nd amendment Bill and Article 243 U of the 73rd Amendment Bill

apparent that in the process of formulating and approving two Bills on a similar subject, the two Ministries of Rural Development and Urban Development proceeded on their own with little interaction.

The Narasimha Rao Amendment Bills were also conspicuous in completely omitting any provision for district planning or metropolitan planning, both of which had been regarded as substantial innovations to which Rajiv Gandhi had brought strong personal support and conviction.

The two Bills were introduced in the Lok Sabha towards the end of the monsoon session, on 16 September 1991. Subsequently, in the beginning of the winter session, Venkatswamy and Shiela Kaul extended a motion in the Lok Sabha to refer the two Bills to Joint Committees of both houses of Parliament. The motion was concurred in Rajya Sabha on 21 December 1991. Two separate Joint Committees were formed to deliberate on the two separate Bills¹⁶. There were no objections on the provisions of reservations and direct elections from territorial constituencies for the 73rd Amendment Bill. Furthermore, the choice of two-tier or three-tier panchayat set up was left to the States, with village panchayats being made mandatory and the decision on intermediate or district level institutions, or both, being left to the States. With regard to the Chairpersons, the draft suggested direct elections at the village and intermediate levels, while for the district level the State could decide for itself. However, the JPCs recommended direct elections at all levels¹⁷.

There was a **difference of opinion regarding the representation of the MPs and MLAs** in the 74th Amendment Bill. The Rajiv Gandhi version of the Nagarpalika Bill contained no specific provision for representation of MPs and MLAs in municipalities but there was a general provision enabling the State to determine their composition. In the reintroduction of the Bill the provisions of 1989 were repeated. The Joint Parliament Committee dealing with the Panchayat Bill had debated whether representation of MPs and MLAs without voting rights would be appropriate. Eventually, an agreement was

¹⁶ Lok Sabha 16 September and Rajya Sabha 21 December 1991, proceedings.

¹⁷ The report of Joint Parliament Committee on the Constitution 74th Amendment Bill, July 1992.

arrived at whereby voting right was allowed except in the election of the Chairperson of the panchayat.

On the other hand, in the Nagarpalika Bill, the Joint Parliament Committee added a provision to Article 243 R for representation of MPs, MLAs, and MLCs with voting powers, but did not stipulate any restriction on the voting powers relating to the election of the Chairperson or any other matter. This also led to some court cases. When, in a few municipalities of Rajasthan, the Chairpersons were removed by votes of no confidence, these Chairpersons moved the Rajasthan High Court for redressal contending that MPs and MLAs had not participated in the motion. The High Court held that this is not any ground for redressal because the MPs and MLAs were not elected members of the municipalities; hence their non-participation did not vitiate the motion of no confidence. However, the petitioners filed an appeal and a Division Bench of the Rajasthan High Court held that the motions of confidence would fall, because they have to be carried by a two-third majority of the 'whole house', and the MPs and MLAs, albeit part of the whole house, did not participate in the voting¹⁸.

Similarly, the Punjab and Haryana High court held that Article 243 R gives only limited delegation to the State Governments, i.e. either to provide for representation of MPs and MLAs or not, but it does not give the State any right to restrict the voting powers of the MPs and MLAs so represented. The decision recognized the inalienable right of MPs to vote in any Panchayat or Nagarpalika even though they are not elected members of these bodies¹⁹.

Furthermore, there is no uniformity in the provisions for representation of MPs and MLAs in municipalities of different State Governments. In Madhya Pradesh, Haryana, and Tamil Nadu, MPs and MLAs are represented in municipalities but either they have no rights or restricted voting rights. In Andhra Pradesh, Assam, Karnataka, Rajasthan, and Uttar Pradesh, voting rights have been provided. In Gujarat, Kerala, Maharashtra,

¹⁸ Yogesh Chandra Saini and others Vs State of Rajasthan and 22 others, D.B. Civil Special Appeal (Writ) Numbers 794, 779, 800 and 801 of 1998, judgment dated 15 July 1999.

¹⁹ Rajpal Chabra vs. State of Haryana and others: Civil Writ Petition Number 1016 of 1995: Punjab Law Reporter Vol XX 1998-99.

Orissa, and West Bengal these rights are not provided at all. In the case of Punjab, representation with voting rights is limited to MLAs only.

The JPC proposed that Ward Committees be mandatory in case of cities with more than three lakh population, whereas their size and composition was left to State legislatures. State legislatures were also free to form Zonal Committees. The District Planning Committee and Metropolitan Planning Committee were made mandatory, along with a few more provisions.

Although the JPC approved the setting up of a Finance Commission at the State level, at the same time it insisted on allowing the Central Finance Commission to advise the State Finance Commission on supplementing the resources of the local bodies in the State. Interestingly, the Finance Ministry objected to this and, accordingly, a new clause was added to Article 280 of the Constitution requiring the Central Finance Commission to address the financial needs of State Governments in the context of the requirements of local bodies and reports of State Finance Commissions. This change extended the mandate of both Central and State Finance Commissions.

Thereafter the recommendations of both Joint Committees were discussed in the Cabinet for two days in the month of July 1992, where a few recommendations were accepted and a few were rejected. Firstly, the Government proposed to limit the direct elections at the village and intermediate levels and not at all the three levels (as suggested by the Joint Committee). Secondly, on the subject of conducting elections the Joint Committee had proposed it to be within the powers of Chief Electoral Officers of the State, but this was opposed by the then Chief Election Commissioner (Seshan) on the grounds that it would affect the work of Assembly and Parliamentary elections. Hence, it was decided to have separate State Election Commissioners.

This time when the 72nd (now 73rd) and 73rd (now 74th) Amendment Bills were taken up there was not much debate and the discussion lasted for 2 days. Despite the general consensus among the members there were a few supplementary proposals. A former

Mayor of Surat drew attention to the fact that the 73rd (now 74th) Amendment Bill did not define the executive authority in the Municipality, and this led to confusion on whether it would be with the elected Head or with the Municipal Commissioner.

Besides this the suggestion of amending Article 240 of the Constitution was accepted. However, the need for District and Metropolitan Planning was noted, which had already been incorporated by the Joint Committee. On the issue of the representation of MPs and MLAs in city governments there was an objection by Sharad Dighe. He also proposed the need for incorporating guidelines for size classification of nagar panchayats, municipalities, and corporations²⁰.

Unlike in 1989, Syed Shahabuddin (Lok Sabha) and a few others who had opposed the Bills on the basis of jurisdiction, supported the Bills this time. The rationale for their support was the constitution of the Joint Committee, which they thought validated national consensus. Eventually, because other matters intervened in Parliament for discussion, the debate on the Bills was delayed. The most stunning one was the demolition of the Babri Masjid on 6 December 1992. Subsequently, the Narasimha Rao government survived a no-confidence motion, with 106 Ayes and 334 Nays. Thereafter, the Lok Sabha resumed its business.

On 23 December the Rajya Sabha approved the two Bills without much debate²¹.

Narasimha Rao pushed for, and obtained, a consensus on what was feasible. The Bills were passed, which required ratification by half of the States in accordance with Articles 73 and 162 of the Constitution, as the Amendments sought collusion between the Union and the States on the exercise of executive power. The Amendment Acts were ratified and were renumbered as 73rd and 74th. In April 1993 the President gave his assent to the same. The State Governments were asked to align the laws of panchayats and municipalities in accordance with the amendments by April 1994.

²⁰ *ibid.*

²¹ Rajya Sabha Debates, 22 December 1992

Interestingly, the process of decentralisation was implemented more effectively in the States where non-Congress Governments were ruling, after it was passed by a Congress Government led by Narasihma Rao. For instance, in Kerala, the Left Front created structures for participation by every single adult of the State. The Digvijay Singh (Congress) Government in Madhya Pradesh formed Mohalla Sabhas, which could reach more people, but kept power with the District Commissioner as a member of the Mohalla Samiti.

The Bhagidari scheme in Delhi, on the other hand, encourages the middle class to organise in Resident Welfare Associations (RWAs) and become more articulate in governance, while removing the space for participation by the poor in the slums and resettlement colonies. ■

Hegemony of Neo-liberal Agenda of Reforms

It would be interesting to move forward from here to see the correlation between neo-liberal policies and the process of decentralisation in India from the beginning of the 1990s. In the early 1990s, the Indian markets were opened to the needs of the global investors who were coming to India to invest, while the domestic market was beginning to sink. The need to remove all the barriers to “free” trade by foreign investors, and the dismantling of the system of controls, was the focus of all governments.

One of the important factors was, therefore, the decentralisation of power, by transferring the responsibilities of Central/State governments to local bodies and thus providing more space for deregulation. The process of urbanisation also gained pace, since the state of the city’s infrastructure, and clean and healthy environment were some of the key components to attract multi-national investors.

With the onset of liberalisation, almost the entire range of urban services began to change hands from the public to the private sector. At the beginning of the millennium, for instance, essential services like power utilities in Delhi were sold to the two giant private companies of BSES and NDPL.

Millennium Development Goals (MDG) were also framed for eradicating extreme poverty and reduce the number of people living on less than a dollar a day and those suffering from hunger. India signed the MDG in September 2000 and vouched to reduce poverty by half by 2015, when the National Development Goals under the 10th Five

Year Plan envisaged reducing the poverty ratio by only 15 percent points by 2012. In 2004, the United Progressive Alliance formed the government and promised a Common Minimum Programme to launch a National Employment Guarantee programme and the enactment of the Right to Information Act. On the one hand, therefore, there are all these ambitious proposals, but the actual possibility of realising them looks bleak under the ongoing unequal trade rules, patent regimes, and privatisation of public services.

Within this context, the UPA government has announced yet another ambitious Jawaharlal Nehru National Urban Renewal Mission (JNNURM) in 2005 with a budget component of Rupees 1.26 lakh crores to give a facelift to 63 Indian cities within 7 years. The Mission was not put up for public debate and discussion in any form, not even within Parliament. It, in fact, calls for more and more essential services to be sold to the corporate sector to manage and make money, while the government will bear the burden of the losses. It also proposes to increase the credit rating of the cities to attract more and more investors from the foreign market.

The main thrust of the revised strategy for urban renewal is to ensure improvement in urban governance so that Urban Local Bodies (ULBs) and para-statal agencies become financially sound with enhanced credit rating and ability to access market capital for undertaking new programmes and expansion of services. In this improved environment, public-private participation models for provisioning of various services would also become feasible. To achieve this objective, State Governments, Urban Local Bodies and para-statal agencies will be required to accept implementation of an agenda of reforms.

This is certainly the best way to prepare the ground for the entry of international capital investments and international financial institutions in the cumulative capital market. As Kundu argues, "Urbanisation has thus been concentrated in developed regions and larger cities. This could at least partly be attributed to decentralisation. Large municipal

bodies, particularly those located in developed States, have experienced high economic and demographic growth²².”

Jawaharlal Nehru National Urban Renewal Mission (JNNURM) itself has further accelerated this process by separating cities into three classes and providing differential levels of amenities, with “pay more, take more” models at the level of the ward committees, or may be Area Sabhas (as projected in Community Participation Law drafted by the NGO, Janagraha). The Mission is divided into two sub-Missions, one for overall infrastructural development of the city, and the other for providing basic amenities to the urban poor. The core of the mission, therefore, is to institutionalise the already existing disparity between the rich and the poor, by allotting space for the urban poor at the periphery and giving the rich the liberty to occupy the centre of the city through relaxing the Floor-Space Index (FSI) or promoting Transfer of Development Rights (TDR).

On the financial budgeting side, it is interesting that the contribution of the municipalities varies from 50% to 10% (depending on the size of the city), which will then be raised by the urban local bodies from the market on the basis of loans.

Effective implementation of 74th Amendment Act is one of the mandatory reforms of the JNNURM²³. The Mission has clearly stated that the role of public private partnerships will be actively encouraged. What is not clear is how, if the service providers change from public to private hands, a citizen can (through the 74th Amendment) make an intervention in the planning process. If elected municipalities become subservient to private corporations and the market, then why does one need to have a community participation law? The spirit of the 74th Amendment will die, as the Mission gains impetus.

²² Urbanisation and urban governance - search for a perspective beyond neoliberalism, EPW, July 19, 2003, Amitabh Kundu

²³ Ministry of urban development

Vulnerability of the marginalised, under-privileged, voiceless majority of our nation will thus grow manifold, with a gradual process of unfolding of the neo-liberal economic agenda of the government. The key question that needs to be asked, therefore, is, “Who exercises power in the process of governance: people or bureaucrats or those who exercise financial control over government?²⁴” ■

²⁴ Citizens Report 2004 – Social Watch India

Provisions in Delhi

The concept of the Ward Committees was incorporated in 1993 in the Municipal Corporation of Delhi (MCD) Act and Sections 50, 51, and 52 along with Schedule 15 have been added to it. The Ward Committees are, however, constituted for every zone and not for every ward²⁵.

Under S.50, these Committees are to be composed of councillors elected from the wards within the zone and persons nominated by the administrator. The nomination of persons runs against the spirit of decentralisation, which seeks to promote participation by local residents in issues related to the development of their community. It has been pointed out that, “A major objective of providing for Ward Committees in the 74th Constitution Amendment is that it enables closer interaction between the people and their elected representatives and thereby more sensitive responses to local needs and accountability of the elected persons to their constituencies could be obtained. The setting up of Committees for a group of wards with a large population, but calling them as Ward Committee in name only, defeats the basic purpose of proximity and accountability²⁶.” Thus, unlike the Ward Sabhas in Kerala, the Ward Committees in Delhi do not provide a forum where ordinary people can deliberate on the needs of the

²⁵ S.3A of the NDMC Act provides for the division of Delhi into zones. The zones are listed in the fourteenth schedule appended to the NDMC Act.

²⁶ National Commission to Review the Working of the Constitution, “A consultation paper on Decentralization and Municipalities” (New Delhi, 2001) available at <http://lawmin.nic.in/ncrwc/finalreport/v2b2-7.htm>

community. It has been pointed out that there is inordinate delay in the decision making process of the Zonal Committees and the Ward Committees²⁷.

In this respect, it will be useful to refer to the Delhi Government's "Bhagidari" scheme, a scheme of the State government that seeks to create a partnership between Resident Welfare Associations and government departments²⁸. Some of the functions of the government departments (such as collection of dues and maintenance of colony parks) have been handed over to the RWAs. However, the RWAs do not have any role in planning for development of the locality. A major drawback of the scheme is that it is limited to registered RWAs and does not include people living in slum clusters and resettlement colonies. The Bhagidari system was developed as a pilot project in 2000 and has been extended in the subsequent years. It does not have statutory backing. Since Bhagidari is administered by the State government, rather than the Municipal Corporation of Delhi (MCD), it arguably creates a parallel system of decentralisation. It is unclear how it is linked up to the local government system established under the MCD Act. With numerous RWAs emerging to project the views of certain sections of society, it lacks the representative character of the citizens.

Clearly, when the majority of the inhabitants of Delhi have remained out of the Bhagidari scheme, it would be desirable to provide systems for empowering the marginalised to participate in an informed process of urban development.

The division of wards and zones in Delhi:

With the projected population in the draft Delhi Master Plan 2021 crossing 23 million, it is unlikely to manage ward level development. Still, it is necessary to understand the structure of decentralisation in Delhi. Currently, Delhi is divided into 12 zones and 134 wards, with a range of 4 lakh to 18 lakh population per zone and an average of 1 lakh people in one ward.

²⁷ Nagarpalika Updates – Institute of social Sciences

²⁸ For more information on the Bhagidari scheme see <http://delhigovt.nic.in/bhagi.asp#19>

Under the statute, the Ward Committees were to be formed for a population of not less than 3 lakhs. In Delhi, the Ward Committees have been made over a zone, with all elected councillors from the zone as members, and some nominated members from that zone. The Chairperson is also nominated out of the total members. The concept of nomination has certainly stripped the notion of decentralisation of people's power. These Ward Committees are ineffective, since the members are neither empowered nor aware of the Amendment to the Constitution, nor accountable to the people at large or to any elected body such as the MCD (see below).

With the Constitutional Amendment coming into effect, the functions of the Ward Committees have been incorporated into Schedule 15 of the Municipal Corporation of Delhi Act. This schedule empowers the Ward Committees to sanction the estimates of plans less than Rs One Crore for that zone. Those plans, which cover more than one zone, or are taken up as per the budget sanctions of the Corporation, are excluded from the purview of the Ward Committees. These committees are also empowered to monitor the revenue and expenditure pattern of MCD in the zone. But the Ward Committees are not mandated to meet even at least once a year.

In November 2003 the MCD proposed ward-wise development plans to be included in the ensuing budget for 2004-2005. With this the citizens of a particular locality can seek details of expenditure incurred in their ward. Provisions like planning for economic and social development, protection of environment, promotion of ecological aspects, and urban poverty alleviation demand a lot of finance, which is outside the ambit of MCD budgets.

An honest look into different functions enumerated in 12th Schedule of the Municipalities in Delhi shows the real picture of the implementation of the Amendment in Delhi.

1. Urban planning including town planning: In Delhi, urban planning is done by the Delhi Development Authority (DDA) but, with the extension of the 74th

Amendment, it will devolve to the municipalities, ward committees, and later, to the local urban bodies.

2. Regulation of land-use and construction of buildings: In Delhi the formulation of the landuse pattern and building byelaws is left to the DDA, and Municipality is only the executor.
3. Planning for economic and social development: Municipalities have never planned for generation of employment. Empowering them for economic development would require greater funding.
4. Roads and bridges: The roads and bridges are generally constructed by the Public Works Department in most States.
5. Water supply for domestic, industrial and commercial purposes: The Delhi Jal Board is the responsible agency in Delhi. Giving the power to the Municipality would mean curtailing the independence of Board.
6. Public health, sanitation conservancy and solid waste management: Primarily done by the municipalities.
7. Fire services: Largely taken care of by the Fire Service Department, which is under the Delhi Government.
8. Urban forestry, protection of the environment and promotion of ecological aspects: Primarily done through the Department of Environment of Delhi Government.
9. Safe guarding the interests of weaker sections of society, including the handicapped and mentally retarded: Department of Social Welfare of Delhi Government and Ministry of Social Welfare of Government of India makes provisions and plans.
10. Slum improvement and upgradation: Primarily done by the Municipality under a separate wing called Slum and JJ Wing of MCD headed by an additional commission but in Delhi it is also done by DDA.
11. Urban poverty alleviation: This is done through the central government Ministry.
12. Provision of urban amenities and facilities such as parks, gardens, and playgrounds: Primarily taken care of by municipalities.
13. Promotion of cultural, educational and aesthetic aspects: DDA and MCD together ensure its maintenance.

14. Burials and burial grounds, cremations, cremation grounds and electric crematoriums: Municipalities have to maintain these.
15. Cattle pounds; prevention of cruelty to animals: Municipalities have to maintain these.
16. Vital statistics including registration of births and deaths: The district administration and Municipalities have to maintain the records.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences: Municipalities have to maintain these.
18. Regulation of slaughterhouses and tanneries: Municipalities have to maintain these.

It is interesting to see the pattern of budgeting and geographical distribution of the ward committees in Delhi.

Geographical Distribution²⁹

S.No.	Zone	No. of Wards	Population
1	City	8	5,47,124
2	Central	12	12,90,485
3	South	12	11,18,113
4	Karol Bagh	8	6,10,449
5	Sadar Paharganj	6	3,78,490
6	West	16	15,80,977
7	Civil Lines	10	9,53,130
8	Shahdara south	16	15,07,183
9	Shahdara north	16	17,16,569
10	Rohini	12	13,77,007
11	Narela	4	5,32,115
12	Najafgarh	14	17,72,235

²⁹ MCD website: www.mcdonline.gov.in

Zone wise financial and physical detail of each work for the year 2004-2005³⁰ (the estimated cost in Rs. lakhs)

Zone/div	Approved colonies (Urban development under various infrastructural development schemes)	Unauthorized colonies (Urban development under scheme of provision of essential services in unauthorized colonies)	JJC Colony (Urban development under additional facilities in JJs)
City Zone -I	273.77	–	–
Central Zone	3.73	248.28	3.34
South Zone	176.42	137.72	7.41
Karol Bagh	125.92	–	–
Sadar Pahar Ganj	48.02	–	–
West Zone	462.91	4.57	168.76
Civil line	521.44	54.66	120.17
Shahdara (S) Zone	146.79	–	36.99
Shahdara (N)Zone	24.72	643.48	46.65
Najafgarh Zone	210.24	419.96	345.56
Rohini Zone	565.74	119.31	178.59
Narela Zone	–	126.90	–
Total (Spill over)	2586.70	1754.88	907.47

It is clear that Civil lines and Rohini Zones have appropriated about 40% of the budget for approved colonies, although they represent only 17% of the population. Similarly, Shahdara (North) and Najafgarh Zones, with 25% of the population, have collared a whopping 60% of the budget for unauthorised colonies. And of the JJ Colony development budget, Najafgarh Zone has been allotted 38% of the funds while having only 13% of the population. Overall, the approved colonies have been granted three times, and the unauthorised colonies have two times, the budget provision for the slums. Thus, the financial planning exercise is neither representative of numbers, nor of need, but is determined by the political power of the different constituencies, defeating the very basis of the 74th Constitutional Amendment.

At this juncture it is important to study the provisions in other States vis-à-vis the Amendment.

³⁰ <http://delhiplanning.nic.in/>

Provisions in other States

The formal structures of governance have traditionally excluded the poor from decision-making and this power has always remained with a small number of formal and informal elites. It is important to see how the system of governance needs a paradigm shift to make it participatory, inclusive, consensus-oriented, based on the rule of law, responsive to the needs of the population, efficient, transparent, and accountable.

According to the Central Government, the States have either enacted new municipal laws or amended the existing laws to conform to the Constitution (74th Amendment) Act, 1992. Apart from Jharkhand and Pondichery all States have conducted elections to the local bodies. The formation of Ward Committees in Urban Local Bodies with populations of 3 lakh and above was mandated by the Constitution. Out of 19 States where Ward Committees should have been be constituted, only 9 States – Andhra Pradesh, Delhi, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu, Uttar Pradesh, and West Bengal - have fulfilled this requirement. Most of the State Finance Commissions have submitted their reports to the State Governments, recommending significant devolution of resources to the urban local bodies. According to the Urban Development Ministry website this has ushered in a new era of urban governance and urban management in India. “The future is full of possibilities and excitement for investors, planners, administrators, economists, and above all 300 million urban dwellers of India”³¹.

³¹ <http://urbanindia.nic.in/moud/theministry/ministryofurbandevlopment/main.htm>

Andhra Pradesh:

In Andhra Pradesh, only the Ward Councillors are members of the Ward Committees. Municipal Corporation of Hyderabad consists of 100 municipal wards with 10 Ward Committees. Elections to the post of Chairperson were held in 2003. More and more municipalities in the State are adopting newer forms of technology for governance. Thus, Visakhapatnam Municipal Corporation's website "saukariyam" gives information on status of water tax collection, trade licenses, etc. Urban development authorities established under the AP Urban Areas (Development) Act 1975 remain outside the ambit of Municipalities and development is planned by way of preparation of Master Plans.

Karnataka:

The Government of Karnataka amended the Karnataka Municipal Corporation (Ward Committee) Rules 1997 to have up to 20 Ward Committees instead of 5 as provided earlier. The rules for the first time envisaged the formation of Municipal Councils, but Bangalore is the only city in Karnataka to have wards and councils. The population per Ward Committee is reduced to 20,000 to 40,000 as against the previous 80,000 to 1.6 lakh. The Ward Committees were constituted in 1999 and 2003 due to the court's intervention. Bangalore Mahanagara Palike (BMP) has been the first local body in the country to publish an unaudited statement of its assets and liabilities. The half yearly statement was published in the local newspapers³².

Maharashtra:

With respect to the Constitutional Amendment, Mumbai Municipality inserted Section 50TT in 1994, that led to the formation of 16 Ward Committees, but the size of the ward was too large and limited the proximity of citizens to governance. According to Section 50TT, each Ward Committee in Mumbai will consist of the Councillors representing the

³² Comparative study of the working of ward committees – Workshop held in ISS on 9th March 2004

electoral wards within the territorial area of the Ward Committee and not more than three members, nominated by the Councillors within the territorial area of the Ward Committee, which will also have a representative of recognised Non-Government Organizations and community based organizations engaged in social welfare activities working within the area of the Ward Committee.

Nasik has constituted the Ward Committees without any inclusion of any citizens group.

Madhya Pradesh

The experience of the Madhya Pradesh Government provides valuable insights because it predates even the Rajiv Gandhi Government's proposals. The Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhruti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984 (hereinafter to be referred to as "MP Patta Act") guarantees landless people, residing in government-owned land in urban areas, lease hold rights to the extent of fifty square meters (S.3(2)).

The definition of landless person in S.2(d) is significant. It says "landless person" means a person who does not

- (i) own any land in an urban area where he is actually residing;
- (ii) occupy land exceeding 50 sq. metres either himself or through any other member of his family.

The reference to ownership of land in an "*urban area where he is actually residing*" is significant. Thus, even individuals who own land in rural areas are covered by the Act. Since it appears that the bulk of the urban landless population in Indian cities tend to be those who have migrated from rural areas, it can be argued that S.2(d)(i) takes into account the reality of migration in India. Given the poor returns from agriculture and other traditional rural sources of income, migration to urban areas is very often

irreversible and ownership of land in rural areas has no bearing on the quality of life a person leads in the urban area of actual residence.

Since the statute applies retrospectively to occupation, stipulating that landless person means someone who does not occupy more than 50 sq.m. of land, it has the effect of excluding people who may have occupied more than 50 sq.m. before the statute was passed. If the objective of the statute is to provide housing to urban landless people, it is unclear why a ceiling should be imposed based on the area occupied before the statute was passed. A provision that limits the leasehold rights to the extent of 50 sq.m. prospectively would have better suited the objectives of the statute.

Section 3(1) provides for a cut-off date limiting the application of the MP Patta Act to occupation before 10 April 1984. Thus far from bringing about changes to promote land ownership and economic mobility, the MP Patta Act merely seeks to deal with landlessness in terms of stop-gap measures. The deficiency with such measures is that it does not examine larger structural factors that have contributed to landlessness.

In the provision under “Explanation”, family is defined to include “husband, wife, minor son, unmarried daughter or any relation by blood wholly dependent on the landless person.” The patriarchal underpinning of the definition is obvious. Female-headed households are clearly not within the ambit of the definition. The definition also attaches significance to women’s marriage. The inclusion of unmarried daughter (as opposed to the minor son) implies that until marriage the daughter is to be considered dependent on her father, even though she may be contributing to the family’s income.

S.3(3) provides that the leasehold rights are not transferable other than by way of inheritance. This has to be read in conjunction with S.7 of the Madhya Pradesh Nagariya Kshetron Ke Bhoomihin Vyakti (Pattadhurti Adhiniyam Ka Pradah Kiya Jana) Rules, 1998 (“MP Patta Rules”) which provides that the permanent lease deed shall be for a period of 30 years. Preventing transfer of property curtails the economic mobility of the leaseholders, preventing them from using it as a commodity. Limiting leasehold rights

to a certain number of years runs against the principle of security of tenure granted to individuals. The Committee on Economic, Social and Cultural Rights has emphasised the importance of security of tenure and has called upon States to take immediate steps to grant legal security of tenure to households lacking such protection³³.

The statute also has provisions for restoration of possession where a leaseholder who has obtained rights under S.3 is dispossessed by illegal means and the wrongdoer is punishable under S.5. The emergence of local mafia groups who collect “rent” (hafta) in many areas where urban poor and landless people settle is a reality that this provision seeks to counter. However, it can be meaningless in the absence of vigilant enforcement by the justice administration system.

The MP Patta Rules provide that the authorised officer shall suo moto register cases on behalf of each landless person in whose favour the land should be settled as leasehold rights. This provision vests considerable authority with the authorised officer and the only recourse against the orders or proceedings before the authorised officer is to file an application before the district collector under S.4-A of the MP Patta Act. The power to act suo moto vests a great deal of discretionary power with the authorised officer. For instance, the MP Patta Rules do not stipulate any time limit within which the process has to be completed. Instead of vesting authority with the authorised officer, the statute should have provided for an information dissemination campaign and an application process by the beneficiaries of the statute.

Under S.2(d) of the MP Patta Rules, the District Collectors are required to notify the Mohalla Sabhas. Unlike other statutes of a similar nature such as the Patna Municipal Corporation Act, where the ward limitation is done by the District Magistrate under the supervision of the State Election Commission, it appears that the State Election Commission has no role here. There are also no provisions for remedying any grievance individuals may have with the notification of Mohalla Sabhas. Thus, clearly there is

³³Committee on Economic, Social and Cultural Rights “The right to adequate housing (Art.11 (1)) : . 13/12/91. CESCR General Comment 4 para.8(a) available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?Opendocument)

considerable bureaucratic control without proper oversight. The MP Patta Rules provide for the establishment of a Mohalla Samiti in every Mohalla Sabha. This is to consist of elected members, State officials who are ex-officio members, and the elected ward member. The rules also provide for reservation of seats for women, scheduled castes, scheduled tribes, and other backward classes. The rules are not clear as to who is responsible for conducting the elections to the Mohalla Samiti. S.11(iv) of the MP Patta Rules merely provides that the notification shall be issued at the district headquarters by the Collector. The relationship between the Mohalla Samiti and other local government institutions, such as the Ward Committee, is not clarified in the MP Patta Rules.

The Mohalla Samiti is charged, among other things, with preparing a detailed scheme for the development of the locality or its resettlement at another location. This provision is based on the understanding that people residing within a locality are best placed to make plans regarding its development. To take this argument further, it would have been beneficial to provide a forum for local residents to participate in the meetings of the Mohalla Samiti.

S.8(1) of the MP Patta Rules provides for the constitution of a High Power Committee in each district headquarters and in other urban areas to decide on removing the occupants of any government owned land in the public interest. The High Power Committee is composed entirely of bureaucrats, and people's representatives (whether it be MLAs or local body members) do not find a place in the Committee. The Mohalla Samiti and aggrieved persons have a right to be heard before the High Power Committee takes any decisions. Bureaucrats may not be in a position to understand the local context and the needs of the residents of a Mohalla and do not have technical expertise. In this respect, it would be beneficial that the High Power Committee includes people's representatives and technical experts.

Kerala

The enactment of the Kerala Panchayati Raj Act, 1994 and the Kerala Municipalities Act, 1994 and developments pursuant to it has led to the overhaul of the local government in the State. As a result, Ward Committees were constituted in every ward of municipalities with a population of more than one lakh persons and Ward Sabhas were constituted in every ward of a Municipality having a population of less than one lakh. The Ward Committees in Kerala are composed of the Ward Councillor, members elected from the Resident Associations that are registered with the Municipality, representatives of political parties, and members nominated from among cultural organisations, educational institutions, and industrial establishments. Every citizen in the electoral roll of the ward is a member of the Ward Sabha.

Establishment of the Ombudsman for Local Self Government Institutions was a new feature, as it is a quasi-judicial body to enquire into allegations of corruption and mal-administration against members of Local Self Government Institutions. A statutory Right to Information that grants people the right to obtain full information regarding the administration of local self-government bodies was included.

A fixed percentage of the funds of local bodies were to be allocated for the benefit of marginalised groups, such as women, Dalits, and Adivasis. Introduction of performance audit system that reviews administrative measures on a quarterly basis was made essential. The State Election Commission has the charge to conduct elections to the local self-government bodies. It is also responsible for related functions like division of wards, reservation of wards, and disqualification of people's representatives. The functions of all the three tiers of the local self-government i.e. village, block, and district levels are clearly delineated. The local bodies have control over service delivery institutions such as hospitals and schools.

As Rajni Kothari³⁴ points out, “Merely setting up local self-government committees does not necessarily amount to the advancement of democratic politics. On the contrary such an attempt may prove to be quite counter-productive. The failure to understand such imperatives has often led to the growth of the ‘mafia’ phenomenon in local governance which keeps the weak away from the political process”³⁵. In this respect it is instructive to refer to the relatively high degree of participation by ordinary people in planning especially during the early phases of the decentralisation process. R. Krishnakumar notes that “[...] thousands of people were mobilised for participatory and scientific collection of information regarding material and human resources and development problems in each panchayat and for preparing a database to draw up comprehensive development plans for each and every panchayat in Kerala”³⁶. In order to develop expertise and thereby facilitate greater participation in the planning process, capacity building exercises were conducted. The themes included: organisation of gram sabhas, preparation of development reports and studies, drawing up of projects, drafting of the plan document, integration of the local plans and drafting of plans for the higher tiers, plan and project appraisal, and implementation of rules and procedures.

Steps were also taken to check corruption and nepotism in allocation of public work contracts and identifying beneficiaries of government schemes. This is especially significant because of the huge infusion of funds into the local government bodies. Every panchayat has a “committee of beneficiaries” which is responsible for planning, preparing estimates, and executing public works³⁷. The records relating to public works are declared as public documents and any citizen can demand to examine them. Details of the work and the estimates have to be displayed at the work site in a language that a lay person can understand. The beneficiaries of government social welfare schemes are identified on the basis of transparent criteria that are fixed for each scheme and

³⁴ Issues in Decentralisation Governance – Rajni Kothari in “Decentralisation and Local Politics” edited by S.N.Jha and P.C.Mathur – sage publications 1999

³⁵ *ibid*

³⁶ R Krishnakumar, “Democratic Decentralisation: A People’s Movement” Frontline December 18-21, 2004

³⁷ *ibid*

publicised. Beneficiaries are selected on the basis of the marks awarded against the criteria and the list of beneficiaries has to be approved by the Gram/Ward Sabha³⁸.

Another noteworthy aspect of the decentralisation process was its attentiveness to gender concerns. In the first year of the decentralisation process, it was found that even though the State Government had suggested that local body institutions earmark 10% of their plan outlay for projects that would benefit women, very few projects were drawn up that would directly benefit women. Therefore, from the second year, the State Government made it mandatory to set apart 10% of funds for women (Women's Component Plan (WCP))³⁹. Reservation of 33% of seats in the local bodies coupled with capacity building sessions and discussions with women stakeholders focused attention on women's limited participation in the public sphere. Linkages were also drawn between the decentralisation process and the government's women-centred poverty reduction programme, Kudumbashree. This was important since the local government bodies were also involved in poverty reduction. Thus, for instance, the Area Development Societies (ADS) and Community Development Societies (CDS) set up under Kudumbashree involve elected members of the local bodies in various capacities⁴⁰. It has been noted that, "decentralisation offered Kudumbashree the opportunity of accessing funds from several sources through the panchayats. The decentralised panchayats offered a myriad empowerment opportunities and Kudumbashree helped to target them to the needy⁴¹."

Unfortunately, political consensus around the importance of decentralisation has not emerged and this has derailed the process to a certain extent. Since decentralisation was initiated in 1996 under the Left Democratic Front government, it has come to be perceived by Opposition parties as owned by Left political forces. Allegations that the United Democratic Front government that came to power in 2001 has tried to scuttle the

³⁸ *ibid*

³⁹ Sarada Muralidharan "Gender and Decentralisation: Opportunities and Challenges", *Kerala Calling* October 2003, available at http://www.kerala.gov.in/kerala_callingoct/pg21-24.pdf

⁴⁰ "Kudumbashree: Concept, Organisation and Activities" available at <http://www.kudumbashree.org/Publication/Article/rural%20March%2006.pdf>
"Kudumbashree: Concept, Organisation and Activities"

⁴¹ "Self Help Successes" *The Hindu* January 2 2005.

process have been raised . More recent studies indicate that after the initial stages, the euphoria surrounding decentralisation and people's participation has waned in some local bodies. A study conducted by the NGOs, Society for Participatory Research in Asia and Sahayi, found that many people were unaware of the Ward Sabha and its functions.

The Kerala experience demonstrates that decentralisation per se cannot lead to greater participation of people in local governance. It has to be combined with capacity building and attention to the needs of marginalised groups. It has also shown the significance of integrating poverty alleviation programmes with decentralisation. However, given intense political rivalry and suspicion, no government programme can succeed on a long-term basis unless there is political consensus.

Uttar Pradesh

Under S.32 of the UP Municipal Corporation Act, 1959 ("UP Act"), the State Government is responsible for the delimitation of the territorial area of a Municipal Corporation into wards and determining the extent of the wards and the number of seats to be reserved for SCs and STs. S.5(aa) provides that Ward Committees shall be one of the bodies responsible for carrying out the functions under the UP Act. Under S.6A a Ward Committee shall consist of representatives from ten wards. It should include Sabhasads (Municipal Councillors) elected from the respective wards that fall within the ambit of the Ward Committee and members nominated by the State Government from among the electors within the area of the Ward Committee. The nomination of members by the State Government, once again, runs contrary to the spirit of the 74th Amendment, which seeks to promote decentralisation in local administration. It is unclear how representative the nominated members would be. UP Act also delegates the authority to make rules with respect to functions of the Ward Committee to the State Government.

R. Krishnakumar "Derailing decentralization" Frontline December 18-31 2004.

Participatory Research in Asia (PRIA) and Sahayi, "Ward Sabaha: Unique platform for people's participation in Urban Centers in Kerala" available at http://www.pria.org/downloadfile/ward_sabha_kerala.pdf

Ss.32 and 33 deal with the delimitation of wards, to be done by the State Government. This is in contrast to provisions in other statutes, such as the Patna Act (discussed later), where delimitation of the wards is done under the supervision of the State Election Commission. In the UP Act, the State Election Commission is charged with superintendence over preparation and publication of electoral rolls (S.39), revision of electoral rolls (S.41), and superintendence over the conduct of elections (S.46).

S.57-A provides for the setting up of the Metropolitan Planning Committee as required by the 74th Amendment Act. Metropolitan Area is defined under S.2(45-A) to mean “an area as defined in clause(c) of Article 243-P of the Constitution.” The Metropolitan Planning Committee is charged with preparing the draft development area for the Metropolitan Area. It is composed of members elected from among the elected members of the Municipal Corporation and Chairpersons of the panchayats in the Metropolitan Area and civil servants drawn from various government departments. As Prasanna Mohanty notes, “in the spheres of functional and financial decentralisation and popular participation through Ward Committees and Planning Committees, many States have not gone much beyond the letters of the 74th Amendment Act”⁴⁴. This is true in respect of the UP Act also. The provisions relating to the functions of the Metropolitan Planning Committee is a verbatim copy of the provisions of the 74th Amendment Act, thus losing an opportunity to throw more light on the functions of the Committee which would reflect the local conditions.

Under S.383-A, the development committee of the Corporation is charged with preparing yearly development plans. The role of the Ward Committees in this respect (whether they are required to develop plans which will be incorporated into the development plan of the Corporation, or whether they have a right to be heard when the plan is drawn up) is not clear. S.136-A undermines decentralisation by providing that the State Government has the final decision-making authority over any urban development project sponsored by the Government of India or receiving aid from the World Bank or any other foreign organisation. Though S.136-A provides that a meeting

⁴⁴ Prasanna K. Mohanty “Municipal Decentralization and Governance: Autonomy, Accountability and Participation” in *Decentralisation and local politics* (ed) S.N.Jha and P.C.Mathur p.212 at 221

of the Corporation shall be convened for the sanction of funds, this is to be done after the project is approved by the State Government. Also, the State Government has the power to override the decision of the Corporation if the latter chooses to refuse sanction.

Bihar

The Patna Municipal Corporation Act, 1951 (“Patna Act”) was amended in 1995 to give effect to the changes brought about by the 74th Amendment. Further Amendments were introduced in later years, including the Patna Municipal Corporation (Amendment) Ordinance, 2001.

Section 9 authorises the District Magistrate to divide the territorial area of the Patna Municipal Corporation into wards, under the supervision of the State Election Commission. S.41-A provides for the establishment of Ward Committees. Issues such as composition of the Ward Committee (other than the membership of the Councillors from their respective wards), functions of the Committee, and the process by which seats shall be filled have been delegated to the State Government for rule making, even though Article 243S(2) of the Constitution specifies that the legislature of the State should make provisions in this respect. Given that the Ward Committee is envisaged as a body that seeks to enhance greater public participation, it is necessary that issues related to its composition and functions be debated and decided by the members of the legislative assembly rather than by the executive branch of government. Under S.535 the State Government can authorise the attendance of civil servants at the meeting of the Ward Committee. The rationale for establishing Ward Committees under the 74th Amendment was to promote greater public participation. Where the Ward Committees are composed of more than one ward, as is the case in the Patna Act, it is unclear how the objective of direct participation can be met.

S.41B and S.41C provide for the establishment of the Committee for District Planning and Committee for Metropolitan Planning respectively. The composition of the former is to be determined in accordance with Section 134 of the Bihar Panchayati Raj Act, 1993. Prasanna Mohanty has pointed out that the “conformity legislations do not provide enough direction on how the district and metropolitan development plans are to be integrated with the State development plans and how they are to be financed, implemented, and monitored⁴⁵.” This seems to be the case with the Patna Act also. There is no guidance as to the relation between the two committees and the coordination of their functions. This is crucial since the “Metropolitan Area” is defined in S.4(xa) as “an area having a population of ten lakhs or more comprised in one or more districts and consisting of two or more municipalities or panchayats [...]” Also, the role of the Ward Committees in planning for their respective localities is not clear from the Act ■

⁴⁵ Prasanna K. Mohanty “Municipal Decentralization and Governance: Autonomy, Accountability and Participation” in decentralization and local politics(ed) S.N.Jha and P.C.Mathur p.212 at 221

Interviews with Municipal Councillors

Having discussed different possible components of the Constitutional Amendment, it is also necessary to explore its actual implementation. We, therefore, spoke to 5 Municipal Councillors of Delhi who were elected in 2002. The interviews capture their understanding of wards and the functions as enumerated in the 74th Constitutional Amendment.

Ms. Kiranwati Tank (Ward 84, East Zone)

Seemapuri ward is reserved for women and she was elected from the ward as Councillor in 2002. Shahdara (North) Zone hosts the Ward Committee of that area consisting of 16 wards. In her view, the members of the Ward Committee are the ward members of that Zone (which includes Councillors), Deputy Commissioner of the Zone (who is the head of the Zone), government officials from specialized department and the Chairperson of the Committee. The Committee meets every Friday, 11.30 a.m. at the Zonal MCD building.

The agenda for the meeting is fixed according to the demands of the wards. For instance, if there are complaints about solid waste disposal, then an officer of that particular department is called to attend the meeting. Thus, to ensure that effective results come out of these meetings, the participation of higher-level officials is insisted upon. The primary issues, which are often discussed in the meeting, are sanitation, power, horticulture, education etc.

Surprisingly, the Councillor is unaware about the Amendment. Neither does she have any information on the Twelfth Schedule consisting of the 18 functions to be carried out for the upgradation of her ward.

According to Ms Kiranwati, she has placed a proposal before the authority dealing with the evictions and demolitions (ie, MCD demolition wing) to define the role of the Councillors in the recent spate of evictions in the city so that the Councillor can meet the interests of the community. She also felt that Councillors should have a significant role in planning their area under the Town Planning Department or DDA. She had got 4 MCD primary schools to come up in the area and also pushed for the repair and renovation of the school buildings of the area. She also proposed to develop a mini-stadium with playground, swimming pool, badminton court, etc. According to her, she has sent a proposal to the Delhi State Minister for Urban Development to provide a separate market space for the ragpickers. The Councillor also claimed that she organised regular meetings with the residents.

Ms Kiranwati said that the provision of non-plan funds for the Councillor usually takes 3-4 years and the process is very intricate. The Councillors receive only Rs 80 lakhs annually, while the MLAs get Rs. 2 crores per annum under the Plan⁴⁶ budget and the process of getting the amount is not as complicated.

To initiate a project in their ward, a proposal has to be made to the concerned department, the department then considers the matter after survey and prepares a report. The report will then go the Engineering Department, then to the Standing Committee and the Mayor for approvals. The period for the process to be completed is much more than the actual time for execution of the work.

Apart from demanding an active participation of Councillors in urban planning, she also suggested that there should be proper coordination between the para-statal organisations and the work should not be delayed because of required sanctions and

⁴⁶ The plan and non-plan funds are matter of consideration because the contractors and other service providers are least interested in providing their services for non-plan funding project.

approvals from various departments. According to her, she has limited powers to help the residents of her ward. She also feels that funds should reach them in time and the process should be made easy.

She further commented that there is a lot of gender bias within the Councillors, and the male Councillors don't take their female counterparts seriously and often tend to suppress them.

Mr. Kunwar Sen (Ward 16, South Zone)

The councillor got elected from Vasant Vihar ward in 2002 on a reserved seat. He is also the Deputy Chairman of the South Zonal Ward Committee, which in his understanding, is the Zonal Committee and not the Ward Committee. According to the councillor, it is the Zonal Committee that constitutes all the 12 wards. Whereas the DMC Act, 1957 says that such a committee is called a Ward Committee⁴⁷. Interestingly, the Councillor has a different understanding about the ward and its Committee. According to him, every ward has a Ward Committee and every Councillor is the Chairperson of that Ward Committee. The Ward Committees are in existence since 1957, when the DMC Act was passed, and these Ward Committees consist of the Councillor (also the Chairperson in the present case), representative of MCD, and the Deputy Commissioner of the Zone and members of the wards.

The Ward Committee meets once a month at the MCD building of South Zone but sometimes it meets twice a month to discuss urgent issues. The nomination of the Chairperson is purely on the basis of seniority and performance. The meeting is attended by all the Councillors of South Zone, the DC, and MCD officials from different departments such as sanitation, education, electricity, etc.

⁴⁷ It was important to highlight his misunderstanding on Zonal and Ward Committee, where he considers Ward Committee as Zonal Committee.

Surprisingly, the Councillor was not aware of the 74th Amendment. Nevertheless, he had information about the 18 functions mentioned in the Twelfth Schedule, which has been listed in the DMC Act.

With respect to the role of RWAs, the Councillor said that there are certain RWAs in their wards who play an important role in the development of their locality, but there are also certain RWAs who have engaged themselves in frivolous complaints to government or the party superiors. These RWAs have been very autocratic and are only concerned about a few powerful residents. In his opinion, RWAs have never represented the communities they have been working with; they take undue advantage of their position and address their own interests.

While talking about the kind of work undertaken at the Zonal Committee⁴⁸, the Councillor stated that they have a separate committee to work out feasible solutions for the hawkers and vendors in South Zone. He also made sure that demolished slums in the area have got proper resettlement with basic facilities. He is also facilitating the process of constructing pucca houses in the Slum area after making a temporary arrangement for the slum dwellers that have been evicted. Commenting on the recent developments in the area, he said that he has executed the work for schools in the area, wherever they required repair and renovation. Apart from this the Councillor has been instrumental in getting 56 parks and 48 ornamental parks renovated in this area. Due to the scarcity of water, he got water-recycling units installed to water the parks. The councillor facilitates the widow and old-age pensions to many underprivileged people and also assists with grants of Rs 15,000 for the marriage of daughters of widows.

The Councillor also observed that old sewers are a huge problem in the area. At the time when the sewer pipes were laid the population was 25–30,000 and now it is 3 lakhs. Hence, there is a complete breakdown of the system. He has been able to organise health camps in his area with the help of the voluntary sector.

⁴⁸ The councillor was not sure about Zonal and Ward Committee, although he was referring to Zonal Committee but he means Ward Committee.

The Councillor has been receiving Rs 85 lakhs annually as grant under the non-planned funds but the process is too tedious. The process of sanctioning the project is also lengthy, where the file moves from one department to another endlessly. At the same time, he has been able to generate funds for many purposes. For instance, for the water harvesting system in parks, he has received funds from the Coca Cola Company.

As for other functions under the Twelfth Schedule, the Councillor said that he gets so busy with the development activities in the area, and also has to go as chief guest for so many functions, that he does not find time to execute other functions.

He suggested that the process of getting the project cleared should be simplified as also the release of funds. There should be proper coordination between the para-statal organisations, and there should be a pro-active, positive, and constructive role for RWAs and Opposition members.

Mr. Thakur Das (Ward 122, Sadar Paharganj Zone)

This Councillor has been elected from the same seat (Sadar Bazar) for the third consecutive time; he is the Chairman of the Sadar Pahar Ganj Ward Committee. The Ward Committee has members from 6 wards in the area; the Committee meets every Friday at the MCD building of the Sadar Paharganj Zone. All the six Councillors, Deputy Commissioner, police officials, MCD officials, etc regularly attend meetings, according to Mr Das. The MCD and other Councillors jointly nominate the Chairperson of the zone, although that appears to be just a formality, since the actual decision is taken by the high command of the political party on the basis of his/her seniority, and past performance.

The total population of the zone is approximately 4 lakhs and Sadar Bazar in particular has 70,000 people. The seat is reserved under the provision of DMC Act 1957. There are two women SC Councillors in the zone.

It should come as no surprise that the Councillor had no understanding about the 74th Amendment and ensuring greater participation of people in decision-making. Mr Thakur Das had no clue about the Twelfth Schedule either.

Although the Councillor claimed that he had given proposals for developmental activity in the area to the concerned departments, DDA had never approached the Councillor for his suggestions for the Master Plan. The Councillor condemned the demolition and sealing drive, he had gone to different places to stall demolition in his area. He is also working on giving 6'x4' shops to the hawkers under the National Hawkers Policy.

Apart from this he got 2 MCD schools constructed and 66 schools repaired. He is also making the resettlement of the slaughterhouses smoother in his area. There is only one small park in the area, which he believes to be well maintained. The Chairman is also planning for a flyover to enable faster traffic on Rani Jhansi Road. There is a huge problem of sewerage in the area.

According to him the non-planned funds (upto Rs 85 lakhs per annum) is easily allocated to the Councillor. If the Councillor requires more funds, that too is not a problem, it depends on his goodwill. He has himself received more funds than what he is entitled to and has never planned for generating funds on his own for development work. According to him, availing funds from government depends on the capabilities of Councillor.

It seems that the Chairman of the Sadar Paharganj Ward Committee is generally satisfied with the MCD and does not have any suggestions for improvement.

Ms. Kanta Rani (Ward 52, Najafgarh Zone)

A most energetic person, Ms Kanta Rani is the elected Municipal Councillor of Sagarpur Ward in Naseerpur constituency (legislative assembly) since 2002. The population of the ward is around 1,20,000 according to the list of registered voters of the area, although

the actual population is far greater than this. Najafgarh zone has 14 wards and constitutes a huge area extending from Dabri to Kapashera.

The Najafgarh Zone Ward Committee meets twice a month at the Najafgarh Zonal MCD building. The Chairman of the Ward Committee is Amarjeet Solanki. All the 14 Councillors, the Deputy Commissioner, and other officers from various departments attend these meetings. To the best of her knowledge, there is no expert nominated to the Ward Committee, as provided under the Act.

The agenda of the ward meeting is fixed according to the needs and requirements of the wards. These needs could be defined in the terms of unheard complaints and also the proposals on upcoming development projects. Besides the meeting is also used as a platform to push for the work which government officials are ignorant about. The following instance reflects how platform of Ward Committee helped in getting the work done from ignorant government officials: there is a Zonal school building at Padam Enclave, one part of the building was totally ruined and thus highly dangerous for the school kids. To avoid the fatal accident and ensure the safety of the kids, the Councillor proposed to the engineering department to demolish the dangerous part of the building. However, the department argued that unless there are orders for either new construction or renovation the demolition work could not be undertaken. (It reflects the impractical policies of government, which mandates that demolition proceeds with construction and is unconcerned about any fatal accidents). But the Councillor continuously highlighted the urgency of demolition of the dangerous building in the Ward Committee, and gathered the support of the chairman and other colleagues. Finally this support pushed the government officials to undertake the work.

As for information on the 74th Constitutional Amendment, Ms Kanta Rani had neither any idea about it nor about the 18 functions under the Twelfth Schedule. But when asked about her role in urban planning, she said that DDA had never called her for any meeting on planning, and “we remain as ignorant as any other person”. The Councillor has never undertaken any slum upgradation programme in her area. She got 6 MCD schools repaired in her ward. Three parks have been renovated.

It was very interesting to know from her that while the major problem in most parts of Delhi is the sewer line, the responsibility for its maintenance and construction is that of the Member of the Legislative Assembly (MLA). In a situation where the Councillor wants to get a road constructed, the sewer line has to be laid first. But if the MLA is not interested in getting the work done, then there is an inevitable delay. To avoid such situations, the Councillor tries to undertake the task of laying down the sewer line him/herself but that has cost constraints and the work is impeded.

The Councillor has never faced any problem in getting the funds released for her ward. But her major concern was the delay in getting approvals from various departments in any development task beyond the Rs.80 lakh limit. In case of any emergency work, it becomes very difficult to push forward the request for clearance.

The reason for incompetence in MCD is, according to her, the unpaid and underpaid MCD staff, such as chowkidar and safai karamchari who get Rs.900 per month salary, (much less than the minimum wage) and have not received salaries for the last 5 months.

She strongly condemned the attitude of her male counterparts who always look down upon and try to suppress women Councillors. There is a serious lack of coordination between departments, which is the main cause for the Councillor's incapacity to provide relief to the residents. There are two large drains in her area, the cleaning and maintenance of these drains is the responsibility of the Flood Department, and the Councillor can do little other than request them to clean the drains.

Mr. Sanjay Puri (Ward 17, West Zone)

He has been an elected Municipal Councillor since 2002 and is also a member of the Standing Committee. The Councillor had also served as the Chairman of the MCD Zonal committee for a one-year term. Ward 17 comes in the West Zone and consists of 16 wards from Moti Nagar to Pankha Road.

West Zone Ward Committee meets twice a month at the MCD Zonal Office at Raja Garden, and is attended by the 'Corporators'⁴⁹ of the wards under the zone. There is no expert nominated to the Ward Committee. The agenda of the meeting is always cleanliness, basic health facilities, park maintenance, and road repairing issues. Issues raised by the RWAs are also discussed, along with proposals from the Councillors.

Apart from the normal routine functions the Ward Committee also deliberates upon other problems of Delhi government. The Councillor explained that although the services like the water supply, sewage system, surcharged electricity, etc are the subjects of the state, but, in order to ensure better services for the citizens the Councillor intervenes in the issues pertaining to these state subjects also. Thus discussions are extended on these issues and best possible solutions are sought. The efforts are made to push for these solutions by sending constant complaint letters, memoranda and reminders to the concerned bodies.

As a member of the Standing Committee, it was interesting to hear from him about the role of the Committee. Of the 134 Councillors, only 18 are members of the Committee. One of the tasks is to approve any proposal where the estimated amount is more than Rs 25 lakh.

Mr Sanjay Puri too, had no understanding about the 74th Constitutional Amendment, but was well aware of the 18 functions under the Twelfth Schedule. When asked about urban planning, he said that he saw DDA's notification in the newspaper seeking suggestions/objections to the Draft Master Plan for Delhi 2021. Interestingly, the suggestions were discussed in the Ward Committee meeting but none were given to the DDA and DDA too never invited any of the Councillors. The Councillor has chosen to remain neutral on the issue of the demolition and sealing drive.

The Councillor is busy pushing for a Wedding Mart and Dilli Haat in Janakpuri Area. There is only one slum cluster in the area that has not faced demolition. There are 9

⁴⁹ Municipal Councillors are also popularly known as 'corporators'

MCD schools, which the Councillor proposes to renovate. Besides this, the Councillor has got a transit old age home approved, which would take care of such persons whose families will be away for a short while. The Councillor has also been instrumental in laying down the sewer pipes in an unauthorised colony belonging to his ward. He did not name it, but there are three unauthorised colonies under his ward namely Chanakya Place, Jeevan Park, Mahindra Park.

According to Mr Puri, if the Councillor is well informed about his functions and duties, then the process of fund allocation becomes easy. Basically, this process depends on how effectively the Councillor presents the urgency of a particular project before the concerned officers.

Mr Puri has sent a recommendation to the Home Ministry for better functioning of the MCD. He has also submitted proposals for establishing the Mayor-in-Council system, and increasing the sanctioned amount from Rs 80 Lakhs to Rs 2 crores per Councillor. According to him, it would be good if there is one consolidated corporation to execute all the functions at the same place.

BHAGIDARI

On the issue of Bhagidari almost all the Councillors, except for Mr Thakur Das, have been attending the meetings and responding to the residents' queries. According to Ms Kiranwati, Bhagidari is a good learning place and is also very useful. Mr Kunwar Sen does not think that the RWAs have been representing the residents adequately. Also, they have not been receiving invitations to workshops while the RWAs are invited. Thus it seems that the role of the Councillor is fading away. Ms Kanta Rani has seen no RWAs in her area, and she sees no point in having RWAs. According to her, if the people have any problem they have been coming to her, so why do people need RWAs or Bhagidari? Mr Sanjay Puri, on the other hand, finds the Bhagidari process very interesting and effective in solving many problems. ■

Some Workshops and Interactions with Communities

Unauthorised Colonies

Several workshops were organised in the unauthorised colonies of Delhi on the scope of the 74th Amendment. In most of the workshops and seminars the participants felt that the process of decentralisation is interesting, but they contended that while they are already planning their colonies, they don't have the legal right to demand any facilities. This is limiting the scope of people's participation. People generally don't come forward as they know that these exercises are futile and they will not be able to get any relief for their locality. Another point, which was very strongly expressed, was that the RWAs are often mistaken as the representatives of the colony, which is not often the case. In fact, the office-holders of the RWAs are property dealers who have already made a lot of money.

Extensive work has gone into drafting an alternative policy for the regularisation of unauthorised colonies, which talks of the Mohalla Samitis of not more than 100 households, which would together make a Mohalla Sabha. This would encourage many more people in the process of planning at the mohalla level, which could then move towards a larger planning process.

Slums

People's participation was the focus of animated discussions in almost all the community meetings in the slums. In one such workshop with a group of women living in the slums along the river Yamuna, the women started calculating the electricity consumption at the household level. The main problem, which they were facing in their slum cluster, was the inflated electricity bills that entailed paying a lot of money to the electricity contractor. In one such initiative of people's participation, they calculated the monthly consumption of electricity, which helped them in negotiating with the electricity department and to get the contractor changed in their slum cluster.

People of the slums do feel the need for vibrant participation in governance. They want due representation in the formulation of policies and plans.

Resettlement colonies

Most of the problems of the resettlement colonies are caused by the inadequate and inequitable distribution of basic amenities. People living in these areas have found it difficult to cope with the officers of the JJ & Slum Wing of the Municipal Corporation at these sites. The workshops have thrown up repeated questions like: Who formulates the resettlement policy? Why is it that the policy is not the same for everyone? Why have we never been heard? Why are we given basic facilities as if it were charity?

Though it is difficult to answer these questions, they become very relevant when the provisions for decentralisation and people's participation enter the discussion. In one such resettlement colony, the people really wanted to understand the provisions and after three hours of deliberation and understanding various provisions made in other States they proceeded to map the available resources and infrastructure in one block of the colony. Such processes indicate the possibilities within people's participation in planning.

The outcome:

As an outcome of these consultations with various communities, an alternative housing policy emerged which focussed on planning and the rights of the dwellers in the planning of the city. One of the many recommendations in the Alternate Housing Policy was for adequate spaces for the poor in the city with all basic facilities without ousting them from the current employment.■

Recommendations

From the foregoing analysis it is clear that States have adopted the 74th Amendment in diverse ways. Not all of them promote decentralised governance. In fact, many do not seem to be aware of the process of decentralisation. In this section we provide some recommendations to strengthen decentralised governance so that it becomes inclusive and participatory. The recommendations cover areas including the structure of the local governance system, its functions, and implementation. But, at the same time, it should be borne in mind that an overbearing programme like the Jawaharlal Nehru National Urban Renewal Mission can pose further challenges and make participative governance even more complex.

Any debate around the implementation and non-implementation of the process of decentralisation has to inevitably go deeper into the mandate of government, but some critical points may be made in this context as part of these recommendations:

1) Constitution of a four-tier system instead of the current three-tier system in all municipalities and the establishment of a genuinely participatory system of governance.

In Delhi and Bihar, Ward Committees are composed of more than one ward⁵⁰. In UP Ward Committees are composed of ten wards⁵¹. This defeats one of the central aims of the 74th Amendment – promotion of participatory governance. Since the Ward

⁵⁰ S 50(1) MCD Act

⁵¹ S 6A UP Act

Committee has a mandate over several thousands of people (running into lakhs in the case of Delhi) and supervises a large area, it is unlikely that the Ward Committee as the lowest tier of governance can ensure participatory governance at the local level. The Kerala experience where Ward Committees (constituted in municipalities with a population over one lakh) were constituted in every ward is useful in this regard.

Also, in Kerala, to ensure greater participation Ward Sabhas (established in municipalities with a population of less than one lakh), composed of all the residents of the ward were constituted⁵². These were divided into small groups that discussed thematic areas (such as agriculture and fishing, education, drinking water, sanitation, and health). The Ward Sabha provides the model for a fourth tier of governance where people can participate directly in discussion and decision-making related to their local communities.

The size of the population required for formation of Ward Committees is unmanageable in the context of urban areas. There is a need to form Mohalla Sabhas in urban areas, in line with the Gram Sabhas in rural areas, who will then duly elect a Colony Committee, which would form the basis of community participation as enumerated in the 74th Amendment to the Constitution. These Colony Committees should be entrusted with the entire task of planning and implementing the infrastructural services within the colony. Necessary technical assistance for this may be provided by technical support groups specially set up for the purpose by civic agencies in collaboration with NGOs. The responsibility of the civic agencies should be to provide the external infrastructure which links up the internal services of the colony to the city services.

2) Members of the Ward Committee to be elected in the general assembly of the ward (the Ward Sabha) with provision of reservation of seats for Dalits, and women.

The UP Act and the MCD Act stipulate that members of the Ward Committee (other than the Councillors elected from the wards) may be nominated by the State

⁵² Participatory Research in Asia (PRIA) and Sahayi, "Ward Sabha: Unique platform for people's participation in Urban Centers in Kerala" http://www.pria.org/downloadfile/ward_sabha_kerala.pdf.

Government and the administrator respectively⁵³. Even though the nominated members have to be residents of the wards concerned, it is unclear how nominated members can reflect the aspirations of the people residing in the locality. This is a top-down approach that assumes that the State Government is knowledgeable about residents in the ward who can contribute to local development. Where there is an election, the expertise and commitment of the candidates is up for scrutiny by the people. The Kerala legislation provides for election of members of the Ward Committee. Similarly, the MP Patta Rules also provide for election to the Mohalla Samiti. A noteworthy aspect of the MP Patta Rules is the reservation of seats in the Mohalla Samiti for Dalits, Adivasis, and women⁵⁴. In order to ensure that the Ward Committee is representative and diverse, elections must be held to a majority of the positions within the Ward Committee, and adequate seats should be reserved for Dalits and women in a manner that is proportionate to their demographic distribution in the ward.

3) Greater role for Election Commission in the delimitation process

Under the UP Act and the MCD Act, delimitation of wards is done by the State Government and the Central Government respectively⁵⁵. In Madhya Pradesh, under the MP Patta Rules, the Mohalla Sabhas are notified by the District Collector⁵⁶. Where delimitation is done by the government, it is possible that extraneous political considerations could affect the process. In contrast, in Kerala, delimitation is done by the State Election Commission. In Patna, the District Magistrate is responsible for delimitation and acts under the supervision of the State Election Commission⁵⁷. In order to avoid politicking in the process of delimitation, it would be better for the State Election Commission to be directly involved in the delimitation as in Kerala, or have oversight over the process as under the Patna Act.

⁵³ S50(1)(b) MCD Act and S6A(3)(b) UP Act.

⁵⁴ S11(i) MP Patta Rules.

⁵⁵ S 32 UP Act and S 5 of MCD Act.

⁵⁶ S 2(d) MP Patta Rules.

⁵⁷ S 9 Patna Act.

4) Planning process should follow a bottom-up approach so that people have a voice in the local development process.

One of the remarkable achievements of decentralisation in Kerala is the bottom-up approach towards planning. Draft plans were prepared at the Ward Sabha level after discussions surrounding the needs of the locality and the available human and natural resources. The District Planning Committee was responsible for consolidating the draft plans from the different local government bodies and integrating it into the District Plan⁵⁸. It has been pointed out that, “The micro level planning methodology adopted in Kerala is distinguished by its mass participation. Mass participation is not limited to elected representatives or voluntary agencies but includes ordinary people assembling in gram sabhas and nonofficial experts and volunteers participating in the preparation of reports, formulating projects, and drafting the plan⁵⁹.” This is a model that can be followed in other States also. This would then enhance the role of women councillors and their representation.

5) Capacity building for citizens and information dissemination about decentralisation.

Capacity building of citizens and information dissemination are key elements of the Kerala decentralisation experience. It has been pointed out that, “The campaign developed into one of the largest non-formal education programmes the country has ever witnessed. In seven rounds of training, at State, district and local level, around 15,000 elected representatives, 25,000 officials and 75,000 volunteers were given training⁶⁰.” However, in Kerala, the capacity building exercises were not sustained on a long term basis and some studies have pointed out that people still lack information

⁵⁸ Participatory Research in Asia (PRIA) and Sahayi, “Ward Sabaha: Unique platform for people’s participation in Urban Centers in Kerala” p.7 available at http://www.pria.org/downloadfile/ward_sabha_kerala.pdf

⁵⁹ Thomas Issac, “Campaign for Democratic Decentralisation in Kerala: An Assessment from the Perspective of Empowered Deliberative Democracy available at <http://www.archonfung.net/papers/isaac.pdf>

⁶⁰ Id., at p.7

about the local government institutions⁶¹. Therefore it is necessary to have a long-term capacity building programme that can reach all sections of the population.

6) Allocation of a fixed percentage of funds for marginalised groups.

In order to ensure the welfare of women, local institutions in Kerala were required by the State Government to set aside a fixed percentage of funds for women. Given that there is the possibility of decentralisation enhancing the power of the local elite who may not be interested in work relating to welfare of marginalised groups, it would be advisable to set aside a fixed percentage of funds for projects catering to the marginalised groups such as women, Dalits.

7) Political consensus over the process

The Kerala decentralisation process has been affected by the lack of political consensus about its value. It is important to try to bring on board different political forces in order to arrive at a common ground about the importance of decentralised governance. Hence, a wider debate and information dissemination, as well as greater awareness within cadres and candidates of different political parties is essential for decentralisation to actually work.

8) Formation of more accountable governance system

One of the important aspects of the decentralization process is the accountability component. It is very important to have the more accountable governance which would include an active use of the Right to Information, which should extensively cover both public and private sector service providers, without any restrictive or arbitrary discretionary clauses. Full and pro-active disclosure has to be the norm rather than citizens constantly battling for information. In addition, the participation of people in information-gathering, as part of capacity building, needs to be actively promoted by policy and mandated by law.

⁶¹ Participatory Research in Asia (PRIA) and Sahayi, "Ward Sabaha: Unique platform for people's participation in Urban Centers in Kerala" p.7 available at http://www.pria.org/downloadfile/ward_sabha_kerala.pdf

List of References

1. Constitution of India 1950
2. 74th Constitutional Amendment Act 1992
3. 73rd Constitutional Amendment Act 1992
4. Parliamentary Review Committee on Local Governance, 1999
5. Yojana Ki Rajniti Aur Aniyojit Ka Hasktashep - Dilli kiski Hai? Hazards Centre 2003
6. Selected speeches and writings 1989, Vol. V, GOI, 1991
7. Rajya Sabha debate 17 August 1989
8. Krishna Iyer, V.R. "Illusion and Reality". Hindustan times, New Delhi, September 28 & 29 1989.
9. "The basic of Democratic Decentralisation", Report on Panchayats and Self government of the Committee appointed by V.P. Singh, President Janata Dal. A Janata Dal Publication, Delhi, July 1989.
10. Lok Sabha 16 Septmeber and Rajya Sabha 21 December 1991, proceedings.
11. The report of Joint Parliament Committee on the Constituion 74th Amendment Bill, July 1992.
12. Yogesh Chandra Saini and others Vs State of Rajasthan and 22 others, D.B. Civil Special Appeal (Writ) Numbers 794, 779, 800 and 801 of 1998, judgment dated 15 July 1999.
13. Lok Sabha and Rajya Sabha Debates 1992
14. Citizens Report 2004 – Social Watch India
15. Sivaramkrishnan.K.C., Power to the People? The Politics and Progress of Decentralisation: Centre for Policy Research, New Delhi
16. Nagarpalika Updates – Institute of Social Sciences
17. "Decentralisation and Local Politics" edited by S.N.Jha and P.C.Mathur – sage publications 1999
18. <http://www.undp.org/governance/marrakechcdrom/concepts/Crook%20and%20Sverrisson.pdf>.
19. <http://www.tn.nic.in/tnudp/images/42.PDF>.
20. <http://www.arts.cornell.edu/econ/indiaconf/Bardhan%20outline.pdf>.
21. http://www.egdi.gov.se/pdf/study/study2003_3.pdf.
22. <http://www.humanrightsinitiative.org/publications/const/municipality.pdf>
23. <http://indiacode.nic.in/coiweb/amend/amend74.htm>
24. <http://www.nac.nic.in/concept.htm>
25. <http://www.nac.nic.in/communication/actionpoints.pdf>
26. <http://parliamentofindia.nic.in/ls/lsdeb/ls10/ses6/0119049301.htm>
27. <http://www.csh-delhi.com/publications/dwdownloads/ops/OP4.pdf>
28. MCD website: www.mcdonline.gov.in
29. Municipal Corporation Acts – Delhi, Bihar, Uttar Pradesh, Bombay and Kerala
30. <http://urbanindia.nic.in/moud/theministry/ministryofurbandevlopment/main.htm>
31. Sarada Muralidharan "Gender and Decentralisation: Opportunities and Challenges", Kerala Calling October 2003, available at http://www.kerala.gov.in/kerala_callingoct/pg21-24.pdf
32. National Commission to Review the Working of the Constitution, "A consultation paper on Decentralization and Municipalities" (New Delhi, 2001) available at <http://lawmin.nic.in/ncrwc/finalreport/v2b2-7.htm>
33. Thomas Issac, "Campaign for Democratic Decentralisation in Kerala: An Assessment from the Perspective of Empowered Deliberative Democracy available at <http://www.archonfung.net/papers/isaac.pdf>
34. Participatory Research in Asia (PRIA) and Sahayi, "Ward Sabaha: Unique platform for people's participation in Urban Centers in Kerala" p.7 available at http://www.pria.org/downloadfile/ward_sabaha_kerala.pdf

List of dates

1952	Community Development Blocks were a major government initiative in 1952
1957	Balwant Rai Mehta Study Team was appointed in 1957 to consider the institutional framework and suggest measures for mobilizing local initiatives.
1958	Beginning of 1958, Karnataka, Gujarat, Maharashtra and Rajasthan established innovative structures for decentralized planning and coordination particularly at the district level
1958	Balwant Rai Mehta report adopted, recommending three-tier panchayat system.
1970	By 1970 decentralization had been derailed; the control of funds and decision-making reverted to the State – level leadership and the officials acting on their behest.
1977	When Morarji Desai became Prime Minister, he set up the Asoka Mehta Committee
1977	Asoka Mehta report recommends a two-tier set-up with panchayats at district/block levels.
1984	Madhya Pradesh passes the Madhya Pradesh Patta Act
1986	Singhvi Committee urges that panchayati raj be given constitutional recognition.
1988	Sarkaria Commission on Centre-State relations did not favour amending the Constitution. Instead it preferred a model bill based on consensus.
August 1988	National Commission on Urbanization (Correa Commission) submits its report. Recommends a two-tier set-up for larger cities and regular elections for all city and municipal councils.

December 1987-June 1988	Series of workshops with the District Magistrates: PM as an active participant: Focus on Responsive Administration. Panchayati Raj and District Planning.
November 1988	Conference of Chief Secretaries: Stress on the focal role of District Collector.
May 15, 1989	Rajiv Gandhi introduces the 64 th Amendment Bill in the Lok Sabha to amend the Constitution.
June 5-8, 1989	Seminar of Municipal Officers.
June 12-14, 1989	Sammelan of elected representatives of the southern region in Bangalore.
June 18-20, 1989	Sammelan of elected representatives of the eastern region in Cuttack.
June 24-26, 1989	Sammelan of elected representatives of the northern region in Delhi.
August 8, 1989	65 th Amendment Bill for Nagarpalikas introduced in the Lok Sabha.
August 10, 1989	The Lok Sabha passes the bill which then goes to the Rajya Sabha.
October 11, 1989	Nehru Rozgar Yojana (NRY) scheme introduced in urban areas parallel to Jawahar Rozgar Yojana (JRY) operating in rural areas. Announcement in Parliament.
October 13, 1989	The Panchayat and Nagarpalika Bills defeated in the Rajya Sabha. Late 1989: Formation of the National Front Government with V P Singh as PM.
September 4, 1990	Dinesh Goswami, the NF Government Law Minister, introduces in the Lok Sabha the Constitution Amendment Bill Number 156 of 1990 as a composite Bill.
November 7, 1990	Fall of V P Singh Government and subsequent formation of the Chandrashekhar Government.
May 21, 1991	Assasination of Rajiv Gandhi.
June 21, 1991	Narasimha Rao Government sworn in.

September 16, 1991	The 72 nd and 73 rd Constitutional Amendment bills separately introduced in the Lok Sabha by Venkataswamy and Shiela Kaul.
December 21, 1991	Motion for referring two Bills to the Joint Parliament Committee adopted.
July 1992	Joint Parliament Committee finalized its recommendations on the two amendment Bills.
December 1, 1992	Venkatswamy and Shiela Kaul moved the motions to consider the 72 nd and 73 rd Constitutional Amendment Bills together as reported upon by the JPC.
December 21, 1992	Vote of no confidence against Narasimha Rao Government defeated.
December 22, 1992	Bills passed in the Lok Sabha.
December 23, 1992	Bills passed in the Rajya Sabha.
April 1993	Amendment Acts, renumbered as 73 rd and 74 th received the assent of the President.

ANNEXURE A

THE CONSTITUTION (SEVENTY-FOURTH AMENDMENT) ACT, 1992

Statement of Objects and Reasons appended to the Constitution (Seventy-third Amendment) Bill, 1991 which was enacted as the Constitution (Seventy-fourth Amendment) Act, 1992

STATEMENT OF OBJECTS AND REASONS

In many States local bodies have become weak and ineffective on account of a variety of reasons, including the failure to hold regular elections, prolonged supersessions and inadequate devolution of powers and functions. As a result, Urban Local Bodies are not able to perform effectively as vibrant democratic units of self-government.

2. Having regard to these inadequacies, it is considered necessary that provisions relating to Urban Local Bodies are incorporated in the Constitution particularly for-

(i) putting on a firmer footing the relationship between the State Government and the Urban Local Bodies with respect to-

(a) the functions and taxation powers; and

(b) arrangements for revenue sharing;

(ii) Ensuring regular conduct of elections;

(iii) ensuring timely elections in the case of supersession; and

(iv) providing adequate representation for the weaker sections like Scheduled Castes, Scheduled Tribes and women.

3. Accordingly, it is proposed to add a new part relating to the Urban Local Bodies in the Constitution to provide for-

(a) constitution of three types of Municipalities:

(i) Nagar Panchayats for areas in transition from a rural area to urban area;

(ii) Municipal Councils for smaller urban areas;

(iii) Municipal Corporations for larger urban areas.

The broad criteria for specifying the said areas is being provided in the proposed article 243-0;

(b) composition of Municipalities, which will be decided by the Legislature of a State, having the following features:

(i) persons to be chosen by direct election;

(ii) representation of Chairpersons of Committees, if any, at ward or other levels in the Municipalities;

(iii) representation of persons having special knowledge or experience of Municipal Administration in Municipalities (without voting rights);

(c) election of Chairpersons of a Municipality in the manner specified in the State law;

(d) constitution of Committees at ward level or other level or levels within the territorial area of a Municipality as may be provided in the State law;

(e) reservation of seats in every Municipality-

(i) for Scheduled Castes and Scheduled Tribes in proportion to their population of which not less than one-third shall be for women;

(ii) for women which shall not less than one-third of the total number of seats;

(iii) in favour of backward class of citizens if so provided by the Legislature of the State;

(iv) for Scheduled Castes, Scheduled Tribes and women in the office of Chairpersons as may be specified in the State law;

(f) fixed tenure of 5 years for the Municipality and re-election within six months of end of tenure. If a Municipality is dissolved before expiration of its duration, elections to be held within a period of six months of its dissolution;

(g) devolution by the State Legislature of powers and responsibilities upon the Municipalities with respect to preparation of plans for economic development and social justice, and for the implementation of development schemes as may be required to enable them to function as institutions of self-government;

(h) levy of taxes and duties by Municipalities, assigning of such taxes and duties to Municipalities by State Governments and for making grants-in-aid by the State to the Municipalities as may be provided in the State law;

(i) a Finance Commission to review the finances of the Municipalities and to recommend principles for-

(1) determining the taxes which may be assigned to the Municipalities;

(2) Sharing of taxes between the State and Municipalities;

(3) grants-in-aid to the Municipalities from the Consolidated Fund of the State;

(j) audit of accounts of the Municipal Corporations by the Comptroller and Auditor-General of India and laying of reports before the Legislature of the State and the Municipal Corporation concerned;

(k) making of law by a State Legislature with respect to elections to the Municipalities to be conducted under the superintendence, direction and control of the chief electoral officer of the State;

(l) application of the provisions of the Bill to any Union territory or part thereof with such modifications as may be specified by the President;

(m) exempting Scheduled areas referred to in clause (1), and tribal areas referred to in clause (2), of article 244, from the application of the provisions of the Bill. Extension of provisions of the Bill to such areas may be done by Parliament by law;

(n) disqualifications for membership of a Municipality;

(o) bar of jurisdiction of Courts in matters relating to elections to the Municipalities.

4. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;

SHEILA KAUL.

The 11th September, 1991.

THE CONSTITUTION (SEVENTY-FOURTH AMENDMENT) ACT, 1992

[20th April, 1993.]

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:-

1. Short title and commencement.-(1) This Act may be called the Constitution (Seventy-fourth Amendment) Act, 1992.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. Insertion of new Part IXA.-After Part IX of the Constitution, the following Part shall be inserted, namely:-

PART IXA THE MUNICIPALITIES

243P. Definitions.-In this Part, unless the context otherwise requires,-

- (a) "Committee" means a Committee constituted under article 243S;
- (b) "district" means a district in a State;
- (c) "Metropolitan area" means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part;
- (d) "Municipal area" means the territorial area of a Municipality as is notified by the Governor;
- (e) "Municipality" means an institution of self-government constituted under article

243Q;

- (f) "Panchayat" means a Panchayat constituted under article 243B;
- (g) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

243Q. Constitution of Municipalities.-(1) There shall be constituted in every State,-

- (a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area;
- (b) a Municipal Council for a smaller urban area; and
- (c) a Municipal Corporation for a larger urban area, in accordance with the provisions of this Part: Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this article, "a transitional area", "a smaller urban area" or "a larger urban area" means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.

243R. Composition of Municipalities.- (1) Save as provided in clause (2), all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.

(2) The Legislature of a State may, by law, provide-

- (a) for the representation in a Municipality of-
 - (i) persons having special knowledge or experience in Municipal administration;
 - (ii) the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area;

- (iii) the members of the Council of States and the members of the Legislative Council of the State registered as electors within the Municipal area;
- (iv) the Chairpersons of the Committees constituted under clause (5) of article 243S:
Provided that the persons referred to in paragraph (i) shall not have the right to vote in the meetings of the Municipality;
- (b) the manner of election of the Chairperson of a Municipality.

243S. Constitution and composition of Wards Committees, etc.-(1) There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.

(2) The Legislature of a State may, by law, make provision with respect to-

(a) the composition and the territorial area of a Wards Committee;

(b) the manner in which the seats in a Wards Committee shall be filled.

(3) A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Committee.

(4) Where a Wards Committee consists of-

(a) one ward, the member representing that ward in the Municipality; or

(b) two or more wards, one of the members representing such wards in the Municipality elected by the members of the Wards Committee, shall be the Chairperson of that Committee.

(5) Nothing in this article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the Wards Committees.

243T. Reservation of seats.-(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

243U. Duration of Municipalities, etc.-(1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer:

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Municipality shall be completed,-

(a) before the expiry of its duration specified in clause (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under clause (1) had it not been so dissolved.

243V. Disqualifications for membership.- (1) A person shall be disqualified for being chosen as, and for being, a member of a Municipality-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Municipality has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

243W. Powers, authority and responsibilities of Municipalities, etc.-

Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow

(a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to-

(i) the preparation of plans for economic development and social justice;

(ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule;

(b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

243X. Power to impose taxes by, and Funds of, the Municipalities.-The Legislature of a State may, by law,-

(a) authorise a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

(b) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

(c) provide for making such grants-in-aid to the Municipalities from the Consolidated Fund of the State; and

(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys therefrom.

as may be specified in the law.

243Y. Finance Commission.- (1) The Finance Commission constituted under article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor as to-

(a) the principles which should govern-

(i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities;

(iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Municipalities;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Municipalities.

(2) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

243Z. Audit of accounts of Municipalities.-The Legislature of a State may, by law, make provisions with respect to the maintenance of accounts by the Municipalities and the auditing of such accounts.

243ZA. Elections to the Municipalities.- (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the State Election Commission referred to in article 243K.

(2) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Municipalities.

243ZB. Application to Union territories.-The provisions of this Part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly:
Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

243ZC. Part not to apply to certain areas.- (1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of article 244.

(2) Nothing in this Part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.

(3) Notwithstanding anything in this Constitution, Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

243ZD. Committee for district planning.- (1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The Legislature of a State may, by law, make provision with respect to-

(a) the composition of the District Planning Committees;

(b) the manner in which the seats in such Committees shall be filled:

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district;

(c) the functions relating to district planning which may be assigned to such Committees;

(d) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every District Planning Committee shall, in preparing the draft development plan,-

(a) have regard to-

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243ZE. Committee for Metropolitan planning.- (I) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(2) The Legislature of a State may, by law, make provision with respect to-

(a) the composition of the Metropolitan Planning Committees;

(b) the manner in which the seats in such Committees shall be filled:

Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area;

(c) the representation in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out the functions assigned to such Committees;

(d) the functions relating to planning and coordination for the Metropolitan area which may be assigned to such Committees;

(e) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every Metropolitan Planning Committee shall, in preparing the draft development plan,-

(a) have regard to-

(i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area;

(ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set by the Government of India and the Government of the State;

(iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

243ZF. Continuance of existing laws and Municipalities.-

Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of THE CONSTITUTION (Seventy-fourth Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier:

Provided that all the Municipalities existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

243ZG. Bar to interference by courts in electoral matters.- Notwithstanding anything in this Constitution,-

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243ZA shall not be called in question in any court;

(b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.'.

3. Amendment of article 280.- In clause (3) of article 280 of the Constitution, sub-clause (c) shall be relettered as sub-clause (d) and before sub-clause (d) as so relettered, the following sub-clause shall be inserted, namely:-

"(c) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State;"

4. Addition of Twelfth Schedule.-After the Eleventh Schedule to the Constitution, the following Schedule shall be added, namely:-

"TWELFTH SCHEDULE
(Article 243W)

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and solid waste management.
7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
15. Cattle pounds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries."

ANNEXURE B

DISTRICT DEVELOPMENT COMMITTEE

The Government of NCT of Delhi has to set up a two-tier structure, consisting of the Apex Committee at the level of the Government of NCT of Delhi and nine District Development Committee at the District level. These committees are intended to encourage de-centralization in decision-making and provide a responsive and responsible administration by involving elected representative of the area (MLAs and Municipal Councilors), Resident Welfare Associations, Deputy Commissioners and district level officers of the other departments and civil bodies.

OBJECTIVES

The broad objectives behind the constitution of these Committees are as under:-

a)	Provide a responsive administration at the district level.
b)	Decentralize decision-making in matters relating to all departments of the Government of NCT of Delhi with specific reference to public utility and basic civic amenities.
c)	Involve people directly as well as through elected representatives in the process of planning, execution and monitoring of various schemes, projects and policies.
d)	Institute an efficient and effective public grievances addressal system at district level to generate confidence of the people in elected Government.
e)	Provide balanced development of and equable access to various facilities among the districts.
f)	Empowers the officers of all departments including district administration with better control, supervision and monitoring of various schemes.
g)	Minimize delays on account of the multiplicity of authority in Delhi.
h)	Provide a single window approach to the public with regard to various problems being faced by them.
i)	Ensure speedy implementation of all plan schemes and projects falling within the district annual/five year plans of Delhi.

STRUCTURE

It is a two-tier structure, Apex Committee at Government of NCT of Delhi level and nine District Development Committees at the District level. The backbone of the set-up is the District Development Committees which are being empowered to achieve the above objectives. The Apex Committee reviews and evaluate functioning of District Development Committees.

The meetings of District Development Committee of South district are held once in every month on 3rd Thursday of the month at 11.00 AM in the conference hall in the office of Deputy Commissioner (South).

The composition of the District Development Committees are as under:-

i.	One of the MLAs of the District to be nominated by the Chief Minister for a period of one year each by rotation.	Chairperson
ii.	Other MLAs	Members
iii.	Deputy Commissioner (Revenue)	Convenor
iv.	All Zonal Committee Chairmen of the MCD, whose zonal jurisdiction falls within the district	Members
v.	Nominee of the Commissioner (MCD)/Chairperson (NDMC) not below the rank of an Additional Deputy Commissioner	Member
vi.	Nominee of Chairperson (DVB) not below the rank of a superintending Engineer	Member

vii.	Nominee of CEO (Delhi Jal Board) not below the rank of a supdt. Engineer	Member
viii.	Supdt. Engineer (PWD).	Member
ix.	Deputy Director of Education	Member
x.	Deputy Director/ Area Officer concerned of transport Department	Member
xi.	District Officer, Social Welfare Deptt.	Member
xii.	Assistant Commissioner (Food & Supplies)	Member
xiii.	Representative of Health Department	Member
xiv.	Representative of the DDA of at least Supdt. Engineer rank	Special Invitee
xv.	Representatives of 3 Residents Welfare Association by rotation	Members
xvi.	Additional District Magistrates/ Additional Deputy Commissioner	Member

Role and Functions

The role and functions of the committees are:-

To identify the present plan schemes of all the department for the particular area/District. The schemes are listed out for effective and time barred implementation by the members of the respective departments enlisted in the District Development Committees.

In due course the committee would prepare the District Level Plan for implementation.

To constitute, sub-committees, as and when required for various subject matters under consideration.

The Deputy Commissioner is convenor of the Committee. He exercises the powers of the Chief Executive Officer of the District with regard to review and monitoring of schemes, once approvals for the scheme have been obtained by the respective departmental heads.

The Departmental members perform their role within the financial powers delegated to them by the respective Heads of Departments for expeditious implementation of schemes and programmes for the Districts.

DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the district development committees are enumerated below:

a)	Take all effective steps needed, including calling of meeting for the monitoring of plans for development of the district, review and monitor the progress of the various projects.
b)	To monitor the implementation of various policies and scheme of the Delhi Government and act as a watch-dog on implementation agencies.
c)	The would also be responsible for resolving issues which can be resolved at district level concerning the implementation of projects and schemes.
d)	Committees would make recommendation to the minister concerned and organize a meeting with the minister of resolve specific problems of the area, instead of leaving it to official procedures.

SUB-COMMITTEES

Sub-committees may be constituted by District Development Committee by passing a resolution in the Committee to look into a specific subject.

Annexure C

Distribution of wards in each zone

S.No.	Zone	No. of Wards	Name of wards
1	City	8	Minto road ward, Nizamuddin, Darya Ganj, Jama Masjid, Ballimaran, Chandni Chowk, Qassabpura, and Civil Lines.
2	Central	12	Sewa Nagar, Defence Colony, Jangpura, Bhogal, Okhla, Srinivasपुरी, Greater Kailash II, Kalkaji, Tughalakabad, Sangam Vihar, Badarpur and Harkesh Nagar.
3	South	12	Malviya Nagar, Greater Kailash-I, Haus Khas, Gulmo har Park, R.K.Puram, Vasant Vihar, Mehrauli, Chatarpur, Saket, Deoli, Dr. Ambedkar Nagar, and Madangir.
4	Karol Bagh	8	East Patel Nagar, South Patel Nagar, Rajendra Nagar, Beodanpura, Dev Nagar, Kishanganj and Anand Parbhat.
5	Sadar Paharganj	6	Sitaram bazaar, Paharganj, Subzi Mandi, Qadam Sharif, and Manakpura.
6	West	16	Janakpuri, Nangal Raya, Pratap Nagar, Subhash Nagar, Tagore Garden, Tilak Nagar, Rajouri Garden, Raghbir Nagar, Madipur, Pashchim Vihar, Khyala, Gurunanak Nagar, Hastal, Uttam Nagar, Karampura and Ramesh Nagar.
7	Civil Lines	10	Bhalswa Jahangirpur, Burari, Adarsh Nagar, Pipalthala, Timarpur, G T B Nagar, Rana Pratap Nagar, Model Town, Kamla Nagar and Shastri Nagar.
8	Shahdara south	16	Trilokpur, Dallupra, Mayur Vihar, Kondli, Shakarpur, Mandawali, Geeta Colony, Lakshmi Nagar, Gandhi Nagar, Raghbarpura, Krishna Nagar, Jagatpuri, Preet Vihar, Vishwas Nagar, Shahdara and Vivek Vihar.
9	Shahdara north	16	Dilshad Garden, Seemapuri, Nand Nagari, Gokulpur, Rohtas Nagar, Bhagwanpur Khera, W Gorakh Park, Babarpur, Seelampur, Jafrabad, Ambedkar Nagar, Usmanpur, Yamuna Vihar, Maujpur, Qarawal Nagar and Mustafabad.
10	Rohini	12	Tri Nagar, Keshav Puram, Shakurpur, Saraswati Vihar, Shalimar Bagh, Pitampura, Rohini, Badli, Rithala, Pahladpur Bangar, Bharat Nagar, and Ashok Vihar.
11	Narela	4	Bawana, Kanjhawala, Narela, and Alipur
12	Najafgarh	14	Mahipalpur, Bijwasan, Madhupur, Matola, Sagarpur, Dabri, Isapur, Roshanpura, Mundaka, Nangloi, Mangolpuri (S), Mangolpuri (N), Sultanpur Majra and Piragarhi.



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