

**Draft Discussion Paper
Proposed Amendments in Maharashtra
for Community Participation in Urban Governance¹**

***Comparative Analysis of the Maharashtra Amendments
with Other Benchmark Laws and Bills***

Part III: Revisions in the Amendment for the Ward-level Institutions

This part of the document discusses various issues related to the Ward Committees (WCs). Though the main focus of CPL related amendments is the new innovation of the Area Sabha, efforts around the amendments could also be seen as an opportunity to open up and reconsider the issues related to Ward Committees (WCs) and, if possible, make appropriate changes in the legal provisions pertaining to WCs. This is especially critical in view of the severe criticisms of provisions regarding WCs and failure of these provisions in furthering the agenda of decentralization of urban governance. Discussion in this part could be seen in this context.

Issue 1: Formation of Ward Committee in All Municipalities

Background

The 74th CAA mandates that Ward Committees be formed in all municipalities with population above 3 lakhs. The earlier Maharashtra Amendments (of 1994) accepted this. However, states like Kerala have formed Ward committees in all municipalities.

Observations

One of the rationales underlying the provision for limiting formation of Ward Committees to cities of bigger size seems to be that, in smaller cities, the sizes of the electoral wards are smaller, which makes interaction between the elected councilor and citizens more direct and frequent. This obviates the need for another tier of representative institution in the form of WCs.

Here, the first question is how small is small? In other words, what is the rationale for the threshold figure of 3 lakhs?

Another counter-argument could be that the underlying rationale for Ward Committee is based on the need for direct representation of different stake-holding groups (with different interests) in the affairs of the ward. This is not served until one single individual is elected by the voters of the ward for two reasons: (a) only permanent residents of the ward are represented in this mode and other stakeholders are left out; (b) one representative cannot truly represent the differing aspirations and expectations of the diverse body of residents.

¹ Amendments proposed by Government of Maharashtra to satisfy the JNNURM conditionality about enactment of the Community Participation Law.

Key Questions to be Answered

- Should even small cities be given opportunity to form their WCs?
- Should the ceiling of 3 lakhs of population be changed for constituting WCs in cities in Maharashtra?

Issue 2: Jurisdiction of a Ward Committee

Background

The 74th Constitutional Amendment Act (74th CAA) specifies that Ward Committees be constituted for one or more (electoral) wards in municipalities having populations above 3 lakhs. The Model Nagar Raj Bill says that a Ward Committee should be constituted for each electoral ward in the municipality. Kerala and West Bengal states have made provisions for constituting a Ward Committee in each electoral ward of municipality going beyond the mandate of 74th Constitutional Amendment Act. In Maharashtra, all the four municipal acts provide Ward Committees for a group of electoral wards in municipalities with more than 3,00,000 population.

Jurisdiction of A Ward Committee				
74 th CAA	Model N. Raj Bill	Kerala	West Bengal	Maharashtra
For an electoral ward or group of wards in municipalities with more than 3 lakhs of population.	For every electoral ward of the municipality	For every electoral ward of all municipality	For every electoral ward of all municipality	For a group of electoral wards decided by municipality.

Observations

In Part I, a set of six criteria have been articulated which were used to assess the issue of the size of the Area in Part II. In a similar manner, these six criteria could also be used to assess the issue of jurisdiction of a WC. The accompanying table, which is similar to the table in Part II pertaining to the size of the Area, presents some observations and remarks.

The argument that the smaller size units would be more prone to hijack by local dominant sections could be difficult to sustain in the case of WCs, especially in larger cities due to greater awareness, participation, and oversight on the part of citizens' groups, political parties, and local media.

Various factors facilitating accountability, participation, and transparency in urban areas such as better communication and media would be more influential in the case of affairs at WCs.

Table: Assessing the Issue of Jurisdiction of Ward Committees

Criteria	Observations or Remarks
<i>Facilitating Participation</i>	It could be argued that: Smaller the size of the jurisdiction of WC, (in terms of number of voters or population), <ul style="list-style-type: none"> ▪ easier and more effective would be participation of citizens in its affairs ▪ easier and more effective would be efforts of citizens for extraction of accountability of WC functionaries ▪ information flow would be smoother from WC functionaries to citizens.
<i>Enhancing Accountability</i>	
<i>Operationalizing Transparency</i>	
<i>Increasing Costs of Operations</i>	It could also be argued that, in the case of smaller size, it would be easier for the local-level dominant sections to hijack (and make ineffective) the mechanisms for accountability or participation as well as block the channels for information to nullify any effort by citizens to participate, to extract accountability or to seek information.
<i>Affecting Operational Feasibility</i>	Smaller the size of the area, more may be the number of Area Sabhas and of functionaries at that level, higher will be the cost of operations per citizen
	Smaller the size of the area, more may be the number of Area Sabhas and of functionaries at that level, larger will be the volume of operations in the municipality, and, hence, higher will be operational difficulties for Area Sabhas.

Regarding the trade-off between more ‘citizens-friendly-governance’ and higher costs and complexity², it could be argued that the balance would be tilted in favor of better governance as the costs and complexities would be reduced compared to ‘Area Sabhas’.

Regarding the objection of increased costs and operational difficulties due to smaller jurisdiction, it could be suggested that larger municipal corporations with more financial resources and larger administrative machinery would certainly afford these costs.

It needs to be mentioned here that the experiences of Ward Committees in Kerala and West Bengal are said to be very instructive in discussion over the costs, difficulties, and feasibility of having one Ward Committee for each electoral ward.

Key Questions to be Answered

- What would be the appropriate jurisdiction of the Ward Committee—in terms of number of electoral wards?

Issue 3: Composition of Ward Committees

Background

The Ward Committee was seen as a major tool bridging the gap between citizens and the municipal body. As mentioned before, it was left to the state legislatures (de facto to the state governments in power) to decide the structure, composition, functions, and

² This tradeoff is discussed in the section on size of the Area (in Part I). Here, better transparency, accountability, and participation are expected to lead to citizens-friendly governance.

powers of Ward Committees. Please refer to the accompanying table presenting a comparative picture of provisions in the four laws / bills pertaining to composition of Ward committees.

Observations

The major issue regarding composition of Ward Committees is representation in the Ward Committee for different stakeholder groups having different social, economic, cultural characteristics and interests. In many states of the country, including Maharashtra, the Ward Committees consist only of elected councillors and persons of their choice appointed in the name of representatives of civil society organizations. This has totally alienated genuine civil society organizations and citizens from the functioning of Ward Committees, which have become unregulated pastures for influential Ward Councilors.

In contrast, the states like West Bengal and especially Kerala, which constituted one Ward Committee for one electoral ward, made elaborate arrangements for representation on the Ward Committees for different stockholding groups residing / working / having any interest within the ward. It is reported that experiences from West Bengal and Kerala indicate that broader representation of different stakeholder groups like professionals, local voluntary groups, resident associations and trade unions make Ward Committees more participatory, accountable, and transparent.

At the same time, it needs to be noted that the ground reality in other states could be different from these two states. For example, in most urban areas of Maharashtra, there are hardly any grassroots-level official or regulated organizations representing local citizens such as RWAs, Neighborhood Groups, or CDSs. This might make it difficult to implement lessons from these two states in other states.

In Model Nagar Raj Bill, representation for different stake holding groups is given through the route of nomination, possibly because of this difference in ground realities in different states. The residents, however, are given representation on Ward Committees through their elected Area Sabha Representatives.

In Maharashtra Amendment Bill 2008, there are no provisions to change the present composition of Ward Committees where elected councilors nominate three civil society representatives.

Key Questions to be Answered

- How to ensure wider representation for all stake holding groups in Ward Committees from different cities and towns in Maharashtra?
- What composition should Ward Committees in Maharashtra have in order to widen the representation of diverse groups, considering the ground realities in Maharashtra?
- Should there be difference in provisions pertaining to composition of WCs for different cities and towns (as per sizes)?

Composition of the Ward Committees: Comparative Picture

Kerala		West Bengal ¹		Model NRB		Maharashtra Laws	
Chairperson: Elected Ward Councilor		Chairperson: Elected Ward Councilor		Chairperson: Elected Ward Councilor		Chairperson: Elected by other Elected Councilor	
Stakeholder Group	Number & Mode	Stakeholder Group	Number & Mode	Stakeholder Group	Number & Mode	Stakeholder Group	Number & Mode
Cultural, voluntary, sports, industrial and commercial associations	10 (Nominated Jointly by councilor and municipality) ²	Different professional, social, & cultural groups, women & people from backward classes	5-13 (Nominated by Chairperson) 2-4 (Nominated by Municipality) ⁴	Area Sabha representatives from areas within the ward.	Variable but not less than two-third of total strength of Ward Committee. (Ex-officio)	Elected Councilors of all wards group under a Ward Committee	Variable (Ex-officio)
Professionals (experts in agriculture, industry, health, education, engineering)	5 ²	Community Development Society (CDS) formed under SJSRY.	2 OR 3 (For categories 1-3 & 4-11 respectively) (Both nominated by Councilor from CDS)	Civil society-voluntary, social, cultural, industrial and business groups.	4 (for 10,000 popu.) & 1 more for every extra 4,000 (Nominated by Municipality) ³	Representatives of NGOs and CBOs	3 (Nominated by councilors)
Political Parties represented in the municipality	1 each (Nominated)		.	Chief municipal officer or zonal officer	1 (Ex-officio)	Ward Officer	1 (Ex-officio)
Heads of educational institutions in the ward	Variable (Ex-officio)			Department Heads	Variable (Special Invitees requested by Chairperson)		
Residents Associations	15 (Elected)						
Neighborhood Groups	20 (Elected)						
Trade unions	5						

Notes on the Table: (1): In West Bengal, Ward Committees are divided into 11 categories (from 1 to 11) on the basis of population (2): Need not be residents of the ward in both the cases.(3) Not more than 10 persons total, (4): Category-wise variation

Issue 4: Functions and Duties of Ward Committees

Background

The functions and duties entrusted to Ward Committees are an important measure of decentralization of urban governance. The tables presented below depict comparisons of provisions—from the four laws / bills—related to functions and duties of Ward Committees. The three tables cover the three main types of functions delegated to Ward Committees, viz., Planning and Development, Municipal Services, Municipal Administration. Each table also provides ‘Observations’ and ‘Key Questions to be Answered’ pertaining to the comparison made in the table.

Functions Related to Planning and Development			
Model Nagar Raj Bill	Maharashtra Amendment '08	Kerala Municipality Act, 1994	West Bengal WC Rules, 2001
<ol style="list-style-type: none"> 1. Provide assistance for the preparation and encouragement of the development scheme for ward. 2. Provide assistance in the implementation of development schemes relating to the ward. 3. Ensure people's participation in the voluntary activities necessary for successful implementation of the developmental activities of the municipality. 4. Produce the Ward Plans in a manner consistent with the District Plans and complete this exercise within the time specified by the state government. 5. Map the Ward Infrastructure Index for that ward. 	<ol style="list-style-type: none"> 1. To make recommendations in regard Development Schemes to take periodical review thereof. 2. To enlist people's participation in voluntary activities necessary for successful implementation of the developmental activities of the corporation. 3. To prepare ward Infrastructure Index of each electoral ward. 	<ol style="list-style-type: none"> 1. Assist the collection and consolidation of details necessary for the formulation of development schemes for the Municipality. 2. Formulate proposals on development schemes to be implemented in the Municipal area, determine the priority and make available information regarding the functional schemes for the next three months. 3. Render necessary assistance for the effective implementation of development schemes providing necessary local facilities. 4. Seek and obtain detailed information regarding the development programs implementing in the Ward and observe its implementation in 	<ol style="list-style-type: none"> 1. Preparation of a list of development schemes for the ward for five years and also annual priority of schemes after identification problems of ward and fixation of priority of the problems.

		<p>accordance with the directions.</p> <p>5. To observe and assist the beneficiary committees which are conducting developmental programs in the Ward.</p> <p>6. The Ward committee or the Ward Sabha as the case may be, may in its ordinary meeting or in a special meeting convened for the purpose, discuss the development programmes of the previous year and it is entitled to know the amount earmarked in the budget, the details about the plan out-lay and the object-wise allocation of funds and also the details of the estimates and cost of materials of the works executed or proposed to be executed in the Ward.</p> <p>7. The audit report or performance audit report coming for the consideration of the Ward Committee or Ward Sabha shall be discussed in its meeting and its opinion, recommendations, and suggestions be communicated to the council concerned.</p>	
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Observations

To make the task easier, the process involved in Planning and Development functions is broken down in the following stages: (a) Pre-

Plan Preparation such as creating Information base for planning, (b) Actual process of preparing plans , (c) Preparation of Development Schemes or Projects, (d) Implementation of Projects / Schemes, (e) Monitoring and Post-Facto Assessment or Auditing. It is also important to see what roles—decisive, executive, or advisory—are given to the Ward Committees in these laws / bills to carry out the functions.

MNRB and New Maharashtra Amendments are explicit in delegating the pre-plan function of preparing Ward Infrastructure Index, which is expected to be the basis for demand / allocation of funds for development of the ward. The two older laws from Kerala and West Bengal are giving the responsibility of pre-plan preparation as well as planning to WCs by delegating functions of collecting details necessary for preparation of plans, identifying needs, and deciding priorities of future work. Talking about the actual planning stage, only MNRB seem to be envisaging the need for explicit Ward Plans and delegating the task to WCs. Kerala Law also gives **monitoring** functions in implementation of development schemes.

All the four laws / bills seem to be delegating some role for WCs in the function of Preparation of Development Schemes. However, there seems to be huge difference in the roles they delegate to WCs. Kerala law delegates the **decisive role of formulating proposals** and **determining the priority** to WCs. West Bengal law gives decisive roles of **preparing development schemes** and **determining annual priority** to WCs. MNRB, however, restrict itself to giving the **supplementary** role to WCs of **assisting in preparation** of development schemes. Maharashtra amendments delegate only advisory role of making recommendations regarding development schemes. The Kerala law and two bills seem to be giving responsibility of supporting implementation activity of municipal administration. Only Kerala law seems to be giving the role of monitoring and participating in the process of auditing finances and performance.

While deciding on the issue of delegating of functions to WCs, the principle of Subsidiarity should also be considered. This principle would require that the function be allocated to the lowest possible level of governance. On the other hand, while making recommendation on the issue of delegation especially of roles to ward Committees, the critical factors of costs, feasibility, and capabilities (that have been discussed before) should also be considered.

Key Questions to be Answered

- In the case of Planning and Development category, what functions from different stages mentioned above should be delegated to WCs in Maharashtra?
- What exact roles in each of these functions be delegated to WCs, considering the aspects of costs, feasibility, and capabilities?

Functions Related to Municipal Services			
Model Nagar Raj Bill	Maharashtra Amendment '08	Kerala Municipality Act, 1994	West Bengal WC Rules, 2001
1. Provide assistance in solid waste management in the ward.	1. To make recommendations in regard to Solid Waste Management, Sanitation works	1. Prepare the order of priority as to the location of street lights, water taps etc. and of public	1. Supervise and monitor. Collection of garbage, health immunization services,

<p>2. Supervision of sanitation work in the ward.</p> <p>3. Ensure maintenance parks in the ward.</p> <p>4. Ensure maintenance of street lighting in the ward</p>	<p>and to take periodical review thereof.</p> <p>2. To ensure maintenance of parks in the ward.</p> <p>3. Speedy redressal of common grievances of citizens, connected with local and essential municipal services like water supply, drainage, sanitation and storm water disposal.</p>	<p>sanitation Units in the street or at other public places, irrigation facilities and other public utility schemes.</p> <p>2. to assist the activities of the parent-teacher associations in the schools in the Ward area.</p> <p>3. to assist the functioning of public health centres in the ward area.</p> <p>4. to identify the deficiencies in the systems of water supply, street lighting etc. in the Ward area and to suggest remedial measures.</p> <p>5. To co-operate with the employees of Ward area in the sanitation arrangements of the area and rendering voluntary service in the removal of garbage;</p>	<p>improvement of slums including clearance where necessary, redressal of public grievances, maintenance of statistics</p> <p>2. As per directions of borough committees may also monitor maintenance and repair of roads, execution of public works, generation of internal resources</p>
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Observations

Delegation of this category of functions could be assessed on three criteria: (a) Scope or Breadth of the Range of Services which are delegated: Wider the scope better the delegation. (b) Types of Services delegated: Whether services are critical to civic life and / or involve significant financial allocation (road construction as against maintenance of parks) are delegated? (c) Roles given to WCs in these functions: Decisive / Executive / Supervisory / Advisory? It would be also interesting to see which roles are delegated in particular functions.

While Kerala and Bengal Laws seem to delegate a range of functions to WCs, the two new bills cover comparatively limited range. The Bengal Law delegated to WCs what could be considered as ‘money-spinning’ functions (such as repair and maintenance of roads and public utility works), while the Kerala law seems to be cautious in this respect. The two bills, in comparison, cover almost the same range of functions, not including money-spinning functions. When it comes to roles, Bengal Law delegates primarily **supervisory** and **monitoring** roles, while Kerala Law seems to be focusing on the roles of **preparing priority** pertaining to locations of services, **assisting** the activities, and **identifying deficiencies** in key services like water supply. MNRB delegates the role of supervision, providing assistance, and ensuring maintenance. Maharashtra Amendments provides for roles of **making recommendations**,

ensuring maintenance, and grievance redressal.

Key Questions to be Answered

- In the case of 'Municipal Services' category, which services should be delegated to WCs in Maharashtra?
- What exact roles in each of these services be delegated to WCs, considering the aspects of costs, feasibility, and capabilities?

Functions Related to Municipal Administration			
Model Nagar Raj Bill	Maharashtra Amendment '08	Kerala Municipality Act, 1994	West Bengal WC Rules, 2001
<p>1. Provide assistance for identification of beneficiaries for the implementation of development and welfare schemes.</p> <p>2. Mobilize voluntary labour and donation by way of goods or money for social welfare programs.</p> <p>3. Assist in the timely collection of taxes, fees and other sums due to the municipality.</p> <p>4. Prepare the Ward budget in accordance with the Ward Plans and complete this exercise within the time specified by the state government.</p> <p>5. Encourage local-level alternatives for implementation in all the areas that the Ward Committee has responsibility for.</p> <p>6. Ensure optimal collection of all revenue sources as</p>	<p>1. To assist in timely collection of taxes, fees and other sums due to the Corporation.</p> <p>2. To consider and make recommendations on the proposals regarding estimates of expenditure pertaining to the wards under different heads of account of the budget before being forwarded to the commissioner.</p> <p>3. To grant administrative approval and financial sanction to plans for municipal works to be carried out within the territorial area of the Ward Committee costing up to rupees five lacs provided that specific provision exists therefore in the budget sanctioned by the corporation.</p> <p>4. To recommend for proportionate budget allocation to each such ward</p>	<p>1. Preparation of the final list of eligible beneficiaries in the order of priority by finding out eligible applicants from the Ward area based on the criterion prescribed in respect of the beneficiary oriented schemes and to submit the same to the Municipality.</p> <p>2. Provide and mobilize voluntary service and assistance in cash or kind for social welfare programmes.</p> <p>3. To make aware the people for the prompt payment of taxes, fees, rents and other sums due to the Municipality.</p>	<p>1. Monitor assessment and collection of municipal taxes, issue of birth and death certificates, poverty alleviation programmes of central and state govts., and generation of internal resources.</p>

specified in the schedule.			
<p>Observations</p> <p>Delegation of functions from this category could be assessed on the basis of three similar criteria: (a) Scope of administrative functions delegated to WCs: Wider the scope better the delegation. (b) Types of administrative functions delegated: Whether functions are critical to civic life and / or involve significant financial allocation (budget preparation and allocation) are delegated? (c) Roles given to WCs in these functions: Decisive / Executive / Supervisory / Advisory? It would be also interesting to see which roles are delegated in particular functions.</p> <p>West Bengal law seems to be very brief in scope of functions, and even it talks only about the monitoring role. Surprisingly, it allows WCs to monitor poverty alleviation programs of state and central governments. In the case of Kerala law, the focus seems to be only on social welfare schemes and collection of taxes. But it gives decisive role in preparing final lists of beneficiaries of schemes. MNRB delegates the functions of beneficiary identification and collection of taxes. However, it restricts the role of WCs only to providing assistance in identification of beneficiaries.</p> <p>At the same time, MNRB delegates very explicitly the function of preparation of Ward Budget as per the Ward Plans to Ward Committees. Maharashtra Amendments provide advisory role to Ward Committees in budget preparation, But it delegates the decisive role of granting administrative approval and financial sanction for the works up to 5 lakhs (now increased to 10 lakhs). It is noteworthy that there is no mentions of preparing a Ward Plan or Ward Budget, which would ensure balanced and appropriate expenditure on different needs of wards. In such circumstances, the Ward Councilor is not bound by any ward-level plan or vision and is free to spend the money as per his convenience and whims.</p> <p>Key Questions to be Answered</p> <ul style="list-style-type: none"> ▪ In the case of 'Municipal Administration' category, which functions should be delegated to WCs in Maharashtra? ▪ What exact roles in each of functions be delegated to WCs, considering the aspects of costs, feasibility, and capabilities? ▪ Do we need to restrict the powers given to Ward Councilors to spend moneys without any Ward level Plans? 			

Functions related to Cultural and others			
Model Nagar Raj Bill	Maharashtra Amendment '08	Kerala Municipality Act, 1994	West Bengal WC Rules, 2001
1. Encourage art and cultural activities and activities of sports and games. 2. Encourage harmony and unity among various groups of	1. To encourage cultural activities , sports and games.	1. Formulate literacy programs necessary for the Ward area, formulate schemes for imparting awareness regarding matters of public interest like	No Provision

people in the ward.		<p>sanitation, environment protection, pollution control etc" and to give protection from social evils like corruption, false and fabricated transactions etc;</p> <p>2. To promote harmony and unity among the people belonging to different sections in the Ward area and to organise arts and sports festivals for promoting goodwill among the people of that area.</p>	
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ISSUE 5: Rights of Ward Committees

Background

The devolution of powers and rights is one of the major criteria for assessing decentralization of urban governance. Most of the rights given to Ward Committees in the four laws/ bills pertain to extraction of accountability and securing information for ensuring transparency. Here, accountability should pertain to accountability of higher as well as lower tier of functionaries, while transparency needs to be operationalized in practice.

Rights to Secure Information on Ward-Related Matters			
Model Nagar Raj Bill	Maharashtra Amendment '08	Kerala Municipality Act, 1994	West Bengal WC Rules, 2001
<p>1. The chairman and the members of the Ward Committee shall have the <i>right to seek information</i> from the Chief Municipal Officer regarding <i>any matter relating to the ward</i>.</p> <p>2. The committee shall <i>make periodical reports to the municipality</i> in respect of the matters specified</p>	No Provision	<p>1. To get information regarding the services to be rendered and the activities proposed to be carried by the officers concerned during the next three months;</p> <p>2. To get information on the detailed estimate regarding the works proposed to be undertaken.</p> <p>3. to know whether each decision</p>	<p>1. The Chairman of WC can call for any information regarding any matter concerned with the ward.</p> <p>a. Ward-wise budgetary allocation.</p> <p>b. Ward-wise Annual Financial Statement and Annual Administration Report.</p> <p>c. Collection figures of tax</p>

		of the council of the Ward area is logical; 4. to know about the follow up actions taken, decision of the Ward Sabha and the Ward Committee, as the case may be, and about the detailed reasons for not implementing any decision;	and non-tax revenue of the ward. 2. The WC with permission of Municipality can call any officer of Municipality to attend the meeting of WC which any matter dealt by the officer is discussed.
Observations			
<p>Apart from the Maharashtra Amendments, the other three laws / bill seem to be giving very wide powers to secure information on affairs and matters pertaining to the ward. The West Bengal Law provides for access to key financial documents in a very explicit manner. It also gives right to WC to call any municipal officer which could prove as a major tool for extracting accountability.</p> <p>The Kerala Law again has very detailed provisions for securing information. More importantly, it builds in rights that would facilitate extraction of accountability of higher level institutions. In this regard, the 3rd and 4th provisions listed in the column of Kerala Law need to be noted. These provisions empower WCs to demand to know the rationale underlying each decision as well as reasons for non-implementation of any decision. In this regard, MNRB gives wide powers to both the chairman and the members of WCs to seek information on any ward-related matter. Simultaneously, it makes the WCs accountable to municipal body by requiring it to send periodic reports.</p> <p>On this background, it is interesting to note that there is no provision for Rights of Ward committee in New Maharashtra Amendments.</p>			
Key Questions to be Answered			
<ul style="list-style-type: none"> What kind of rights the WCs in Maharashtra should be given pertaining to matters and affairs related to the ward/s under its jurisdiction? 			
Rights to Information Related to Municipal Planning and Development			
Model Nagar Raj Bill	Maharashtra Amendment '08	Kerala Municipality Act, 1994	West Bengal WC Rules, 2001
1. Obtain full information about the <i>District and Municipal Plans</i> 2. Be consulted in <i>the development of land use and zoning regulations</i> within its jurisdiction	<i>No provision</i>	1. To get information regarding detailed town planning schemes building construction permits etc. in the ward.	<i>No provision</i>

Observations

Here, the Kerala Law gives rights to WCs to secure information on planning and building constructions in the ward, while MNRB seem to be giving powers to secure information about district and municipal plans. MNRB also gives the right to be consulted on very important matters like land use and zoning regulations within the ward.

It is not surprising that New Maharashtra Amendments do not have any provision in this regard.

Key Questions to be Answered

- What kind of rights the WCs in Maharashtra should be given pertaining to matters and affairs related to planning, zoning, and building construction within or beyond their jurisdiction?

Rights Related to Finance and Budget

Model Nagar Raj Bill	Maharashtra Amendment '08	Kerala Municipality Act, 1994	West Bengal WC Rules, 2001
1. Obtain the full Municipal Budget , within such time as may be reasonable, to verify, seek clarifications and suggest changes that need to be incorporated 2. Obtain the requisite financial and administrative support from the Municipality in managing Bank accounts 3. Obtain full details on all revenue items including taxes and budgetary allocations which should be presented in a simplified manner which is manageable by the Ward Committee 4. Retain up to 50% of the Ward Revenues for local development , until a predefined minimum level of Ward Infrastructure index, which shall be notified by the State Government, has been	No Provision	No Provision	1. The Chairman of WC can call for any information regarding <ol style="list-style-type: none"> a. Ward-wise budgetary allocation. b. Ward-wise Annual Financial Statement and Annual Administration Report. c. Collection figures of tax and non-tax revenue of the ward.

<p>created in the Ward</p> <p>5. Have a <i>proportionate claim on Municipal Development expenditures</i>, based on the Ward Infrastructure Index of that ward compared to the other Wards in the Municipality</p>			
<p>Observations</p> <p>West Bengal law explicitly mentions financial items in the list of information that can be sought by the WC Chairman. Otherwise there is no mention of rights related to financial affairs and budget in West Bengal Law. Kerala Law does not contain preparation of ward budget in its list of function. However, MNRB provides many rights regarding the financial and budget matters. These rights range from right to get financial support from municipality to right to retain 50% of ward revenue and to make proportionate claim on municipal development expenditure. It also gives right to obtain full information on budget and seek clarifications and suggest changes in municipal budget.</p> <p>Key Questions to be Answered</p> <ul style="list-style-type: none"> ▪ What kind of rights the WCs in Maharashtra should be given pertaining to financial matters and budget affairs within or beyond their jurisdiction? 			

ISSUE 6: Connecting the Ward Committees and Area Sabhas

Background

The two sub-municipal governance institutions discussed in this paper—viz., Ward Committees and Area Sabhas—are product of two different eras and two different rounds of legal reforms.

Observations

It is necessary to ensure that there is good, working, and synergetic connect between the two. At the same time, there should not be overlaps in functions and powers and confusion generated thereby. The connect could be seen in different manner. First, there could be synergetic division of functions and roles. There should not be any overlap in functions and roles of the two institutions. At the same time, the Ward Committee having more powers, resources, and capabilities should be given responsibility to be supportive of Area Sabhas. Second, there should be similar synergetic division of powers and rights, without any overlap and with very clear boundaries. Ward Committees should also play supportive role here by helping Area Sabhas to exercise their rights effectively.

Third, the connect could be seen as a system of checks and balances that give both institutions means to extract accountability of each other on their respective responsibilities. In other words, Area Sabhas should act as a tool for citizens to keep in check the

Ward Committee (and Ward Councilor) and extract their accountability. At the same time, citizens in the ward should be able to restrain errant Area Sabha or Area Sabha Representatives (ASRs).

Fourth, this connect could also be seen in terms of representation for citizens' plenary of an Area Sabha on the Ward Committee through their Area Sabha Representatives. This will help link the two bodies more effectively.

Even though there is no mention of Area Sabha in the West Bengal and Kerala laws, both the laws essentially try to provide representation to different stockholding groups at the sub-ward level. As a result, there seems to be good connect between the grassroots level institutions and the Ward Committee through representation. However, due to lack of other details, the connection between these two sets of institutions in Kerala and West Bengal cannot be discussed here.

More explicit representation for ASRs in WCs is provided by MNRB. MNRB should be studied in detail to see how it provides the connection between the two bodies in other manners described above.

According to alternative NRB proposed by Mr. Kejriwal, Ward Committees are supposed to provide all help to *mohalla* Sabhas and manage ward level institutions like hospitals, schools and roads. Ward development plans are to be made by integrating *mohalla* plans. Further, the alternative NRB envisages a significant change in functioning of Ward Committee and exercise of its powers. The Ward Committee is expected to follow the decisions of *mohalla* Sabhas and also consider its recommendation in subjects where Ward Committee has jurisdiction.

However, the New Maharashtra Amendment Bill 2008 which introduces Area Sabhas in municipal corporations and councils is totally silent on integration of Area Sabhas with the existing municipal governance framework, including the Ward Committees. Thus, there is apprehension that Area Sabhas will be operating outside—and hence would get alienated from—the existing systems of municipal governance.

Key Questions to be Answered

- Should the New Maharashtra Amendments introduce provisions to link the Area Sabhas with the Ward Committee in terms of financial and administrative resources, division of functions and rights and upward and downward accountability mechanisms?
- If such measures are not introduced in the bill, should they be a part of rules that will be formulated by the state government to operationalize Area Sabhas in Maharashtra?

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