Proceedings of A consultation on 'Decentralization and Citizen Participation in Urban Governance and Urban Planning'

Organized by: My City Our City (MCOC)

Venue: Ahmedabad Management Association (AMA), Opp. IIM Ahmedabad Old Campus

Date: 20th April 2022

"Sabka Saath Sabka Sahbhaag"

A quote by Krishnakant Chauhan

The Government of India passed the 74th Amendment, which handed the decision-making powers to its municipalities and further to its citizens in 1992. My City Our City (MCOC) organized a workshop at Ahmedabad Management Association on 20th April 2022 (Wednesday) to review the implementation and impact of this Amendment on Citizen's Power in the decision-making process.

Mr. Aseem Mishra, Director – Homes in the City, who moderated the session, started it off with an introduction to the passing of the 73rd and 74th Amendment Bill and its relevance with respect to the country's democracy. He also briefly mentioned the Nagar Raj Bill, the 12th Schedule and civil societies working towards implementation of the provisions under these actions.

 He then requested the participants to introduce themselves. People from civil societies and organizations from across the country were present at the conference. Some of the organizations present at the Workshop were Saath Charitable Trust, HRDC, Civic Space, PRIA, Centre for Development, SETU Abhiyan, UNNATI, Sadbhawna Sangh etc.

Mr. Aseem Mishra then discussed the need for citizen participation in the Country's decision-making process and shared the flow of the workshop and the speakers lined up for sharing their work in realizing the objective behind the 74th amendment which handed over some of the responsibilities of the state government to the City Municipal Corporations and Nagar Palikas.

He also shared some of the major concerns faced by various cities in bringing the citizens into the decision-making processes and went on to invite the first speaker of the session – Ms. Kathyayini Chamaraj, Executive Trustee at Civic Space, who has been working on bringing in the Citizen Engagement in the State of Karnataka.

Session 1: 74th Constitutional Amendment and People's participation in Karnataka – Historical. Political, and Legal Aspects

Speaker: Ms. Kathyayini Chamaraj, CIVIC-Bangalore

Ms. Kathyayini Chamaraj thanked MCOC for organizing the event and started off her session (translated to Gujarati by Ms. Prachi from HIC to benefit the larger audience) with the various issues faced by the citizens of Bengaluru, the capital of Karnataka. She discussed the issues related to inequality where the poor aren't catered to while the affluent had all the luxuries. She also discussed the excessive and uncontrolled pollution.

She then shared that intent behind implementing the 74th Constitutional Amendment (CA) was to give back the control of local planning to local communities. Its main function was to "plan

for economic development and social justice" by bringing the elected representatives and people closer and bringing accountability and transparency in the decision-making process. Its aim was to improve the conditions by giving voice to the marginalized communities.

Vidhan Sabha	→	State	→	Municipal Corporation/ Municipality	→	Ward Committees (for Larger cities)

Chief Features of the Amendment:

- Reservations for women and SC/STs and OBCs
- Local Planning at District Level and at Metropolitan level for Metros
- Further decentralization in the larger cities by forming Ward Committees wherever there was a population of over 3 lakhs

She further discussed the responsibilities which were handed over to the urban local bodies under the 12th Schedule of the constitution of India. 12th Schedule of the Indian Constitution deals with the provisions that specify the powers, authority, and responsibilities of municipalities. This Schedule was added by the 74th CA Act of 1992. It has the following 18 aspects:

- Urban planning including town planning.
- Regulation of land use and construction of buildings.
- **Planning for economic and social development.**
- Roads and bridges.
- Water supply for domestic, industrial, and commercial purposes.
- Public health, sanitation conservancy, and solid waste management.
- Fire services.
- Urban forestry, protection of the environment, and promotion of ecological aspects.
- Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
- **Slum improvement and up-gradation.**
- **Urban poverty alleviation.**
- Provision of urban amenities and facilities such as parks, gardens, and playgrounds.
- Promotion of cultural, educational, and aesthetic aspects.
- Burials and burial grounds; cremations, cremation grounds; and electric crematoriums.
- Cattle pounds; prevention of cruelty to animals.
- Vital statistics include registration of births and deaths.
- Public amenities including street lighting, parking lots, bus stops, and public conveniences.
- Regulation of slaughterhouses and tanneries

She further shared the provisions under the 73rd CA which facilitated the implementation of Panchayati Raj System, where villagers themselves elect representatives to take decisions regarding development of their village. She further shared the details on aspects in the Act which helps ensure transparency and accountability within the Gram Sabha and how these provisions are missing in the 74th CA in case of the State of Karnataka.

Karnataka's Panchayat Raj Act	Karnataka Municipal Corporations (Amdt.) Act of 1994
• One representative for 400 people • The representatives are elected • There will be 2 Gram Sabhas held every year • Planning for the village will be done through the Gram Sabhas • Village works will be painted on the board • Decisions will be shared with the people • Social Audit will be done by the Gram Sabhas	• One elected councillor for 30-35 thousand people • Ward Committee members were nominated, not elected • No provision for Ward Sabha • No provision for planning by the citizens • No provision for transparency • No social audit by the citizens in Karnataka Municipal Corporations Act

Figure 1: Kathyayini Chamaraj sharing CIVIC's work with the participants

She also shared that the findings of the study they did in 2001 on the functioning of ward committees in Bengaluru between 1999 and 2002 was shared with the Ministry of Urban Development. The study pointed out the deficiencies in the KMC (Amdt.) Act, which led to the framing of the Model Nagara Raj Bill which was shared by the Ministry of Urban Development with all the cities in 2005 as a conditionality under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM). This Model Bill suggested modifications to be done to the existing State Acts to make them more transparent, accountable and participatory.

The Model Nagara Raj Bill circulated to all States under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) recommended the following amendments to all the State municipality Acts:

- Area Sabha should be there for 2000-3000 voters on the lines of the Gram Sabha;
- Area Sabha Representative (ASR) should be directly elected by the Area Sabha, and should be a part of the ward committee;
- There should be one ward committee per ward with Councillor as the chairman;
- The ward committee should comprise another 10 members nominated by those belonging to civil societies.

The Karnataka Municipal Corporations Act was again amended based on the recommendations by JNNURM, which was passed in February 2011, but the only real change which was observed was the formation of one ward committee per ward. The members of the ward committee were not elected but nominated by the corporation. The term 'Corporation' or 'ward' itself was very ambiguous, and there were no guidelines provided by the Act for the manner in which ward committees were to be constituted in Karnataka. Area Sabha Representatives were supposed to be members of the ward committee as per the suggested model, but this was not implemented in the Karnataka Municipal Corporations Act. Even the Area Sabha Representative was nominated by the councillor. In addition to this, the Act also gave veto power to the councillor on decisions made by the ward committee.

CIVIC opposed the provision of nomination as the members were nominated by the councillor, and they ended up nominating their kith and kin or their political party workers, leading to ineffective representation of the public, and thus there was no accountability. CIVIC also opposed the power of veto provided to the councillor.

Ms. Kathyayini also explained that in Karnataka up to 5 contiguous polling booth areas could be declared as one 'Area', and all the voters falling under these booths were to be represented at Area Sabha. This would mean that an Area Sabha would have more than 5,000 members which would make their meetings unviable.

The Ward Committees in Karnataka comprise the following:

- 2 SC/STs
- 3 women
- 2 from registered associations working in the ward
- 3 citizens from general category

She then shared that even after amendment of the KMC Act in 2011, ward committees were not formed in the cities. During an ongoing PIL in the High Court (HC) in 2013 regarding the accumulation of garbage on streets in Bengaluru, the HC gave orders to form the ward committees to mitigate such issues. But since Rules under the KMC (Amdt.) Act of 2011 had not been framed yet, the HC asked the government to frame the Rules within a month. But even then, it took 4 years to frame the Rules, and the ward committees were finally formed in 2017. But the rules being implemented were the flawed rules which came from the 2011 Amendment. It was also observed that even after the KMC (Amdt.) Act of 2011 made constitution of Area Sabhas mandatory, Area Sabhas were not notified.

CIVIC worked with the government in the formation of new rules in 2016, as per the HC's order of taking suggestions from civil society organisations while framing the Rules. The following suggestions of CIVIC were included in the Rules:

- Sharing the minutes of the ward committee meeting;
- Action Taken Report on the resolutions taken during the meeting must be shared by the Ward Committee Secretary at the next meeting;
- If officials do not act on the resolutions of the ward committee, disciplinary action against them can be recommended by the ward committee;
- Ward Disaster Management Cell must be formed by the chairman of the committee.

It was suggested by CIVIC that a provision should be included in the rules enabling passing of a 'no confidence motion' or a right to recall the ward councillors if the ward committee meetings are not held every month. But this was not accepted. Instead, 1/3rd of the ward committee members were given the right to issue a requisition calling attention to the fact that no ward committee meeting had been held in a month.

Since ward committees were not formed till 2017, and even after that the members were nominated by the councillors, CIVIC suggested to the court to direct BBMP to invite citizens to apply to be members of ward committees. But only 5 out of 1000 applicants made it to the committee, and others were all nominated by the councillors. CIVIC also took this issue up in the court, but the court suggested that since the ward committees had been formed, they should let them function and observe their functioning for now.

CIVIC, along with 'Citizens for Bengaluru' met the new mayor in 2018 to make the ward committees active, as the monthly meetings were not taking place and requested her to take action regarding this. The new mayor announced in the BBMP Council that the ward committees were required to meet every first Saturday of the month. But only 25% of the councillors heeded this announcement. To encourage councillors to hold regular ward committee meetings, Citizens for Bengaluru (CFB) honoured 50 councillors who had held at least 4 meetings in 6 months in 2019.

Ms Chamaraj shared that all the responsibilities given to the municipal corporation under the 12th Schedule have not been handed over to the municipal corporations and they still lie with the State government. Even the municipal corporations don't want to hand over the decision-making power to the citizens.

She also shared that CIVIC also worked with the Mangaluru Commissioner regarding setting up of ward committees in Mangaluru. Following suggestions made by CIVIC were put to use by the Mangaluru commissioner:

- Public advertisement was issued asking citizens to apply for ward committee membership
- Affidavit was demanded from applicants on stamp paper stating that they do not belong to any political party and that they have no criminal records
- Selection committee for selection of ward committee members was set up
- Affidavits of applicants were sent for verification by police regarding criminal background, and to political parties for verifying party membership.

After verification of affidavits, then final ward committee list was published. Thereafter, the ward committee members and ward committee secretaries were trained on their roles and responsibilities.

Ms Chamaraj shared that during Covid, the urgent need for decentralised public engagement at ward level was realised. When the HC was questioning the BBMP about failing to meet the essential needs of the homeless and other marginalised during Covid, she wrote to the Chief

Justice of the HC regarding the need to implement the provision for Ward Disaster Management Cells in the Rules under the Karnataka Municipal Corporations (Amdt.) Act of 2011 to meet the needs of the marginalised. Upon a direction of the HC to BBMP based on her mail, a total of 198 Ward Disaster Management Cells were then created within two days, one in each ward of BBMP. This led to people working at ward/grassroots level to manage Covid in 2020. In consultation with several CSOs, CIVIC provided guidelines/Standard Operating Procedures (SOP) for the functioning of Ward Disaster Management Cells too, but these are yet to be implemented.

Ms Chamaraj then shared an example of CIVIC's participatory budgeting work at Sagayapuram ward. CIVIC helped set up a federation of residents' and slum-dwellers' associations of the ward. CIVIC showed the map of the ward to people from affluent areas as well as to the people of the adjacent slum areas. The affluent sections visited the slum areas to understand the needs of the residents there. After this, the ward plan was prepared by the federation of RWAs and slum-dwellers' associations wherein they proposed that 85% of the budget should be allocated to the northern slum region and only 15% needs to be allocated for the southern areas where affluent people resided.

They also did a social audit of a park called Richard's Park where they looked at the expenses registered for various park amenities like dustbins, benches, children's play equipment, etc, and visited the Richard's Park to conduct social audit of the expenditure of more than Rs. 12 lakh. This brought out that these expenditures were never actually made by the corporation as all these amenities were in poor condition. She shared this while showing the pictures of the Park during their visit.

Ms Chamaraj next shared about another PIL filed by CIVIC and others. There are currently three different laws regarding the manner of formation of ward committees and area sabhas existing in Karnataka: one for Bengaluru under the BBMP Act 2020, one for ten other municipal corporations as per the KMC (Amdt.) Act of 2011, and another for smaller cities under the Karnataka Municipalities (Amdt.) Act 2020, which do not match. This "Inequality before Law" has been questioned before the HC through a PIL which has been accepted by the HC and notices have been sent to the government.

She concluded by saying that CIVIC has suggested getting the measures in the Karnataka Municipalities (Amdt.) Act 2020, where citizens themselves select their area sabha and ward committee members, as a model for the formation of ward committees and area sabhas across all cities, and in the interim, the measures adopted by Mangaluru municipal corporation in implementing the ward committees and area sabhas in every city in Karnataka.

Her presentation was further followed by Q and A.

Ms Chamaraj shared that CIVIC has filed 4 PILs in the HC so far over the last 29 years regarding the formation of ward committees in Karnataka.

She also shared that she found it easier to work with younger bureaucrats as they are still open to suggestions and wish to make a difference.

Ms. Kathyayini Chamaraj's session was followed by a session by Ms. Meghna Indurkar from Praja Foundation.

Session 2: Status of Urban Governance and Ward Committees in India

Speaker: Ms. Meghna Indurkar, Praja Foundation, Mumbai

Ms. Meghna started by introducing the work of Praja Foundation established in 1994, a Mumbai Based organization which works across the country on improving the citizen engagement in Urban Governance. The organization works with corporators, impart trainings and published white papers on the conditions of various urban development areas including infrastructure, education, etc. The organization was working predominantly in Delhi and Mumbai and realised that they need to find out the conditions in the other states of the country.

The organization started a study on the implementation of 74th amendment in all the states across the country and came up with an index for ranking of these states called the Urban Governance Index. One of the criteria which they were looking at for these rankings was citizen engagement in the urban decision making.

She then shared a short video (https://youtu.be/WudDN4OP_XI) explaining the features of the Urban Governance Index Framework by Praja Foundation

The framework covers 4 themes, 13 sub-themes and 42 indicators.

Following are the 4 themes:

- Empowered Elected Representatives
- Empowered City Administration
- Empowered Citizens
- Fiscal Empowerment

The video further went on to describe each theme and the sub themes under each theme.

Ms. Meghna then shared that Odisha which ranked No.1 in the ranking scored only 56%, which highlighted the need for urban governance reform in every state of the country. She then showed a slide showing map of India which showed that the 74th amendment hasn't been implemented in any state of the country.

She then shared the three levels of government – Centre, State, City (Municipality/Municipal Corporation). She further shared that every state has a different format used for the formation of wards, as well as ward sabhas/committees. She shared the details about ward Sabha, area Sabha and how it could be implemented.

She shared there could be multiple area committees/sabhas within a ward, and the elected representatives of these area sabhas should be a member of the ward committees. She also added the roles of area sabhas which include the following:

- Identifying the needs of the areas
- Assist in tax collection
- Identify locations for implementation of Anganwadi, Hospitals, Bus Stands etc.
- Provide suggestions at ward committees and get the budget at ward committee implemented on ground
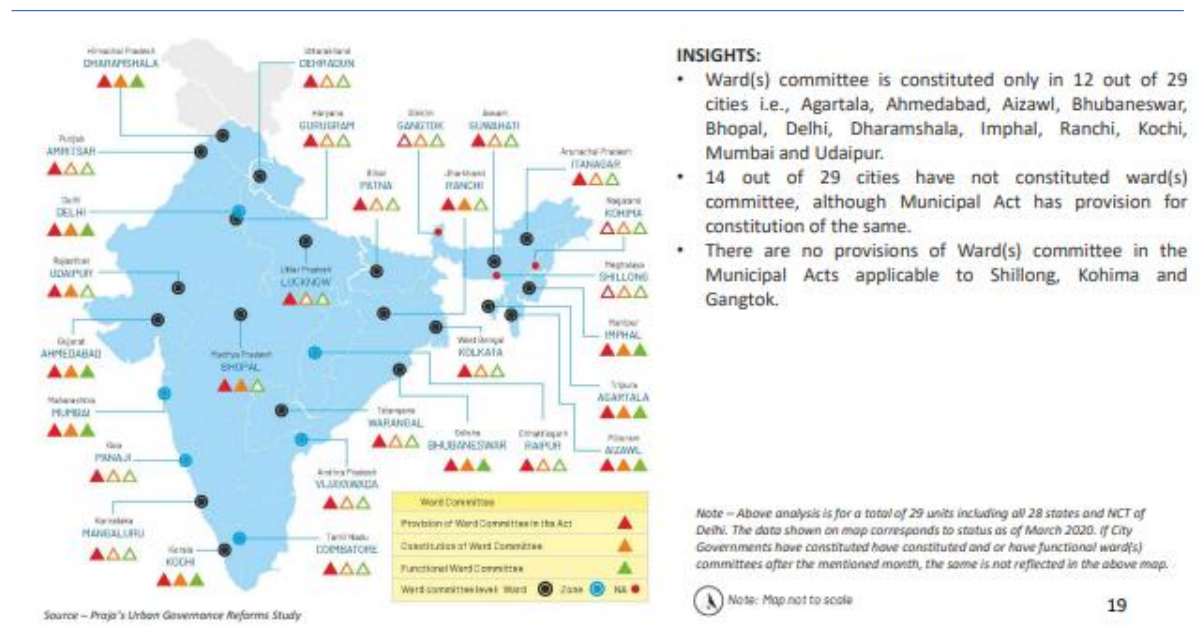
She then went back to sharing the maps where she showed the states with different types of ward committees and at what level are these working.

They had also mapped states where there was a provision of ward committees in their municipal acts, while in some states there wasn't any provision of the ward committees.
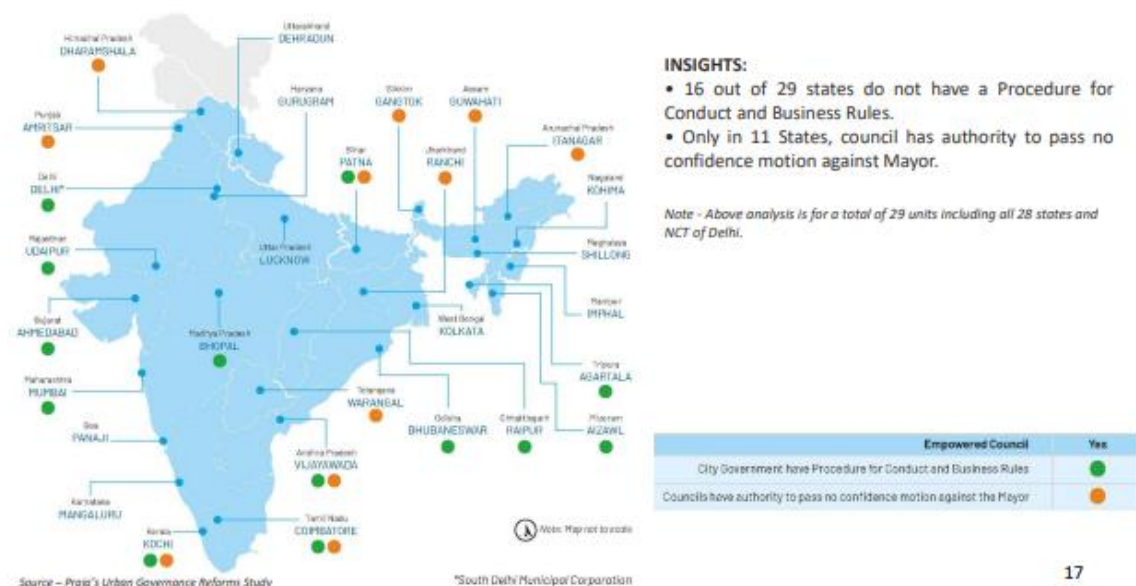
She then shared that even in the 14 states where there is a provision of ward committee in the municipal act, the states had not notified the guidelines for formation of these ward committees. She shared that out of all the stated in the country only 12 states have formed ward committees. She further shared that only seven states -- Andhra Pradesh, Bihar, Chhattisgarh, West Bengal, Mizoram, Karnataka, Kerala and Madhya Pradesh, have shared the guidelines for formation of ward committee through gazette.

She also shared that only 3 of the 29 cities surveyed had active Area Sabhas, namely Dharamshala, Aizwal and Bhubaneshwar.

She also shared that there are 10 states with provision of Area Sabhas in their municipal act, but they don't have any functioning Area Sabha. There are only 4 states with rules for area and ward sabhas. She also shared that during conversation with the councilors they found out that they did not know how to constitute functional area Sabhas as there are no clear rules regarding this.

Upon being asked how they did these rankings of the state level. She shared that since they could not visit every city to assess the situation, they took up the capitals of every state with the assumption that these would reflect the situation in all the urban areas of the state.

Another participant asked that what Ms. Indurkar observed to be the main reason for absence of are Sabhas and ward Sabhas, she replied saying that there were multiple reasons like lack of clarity on the process of formation of these committees, as well as reluctance of the municipal corporation, just like the state level bodies, to hand over their powers to lower level administration.

She further added that the 74th amendment shows that there is a lot of power with the corporation, but the study highlighted that even the municipal corporation doesn't have those powers with them. In such case, even if suggestions from the citizens were invited, the corporator won't have adequate power to implement them. Another reason is that for cities like Mumbai, Bengaluru, Delhi, etc with huge population, it becomes very difficult for the corporators to conduct these Sabhas in a structured way. She added that the example of Mangalore shared by Ms. Kathyayini will become very difficult for larger cities as it will require additional administrative support.

Upon being asked what could be done by civil societies and citizens to get these implemented, she said that apart from recommendation, civil societies could work with the citizens and create model examples of area and ward Sabhas in some places, which could be then scaled up by the state and city administrations. She added that there needs to be both top-down as well as bottom-up approach to institutionalize the are Sabhas successfully.

Ms. Kathyayini Chamraj added that the area Sabhas can be taken up by the citizen's themselves and this might lower the pressure on the councillor.

Upon being asked the further process by Praja post the study, Ms. Indurkar shared that they are working with the corporations. She shared that they are training the corporators in Srinagar and bringing youth engagement. They are also working with MP and Odisha state governments to improve the condition of state governments

She also gave the example of Dharamshala where the councillor is the chairperson of the area Sabha hence there are no fourth level elections. He holds these Sabhas every six months, where citizens are notified. Upon speaking with the citizens, it was realised that citizen's don't have any knowledge on the action being taken on their suggestions. Praja suggested the councillor to keep a track of every suggestion made and action taken for it.

She said that the best example of ward committees as per their observation was of Guwahati, where ward sabhas are held every three months. Its meeting minutes was recorded and shared at the ward level, which were then taken to the Municipal Corporation and budget was allocated for the work there. Elections are also held for electing the area representatives.

She also gave the example of Mizoram where citizens elect their area sabha representatives who in addition are a part of the ward committee. She shared that the situation there used to be dire in case of governance, as the citizens, who are majorly tribals, acknowledge only their internal administration and elders. The current system of governance was adopted after dialogues with the citizens where citizens elect their own representatives to represent them at the ward committee.

Mr. Aseem Summarized the need for top down as well as bottomup approach for implementation of the 74th amendment in the Indian states. He then spoke briefly about the digital age and its implementation in governance and invited the next speaker for sharing his work on the same.

Session 3: Broadening Citizen Participation in Urban Governance: Can Technology Help?

Speaker: Dr. Kaustuv Kanti Bandyopadhyay, Director, Participatory Research in Asia (PRIA)

Dr. Kaustuv Kanti Bandyopadhyay began his session with a question – "Do you think that the urban local bodies (ULBs) and the state governments have a positive outlook towards the implementation of citizen participation laws in the city's decision-making processes? Do you think this is going to be implemented in the next 5-10 years?"

He added that there is a need to asking difficult questions to the governance as well as to ourselves. It was very refreshing to see a few successful examples of implementation of the Area Sabhas, however, we need to assess if the government wants to implement the three-tier citizen participation mechanism exactly as suggested in the 74th Constitutional Amendment (74th CAA) and community participation laws.

Since the implementation of the 74th CAA in 1992, a lot of efforts have been made by the civil society groups to promote citizen's voice in the decision-making, however, these have been challenging. He said that although many CSOs have been working towards this for decades but haven't achieved enough. There have been sporadic successes, but in most cases the results have been mixed. They have also tried to bring citizens and government on a single platform and facilitate dialogue.

He said that if we look at the earliest definition of participation, it specifies participation of the sections of the society which have not been able to participate at all. We need to look at how elected representative look at democracy. The role of elected representatives is to represent the citizens and their needs. This is lost somewhere. Another thing that we need to understand is community is not homogenous, it includes people from all walks of life. So, we need to think how everyone can exercise their right to citizen engagement.

Citizens are also apathetic towards the decisions and actions taken by the government. So, we need to ask how citizens can be made aware and active participants in the decision making process. Should we keep waiting for Area Sabhas to bring citizen participation? Should we look at an alternative option?

The Pandemic brought the role of technology to the fore. However, there are two polarised mindsets exist regarding technology. One set of people feels that technology can solve all the problems, while the other feels that technology will harm the society.

He shared that PRIA studied the use of technology by civil societies and urban local bodies in bringing citizens into the decision-making process.

He then presented a slide show on history of participation. The earliest was gram swaraj by Gandhi ji. Although it was village centric, but it highlighted that the decision-making powers must lie in the hands of the citizens. Then there were revolutions and social movements where people protested, and this made the government hear the voices of the citizens. Then there were various programs by the government which looked at how the community can manage the program at their level. This was also a medium of participation.

Then there were water, education and other programs funded by the World bank and other international organisations, which had promoted people's participation in many projects. These were also example of inducing citizen engagement, but again at the program level. All these were the people affected by the project.

Then there was a change in the 80s in the terminology, where they used the word stakeholders. This broadened the umbrella, and it did not include only the project affected people and families, but a variety of people related to or benefitting from the project. At that time PRIA advocated to highlight the participation of primary stakeholders which were the project affected people.

In the 90s the 73rd and 74th amendment made citizens as the part of the governance system through promoting participation in Area and Ward Sabhas. So, the citizen's engagement in governance and management transformed from State level to project level to governance level.

Post 90s, we saw emergence of social accountability movements, post the amendment, which assessed the level of citizen engagement in the country as well as globally.

The next development which is happening is bringing in the digital component to provide a platform for to the voices of the citizens. There are some obvious advantages to bring in technology in the governance forum,

- Ease of participation from home if you own a device to facilitate it
- Participation can be scaled up as we don't need a huge place, or additional cost
- Artificial Intelligence and other tech might help in data analysis and decision making
- Social media can bridge the gap

He further shared the case of smart city mission in India where 100 cities participated to get chosen for funding. It was realised upon speaking with the public that citizens were approached for recording participation after all the decisions had been made. Upon asking why this was done, the government replied saying how to manage 50,000 suggestions.

He went on to share the huge gaps present in our country which will result in benefitting only certain section of the society. Digital divide is the truth of the country. He shared that during pandemic when the schools and classes were being held online, a lot many children were unable to have access to education. Another issue is that the staff and officials are not adequately trained to use this facility. Majoritarian democracy is another issue which is India's reality.

It is important to understand that behind every digital program and platform is a human being who has a set of perceptions which he/she will implement while programming the algorithm.

Another issue is safety. The culture of threats and trolling in the country specially towards minorities and women which make this section too cautious in participating.

Indian public also doesn't understand the difference between perception and evidence. There is a need to find balance between

There are five things which get highlighted with PRIA's study with the civil and civic societies:

- Organizations are using technology to circulate information amongst the citizens
- Technology is being used to get access to the various program platforms developed by the government where they can find details about the programs, eligibility etc.
- Many people are using these platforms for Grievance redressal. These help the complaints get recorded as in sharing the grievance physically there is no guarantee that the councillor or commissioner or any official will keep a record of your grievance. This can also help the government take a note of the issues in the community.
- Change.org and similar organizations start a petition online where people can share their approval for the critique or proposal
- People can share feedbacks regarding any project uptakes by the government.

He further added that there needs to be clarity on the agenda for consultation and participation. He shared that there are cases where municipalities are working on dissemination of information, and taking suggestions from the citizens, but the citizens are not informed about the government's take on these suggestions. He added that information dissemination, consolidation, accumulation, and feedback are very important for effective public participation. Lack of feedback is one of the key reasons for apathy amongst the citizens. The only way is to develop trust through a reiterative process of participation at every level of government. He concluded his talk by sharing that PRIA has developed a protocol for citizen participation for using the internet for bringing citizen participation in the decision-making process.

A participant shared that the citizens feel that they have a threat if they share their grievances online, as this might be done to keep a tab on people who are complaining. There is no faith between the government and the citizens and asked how to tackle this issue. Mr. Bandyopadhyay said that civic education is very important to address this issue successfully. He further added that civic education almost everywhere is biased and propagates one or the other perception. People must know their rights to participation and the need for and importance of this becomes common knowledge.

He also added that any guidelines, or documents created by the government are filled with jargon and not understandable by the public. There is a need to demystify these legal writings for the general population. There is a need to accept the heterogeneity of the communities. Continuous civic education is the only way ahead.

Mr. Krishna Kant Chauhan added that there is also a need for civil societies to work with different sectors of the society to work together. He said that if sectoral integration is required to address the entire ward.

Mr. Bandyopadhyay agreed and added that it is important to have a universal agenda, and the sections are divided amongst the civil societies with specific expertise which they offer. He said that it is important to eradicate competition in the civil societies.

Session 4: **Democracy to the People – An Unfulfilled Quest – Status of implementation of 74th CAA and Challenges in the Cities of Gujarat**

Speaker: Mr. Krishnakant Chauhan, Independent Scholar, Surat

He highlighted how a progressive constitutional amendment which has very good provision that can actually take our democratic system to a next level is suffering from non-implementation.

He underlined that while provisions of timely elections, reservations of seats for SC/ST/Women was immediately enacted by various states. It took years to setup state finance commission which is still non-functional in many states.

The formation of District Planning Committees and Metropolitan planning committees was also implemented very late.

However, the most important feature of the amendments that ensured that the country could take advantage of the educated and active citizens through Ward Committees and Area committees has remained in limbo.

The basic objective of the 74th CAA was to decentralise decision making and ensure citizens participation in the process in the urban areas. Gujarat has skirted away from implementing the important provisions.

He also urged that citizens, institutions and organisations in Gujarat should take up a campaign to create an awareness among the citizens and also advocate for a comprehensive legislation in this regard.

In between Mr. Kasam Kumhar, a councillor from Bhuj shared his experiences. He shared that since 2015, he has been actively working with area Sabhas where he holds a meeting with the area representatives every few months. He shared that the citizens have created their ward committee in his ward under guidance and support from SETU Abhiyan which meet monthly to discuss and plan for their areas.

A meeting is held at ward level where the area representatives share their needs and suggestion for their area representatives.

He further added that they have created a standard operating procedure at their own level which outline how the ward committees should be formed. This says that there will be an area committee between 350 houses. He shared that there is a reluctance from the municipality for formal recognition to these as they have a population of less than 3 lakh and hence its not mandatory for them to do that. But he and a few other councillors do have taken this up at their ward level. However, ward committees and area committees have been formed informally in 6 wards, out of 11 wards in the Bhuj city with the support from SETU Abhiyan, a partner organisation of the Homes in the City Project.

He added that every ward has around 5-7 area committees, from which one man and one woman are elected as area representative who are members of ward committees by default. He shared that before 2014, there used to be no such meetings between councillor and the citizens, now they have created ward committees under their jurisdiction which meet every two months to discuss management of services and physical infrastructures as well as proposed development works in their wards

He added that these meetings are a great opportunity for citizens to ask questions and suggest works/activities for their areas/ward. The ward councillors are readily approachable by the

people at the meeting as well as over phone. Formation and activation of these ward committees have helped in bridging the gap between the government and the citizens. He further added that people from every section of the community participate in the meetings and discussion.

He added that ward committees constantly reach out to the corporator with suggestions and planning related to their ward. They have been able to prepare ward plans for 2 wards and share it with the corporation. He further added that about 50% of works have been executed as per plans in these wards

Mr. Krishna Kant Chauhan added that there are two different legislations in Gujarat, one for Corporation and another for Municipality, since Bhuj comes under municipality, there are no requirements for a ward committee. The guidelines say that cities with populations over 3 lakhs must have ward committees.

Mr. Yasin Shaikh, an area sabha member of Mumbai's ward no. 179's also shared his experience. He shared that he participated in area committee trainings organized by Sadbhavana Sangh and got into the movement for preparing and activating a ward committee in his area. He shared that they were able to create an area committee after a lot of struggles, but even after that they were not acknowledged by the corporator. He shared that it was a slum area with a lot of uneducated people.

He shared that they started making small differences, like helping people with their ration cards. This gave them confidence and visibility, and the corporator also got involved with their work and needs. They used to hold monthly meetings with corporator too, and the work started to get done. They used to follow up on the assigned work. Today, some people of this area committee are a part of the municipal task force.

Ms. Varsha Vidya Vilas shared that the election for the area sabhas were conducted as formally as general elections with proper booths. She added that even the police, BMC as well as the corporator supported this even when this isn't anywhere in the guidelines. She further shared that we did not get the right to citizen engagement after passing of 74th amendment, but on 26th January 2050, and its only our fault that we did not exercise our rights and duties as a citizen.

Today, in these slum areas of Mumbai, the corporator is approachable and answerable. People can call and ask for an update on ant work and they receive and answer.

Group Discussion

After the speaker sessions, the participants were divided into two groups to discuss the way forward for their cities. Following were the few topics which the groups brainstormed on –

a) How to bring people and government representatives together?
b) What could be done to make the voices of people heard, and their issues addressed at the government level?
c) What kind of model can be prescribed for Gujarat?
d) What role can judiciary play in assisting implementation of citizen engagement in Gujarat like we saw in Karnataka?
e) Role of communication and education in supporting citizen engagement.

Upon discussion the following points were presented by both groups:

Figure 2: Group Discussion in progress

Group 1:

- It's important to legalize and mandate the Ward and Area Committees
- List of area needs must be prepared and included in the budget
- Ward committee should be granted power to make some decision
- There should be clear guidelines for formation of area and ward committees for the ULBs across the state. Issues like population size should not be constraint for formation of ward and area Sabhas
- Trainings should be given to ward committees, area committees and corporators regarding how to constitute and operationalize ward committees
- Hold conference to bring the corporators and citizens together
- Budget sanctioning details must be provided to ward and area committee members
- Advocacy groups must be established, and they should will be actively working with State government
- Implementation committee at Gujarat State Level
- Work on setting an example and promote it as a model for Gujarat state.
- Continuous Awareness Program for citizens

Figure 3: Mr. Krishna Kanth Chauhan introducing the questions to delve on for the group discussion

Group 2:

- Implement Model Nagar Raj Bill after wide consultation and essential modifications,
- Each ward should have one councillor per ward unlike that in Gujarat where there are 4 councillors per ward
- Civil society/CBOs/RWAs should be a part of the ward committee
- Ward and Area representatives should be elected and not nominated
- People who are not voter but reside in the ward, especially vulnerable groups like migrants, should have appropriate representation in the ward committees,
- Ward and area sabhas should conduct programs for creating awareness and partner with civil societies for that
- Sensitize the councillors and other elected representatives
- Approach retired election commissioners and discuss possibilities to elect ward and area committee members with the municipal election.
- Approach senior Gujarati journalists writing in the reputed vernacular newspapers to regularly write in this important issue.
- Seminar, manifestos, and social media should be used for creating awareness and disseminating information

Additional Points:

- A team should be created post this workshop to follow up constantly on the resolutions
- Civil societies should take responsibility for creating awareness at least where they have presence and connections with other organizations.
- There needs to be notes to share the needs of an area or ward to MLAs, and Corporators

- A letter should be drafted to the government to pass legislation and approach elected representatives when the assembly elections are approaching
- Ward Samiti and Area Samiti formation guidelines must be drafted submitted to the state government

It was also decided that meetings at various levels should be held amongst various civil societies active in an area/ city/ region, and every civil society should commit to conduct seminars/workshops/meetings to create awareness among the citizens regarding participatory governance.

The workshop was concluded with vote of thanks to the participants and disseminate need for democratic spaces for citizens' participation by various ways such as meetings, campaigns, etc. in the coming future.

Figure 4: Ms. Kathyayini Chamraj and Mr. Kaustav Bandyopadhyay being honoured

Figure 5: All the participants and speakers at the workshop pose for a photograph

Annexure 1: Workshop Schedule

Time	Particular	Moderator/Speaker
09:30-10:00	Tea and Registration	
10:00-10:15	Welcome to the participants and introduction to the topic	Mr. Aseem Mishra
10:15-11:00	74th Constitutional Amendment & People's Participation in Karnataka - Historical, Political and Legal Aspects	Ms. Kathyayini Chamaraj, CIVIC Bangalore
11:00-11:15	Open discussion	
11:15-11:45	Status of urban governance and ward committees in India	Ms. Meghna Indurkar, Praja Foundation
11:45-12:00	Open discussion	
12:00-12:30	Broadening Citizen Participation in Urban Governance: Can Technology Help?	Dr. Kaustuv Bandyopadhyay, PRIA, Delhi
12:30-12:45	Open discussion	
12:45-01:45	Lunch-break	
01:45-02:15	Democracy to the People – An Unfulfilled Quest – Status of implementation of 74th CAA and Challenges in the Cities of Gujarat	Mr. Krishnakant Chauhan, Independent Researcher and Writer
02:15-02:30	Open discussion	
02:30-03:30	Formation of groups to discuss what need to be done in the present context	
03:30-03:45	Tea-beak	
03:45-04:30	Groups will present the summary of discussion	
04:30-05:00	Key findings and way forward	Ms. Varsha V. Vilas & Mr. Krishnakant Chauhan

Annexure 2: List of participants

Sr.No	Name of Participant	Organization	Contact
1	Venugopal Agarwal	SAATH Charitable Trust, Ahmedabad	9340429635
2	Shanabhai Raval	Zumbesh Aavaas Adhikar, Ahmedabad	7383797903
3	Sukruti Pathak	MICA, Ahmedabad	9998546812
4	Moh. Sharif	Center for Development	9722770388
5	Krishnakant Chauhan	Paryavaran Sureksha Summiti, Surat	9426608075
6	Aseem Mishra	Homes in the City, Bhuj	9558961260
7	Kathyayni Chamaraj	CIVIC, banglore	9731817177
8	Meghna Indurkar	Praja Foundation	9561255217
9	Prachi Patel	Homes in the City, Bhuj	9586976081
10	Kaustuv Bandyopadhyay	Participatory Research In Action, Delhi	9871198824
11	Bharat Jambuha	Prakruti	9426979035
12	Varsha Vidya Vilas	Sadbhawana Sangh	9869289453
13	Sheela R.	Sadbhawana Sangh	9833402920
14	Sarita Solanki	Human Development Resource Center, Ahmedabad	9712732252
15	Bhargav B.S	IIM - A	8105316486
16	Dipti Chauhan	Human Development Resource Center, Ahmedabad	9624752750
17	Gangariya Vinu	Human Development Resource Center, Ahmedabad	9727342498
18	Natu Jadav	Center for Development	9909511828
19	Kapadiya Ravi	Human Development Resource Center, Ahmedabad	8511790247
20	Binal Gandhi	SAATH Charitable Trust, Ahmedabad	7405910384
21	Sharon Chaudhari	Navsarjan, Surat	9624377837
22	Shriya Khelurkar	SAATH Charitable Trust, Ahmedabad	9898436949
23	Md. Faraz Ahmad	Setu Abhiyan, Bhuj	8597087223
24	Mohd. Yasin Khan	Area Sabha Samiti	8169747215
25	Mamad lakha	Homes in the City, Bhuj	9099926951
26	Kirit Parmar	UNNATI, Ahmedabad	9913818042
27	Shehanaz Khan	Human Development Resource Center, Ahmedabad	8849822781
28	Danish Khan	Human Development Resource Center, Ahmedabad	8849823412
29	Ramabhai Parmar	Ward Committee Member, Ahmedabad	9725894385
30	Anilbhai Parmar	Ward Committee Member, Ahmedabad	972589385
31	Ashaben Prabhatbhai	Ward Committee Member, Ahmedabad	9624053702
32	Jayaben Pravinbhai	Ward Committee Member, Ahmedabad	6354056806
33	Ajaz Shaikh	IIM - A	7016344997
34	Sachinbhai	Ward Committee Member, Ahmedabad	9624441229
35	Rafi Malek	Center for Development	9825272146
36	Saikh Noorjhana	Human Development Resource Center, Ahmedabad	9265831488
37	Kasam Sama	councillor, Bhuj Nagar Palika	9825385469
38	Haishuben Sama	councillor, Bhuj Nagar Palika	8320738126
39	Manjulaben Gor	Ward Committee Member, Bhuj	9664889288
40	Vishram Vaghela	Setu Abhiyan, Bhuj	9978997224
41	Bhavsinh Kher	Setu Abhiyan, Bhuj	9979063939
42	Goving Parmar	Human Rights Law Network	8140123448