

An introduction to

The New MUMBAI

*Defining Systemic Reforms for the
Governance of Mumbai City & Mumbai
Metropolitan Region*

For VOTE MUMBAI Campaign

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Table of contents

<u>Preface</u>	3
<u>74th Amendment to the Constitution – An Embryonic Revolution</u>	6
<u>74th Amendment & Mumbai –Revolution Waiting to Happen</u>	9
<u>System of Governance– Formatted to match 74th Amendment</u>	12
<u>Changes to the Municipal Corporation Framework</u>	14
<u>Acknowledgement</u>	18

PREFACE

1. **This booklet is based on a single premise: Mumbai can no longer accept – “July 26” and “status quo” in mis-governance.** On 9/11, New York was struck by disaster. On 7/26, Mumbai was also struck by disaster. The one in New York was caused by “external” forces. The one in Mumbai was caused by “internal” forces. Which is more dangerous?
2. Mumbai was always one of the jewels in the Indian Crown. The work culture, the ethnic mixture, the pace, pure cosmopolitanism, and capacity to reward the hard working is unique to Mumbai. Not for nothing that anyone who comes to Mumbai does not want to leave it, in spite of multifarious problems, man-made and/or nature-made. Mumbai is unique. Look at these facts: -
 - Mumbai accounts for 16% of income tax collections and 35% of corporate tax collection in the country
 - Mumbai accounts for 25% of the State's income at current prices
 - 66% of the sales tax revenue in Maharashtra originated in Mumbai
 - Mumbai is home to both the National Stock Exchange and the Bombay Stock Exchange and dominated the turnover and total market capitalization of the Indian stock markets. The share of these two exchanges is about 92% with respect to the total turnover. They represent virtually the total market capitalization of India's corporate sector.
 - Contributes 30% of customs duty.
 - Mumbai handles 26% of the domestic air traffic cargo and an average of 40% of the international air cargo traffic in country and about 25% of the domestic and 38% of the International air passenger traffic in the country.
 - The number of telephone connection in Mumbai is estimated to be approximately 2.31 million. Of the approximately 7 million cellular subscribers in India, 10% of the subscribers are believed to be in Mumbai
 - 2.5 million tax assesses.
 - Mumbai accounts for a significant share in deposits mobilization (14% of total deposits) and deployment of credit (21% of total credit) of scheduled commercial banks.
 - Mumbai accounts for almost 30% of FDI in the State.
 - Handles over 35% of cheque clearances in number number (7 Million in Mumbai as against 8 Lakhs in Delhi) and 60% in value, more than 10 times that of any other metro.
 - By 2020 Mumbai will have 27 Million people and will be the 2nd largest city in the world after Tokyo.

Is this all going to end?

3. Although Mumbai is “unique”, Mumbaikars also are aware and accept that Mumbai cannot exist and survive in splendid isolation. It is dependent greatly on people living in Mumbai Metropolitan Region. It requires the unique services provided by Railways, Telephone services, Air-services etc. But does it mean that Mumbaikars should have no power to govern themselves or the way Mumbai ought to be planned and developed? Who knows, better than a Mumbaikar, the day to day problems in living here? Who knows, better than a Mumbaikar, the lack of affordable housing for the urban poor? Who knows, better than a Mumbaikar, the need for good quality but affordable

educational institutes, medical facilities and recreational area? So on and so forth. But, all this knowledge leads nowhere, except causing desperation or frustration. All the frustration builds up because a Mumbaikar simply has no voice that will be heard, no power to effect changes, no means to receive efficient services for which they pay taxes.

4. 73rd and 74th Amendments to the Constitution of India were made with an express objective or purpose of restoring power back to people by legally encouraging “local self-governance”. At the same time, it also wanted the people to become responsible for the use or non-use of power. People cannot just have power without responsibility. What happened? The Rural areas benefited, and the Urban population, which prides itself on its modernism and development and smartness, were worst off. The real benefits of 74th Amendment never reached the Urban areas. Our urban areas have become cesspool of problems. Is de-urbanisation the answer?
5. The world over, the extent of “urbanization” is considered as the true indicator for deciding whether the country is developed or developing or under-developed. So, the answer is to ensure that Urban areas get the benefit of 74th Amendment. Just consider this one fact, - in rural areas there is 1 representative for every 425 voters, whereas in Mumbai there is 1 representative for every 66000 voters. Is it humanly possible for that one representative to serve effectively such a large population of voters? This is essentially the tragedy of Mumbai, a prime urban area of India. Realising the lack of efforts of the State Governments, ultimately, the Central Government stepped in and constituted “NURM” (National Urban Renewal Mission) and laid down certain conditions (some mandatory or compulsory while some are discretionary), on which it was prepared to provide financial aid to the Metro cities. Would you believe it that “Mumbai” does not figure in the list of cities considered eligible to receive financial assistance?
6. Is there one answer to the “woes” of Mumbai? Certainly not. This problem “lock” will certainly require “multi-levered” key. But there is one “Lever”, which is more important than all others and will “facilitate” the working of other levers. That all important lever is “System of Governance” for administration of Mumbai and also “lack” of system for controlling forces that interfere with the “system of Governance”. In this booklet, the existing system of governance is described and the shortcomings are discussed in light of basic “principles of effective management” and “74th Amendment”. In fact, the 74th Amendment enshrines the correct principles of management, if implemented and operated “bonafide”.
7. This booklet attempts to define, what true “democratic system” ought to be in the light of 74th Amendment. Any valid democratic system ought to be tested by the following criteria or yardsticks: -
 - Is there effective de-centralisation of power?
 - Does the de-centralisation achieve democratization in a way that fully empowers the citizens?
 - Does the devolution of power clearly demarcate, for each centre of power, the funds available, the functions to be performed and name the functionaries?
 - Are there methods for ensuring “accountability” of the system and the functionaries?

- Are there provided “disclosure” norms so that all the relevant information regarding the quality and quantity of performance is available as a matter of course?
 - Do checks and counter-balances exist so that the ‘governors’ do not become “autocratic” or make subservient the larger interests of the “State” and/or “Nation”?
8. Nobody has been able to improve upon the famous and immortal words in which Mr. Abraham Lincoln paid homage to the soldiers who had laid down their lives so that the Government of the people, by the people and for the people may survive. In India we certainly have the Government “of the people”, since elections are religiously held after prescribed durations. Unfortunately, the other two parts are missing. We do not have Government “by the people” because there is no mechanism for people’s continuous participation in the governance or taking charge of their day-to-day requirements and necessities. We do not have Government “for the people” because there is no accountability and transparency, no means to measure delivery or lack of it. On 7/26, many lives were lost, but most unfortunately, the lives were claimed because we had Government of the people, but not, by the people or for the people.
9. What needs changing? These and other issues are discussed in this booklet. It is hoped that the systemic changes advocated are explained adequately, discussed in detail and justified by proper reasoning.
10. We hope you will enjoy reading this booklet!

Place: Mumbai

74th Amendment to the Constitution – An Embryonic Revolution

1. The framers of the Constitution believed that “Democratic” principles and system enshrined in the Constitution would percolate down to the lowest denominated unit in the country, viz. villages. It was clearly spelt out in the letter and spirit of the Constitution, under the “Directive Principles”. Since these principles were intended to embody the fundamental philosophical framework of the country; these were made legally unenforceable. But that proved to be their weakness. Nothing happened in that direction for more than 40 years after the people of India gave themselves the Constitution. The Governments of the day tended to centralise rather than de-centralise; conceal rather than be transparent; disempower rather than empower, monopolise rather than encourage participatory governance. Eventually 73rd and 74th Amendments were passed, whose avowed purpose was to give vibrancy to the principles and practices of local self-governments. What was considered essential for the villages under the 73rd Amendment was considered equally essential for urban local areas and bodies, since both suffered from the same malady and were proving detrimental to the progress and welfare of the country and its people. In this note, however, the focus is on 74th Amendment only although the principles and objectives behind both the amendments were more or less identical. (A short note on 73rd Amendment is appended to this as “Appendix - A”, for those interested)

2. 74th Amendment became part of the Constitution in June 1993. In the statement of objects and reasons it is stated that many local bodies in the States had become weak and ineffective on account of variety of reasons, which included, inadequate devolution of powers and functions. These reasons resulted in the failure of Urban Local Bodies in their effective performance as vibrant democratic units of self-government. Therefore, it was felt necessary to make provisions for various matters, chief amongst them being -

- Permit Local Bodies to have powers of taxation with respect to specified matters;
- Designate functions so as to decentralise the power structure;
- Provide adequate representation for the weaker sections and Scheduled Castes, Scheduled Tribes and women;
- Freedom to the State to make laws for the creation of Ward Committees and for the appointment of Chairpersons for the Municipalities and Ward Committees;
- Devolution of powers and responsibilities with respect to preparation of plans for economic development and social justice.

3. Article 243W was introduced, which permitted a State to make laws and 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.

4. The Twelfth Schedule was added to the Constitution. The Twelfth Schedule sets out the following matters in respect of which the State was to make laws under the power given by Article 243 W: -

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 section of society, including the handicapped and mentally retarded.
10. Slum Improvement and upgrading.
11. Urban property 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.

5. Apart from making provisions for the constitution of Municipalities, Article 243R indicated the composition of Municipalities. Article 243S provided for constitution of Ward Committees. Article 243T provides for Reservation of Seats for the Scheduled Castes and Scheduled Tribes and for women. Article 243U makes the duration of Municipalities for a term of five years. For enabling the Municipalities to have sufficient funds, Article 243X grants power to impose taxes, duties, tolls and fees and allow the State Government to assign funds, so collected, in favour of the Municipalities. Article 243Y allows the Finance Commission, set up under article 234-I, to make recommendations to the Governor as to the principles which should ensure that the State makes available to the Municipalities adequate funds to carry out its duties and responsibilities. Article 243ZE makes it mandatory that a Metropolitan Planning Committee be constituted for a Metropolitan area as a whole.

6. All the provisions made in the 74th Amendment indicate a clear scheme for empowering, strengthening and making self-sufficient, the Urban Local Bodies to enable them to function as democratic vibrant units or centres of self-governance.

7. In summary, the 74th Constitutional Amendment, with regard to urban local bodies, consists of the following:

1. Devolution of more functions and taxation powers.
2. Revenue sharing with State Government funds.
3. Regular conduct of elections.
4. Reservation of seats for SCs, STs and for women.
5. Uniform composition of the urban bodies throughout the country.
6. Prescription of criteria for categorizing urban local bodies like Town Panchayat, Municipalities, City Municipal Corporations.
7. Restriction on the formation of Townships only to industrial areas where the entire municipal services are provided or proposed to be provided by the industry.
8. Formation of District Planning and Metropolitan Planning Committee.

In letter and spirit, the 74th Amendment calls for taking democracy to the grassroots levels making local governance more manageable and effective. It will enhance or improve the delivery of services to citizens and provide a better and vibrant democracy.

8. The Eleventh Central Finance Commission (setup in July 1998) observed that almost all the States have made the necessary legislative changes in conformity with the 73rd and 74th Constitutional Amendments. But many of them had not yet transferred to the local bodies, the schemes relating to the functions included in the Eleventh and Twelfth Schedules. Consequently, the funds and concerned staff for these schemes continue to remain under the control of the State Government. In some cases, the local bodies had been entrusted to implement the schemes, but without being directly involved in their planning and formulation. In some States, the local bodies were empowered to levy taxes, but the necessary rules were yet to be framed. The Commission was categorical that necessary action was required to be taken on these aspects as early as possible.

9. Article 243W (Twelfth Schedule) empowers the self-governments in the cities to undertake 18 tasks. This exhaustive list shows that if the State empowers the Urban local Bodies in cities to undertake all these activities, the State Government will be free to concentrate its attention on other important issues in the State. Most of its energies will be confined to legislative activities. Although the objective and purpose behind 73rd and 74th Constitution Amendment Acts was to keep the State Governments free by giving whatsoever powers it likes to the Panchayats and autonomous bodies in the cities, the conduct of the State Governments shows that the State Governments are not willing to part with all these powers.

10. In the background of the 74th Amendment, passed nearly 13 years ago, what is the situation in Mumbai City and Mumbai Metropolitan Region? Did Maharashtra Government take steps to give effect to the letter and spirit of the 74th Amendment? Has the Mumbai Municipality become the democratic vibrant unit of self-governance it was expected to be?

Please read on

74th Amendment & Mumbai –Revolution Waiting to Happen

1. Aren't we all familiar with the story of a man having a hen laying golden egg every day? Have we not laughed at the impetuosity of the man who killed the hen to have all the golden eggs at one go instead of waiting for one egg each day? But then, why is the moral of that story lost on us? Are we not doing to Mumbai what that impetuous man did to his hen?

2. We have already noted the idea behind 73rd and 74th Constitutional Amendments. The State Governments were mandated to incorporate the provisions of these amendments. It was hoped that the State Governments would provide the flesh, bones and muscles to lend life to the amendments according to the peculiarities of each region. It was hoped that power would be devolved on the people by the process of decentralisation. But, what happened in Maharashtra and, more particularly in Mumbai city and Mumbai Metropolitan Region?

3. Maharashtra made changes in its existing Municipal laws, including the Bombay Municipal Act (BMC Act, for short), to provide for – constitution of Metropolitan Planning Committee, constitution of Ward Committees, reservation of seats for Scheduled Castes, Scheduled Tribes and women. But these changes have not ensured devolution of power to the people or encouraged local self-governance in any of the areas listed in Twelfth Schedule. For example, - (a) the act for constituting Metropolitan Planning Committee was passed, but such a committee never functioned as such and all the planning continued to be done under the Metropolitan Region and Town Planning Act. (MRTP Act, for short); (b) the BMC Act was amended to provide for Ward Committees, but the same neither provided for any participation of the people in its constitution nor were the same constituted to be the effective tools of self-governance, as is explained in detail later on; (c) instead of devolving power on BMC, several parastatal organisations were created with parallel authorities or with greater power, thus, rendering ineffective the functioning of BMC as a democratic unit of self-governance.

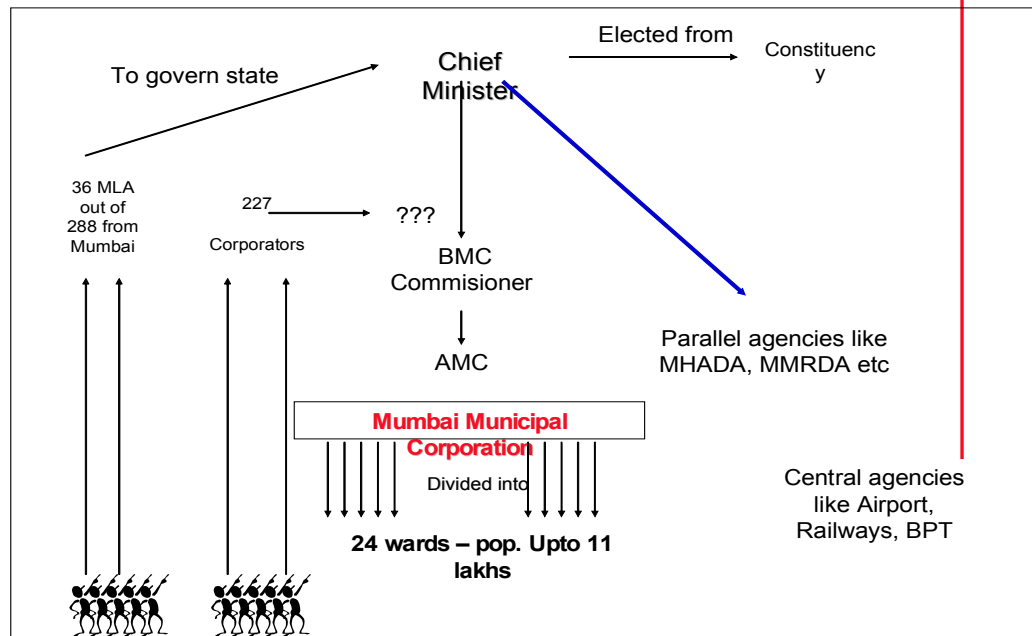
4. A further problem or flaw in BMC Act also remained un-rectified. That problem originated in the “Commiserate” form of administration in the Municipality. BMC Act was first enacted as early as 1888. Over the time, it has also undergone several amendments, with the result that it now consists of 21 Chapters, nearly 870 Sections and 40 Schedules. Although, it is a great piece of legislation, it has continued the pattern where “policy” matters are decided by the “Corporation” consisting of elected Corporators (227, at present), whereas all the executive powers are vested with the “Commissioner”, who is appointed by the State Government. This system, no doubt, suited the foreign rulers, for whom permitting limited self-rule was an acceptable experiment for perpetuating their rule in India. What this system does is that it separates the authority from the power. It separates the power from responsibility. It offends the first principles of management. People elected to rule have no power to rule, but only responsibility. That has become the lot of Corporators, who continue to be blamed although they have no power to oversee or ensure that the policies decided by them are executed faithfully.

5. The second major flaw is the existence and operation of parallel authorities having jurisdiction over the same area of operation. The State Government, many times, has tried to find short-term solutions to perceived or real problems in the area of operation of BMC or Mumbai Metropolitan Region. Therefore all these agencies have no method by which duplication or overlapping of their operations can be avoided. There is no mechanism to synergies their effectiveness. In fact the

philosophy behind constitution of Metropolitan Planning Committee was to provide for the common platform where diverse authorities could come together and co-ordinate their efforts in such a way that they do not cancel out or nullify the effectiveness of each other. Mumbai City and Mumbai Metropolitan Region has several masters like, Municipal Corporations, Mumbai Metropolitan Regional Development Authority (MMRDA), MHADA, Board under the MRTP Act and other para-statal agencies. Add to that the areas in Mumbai City and Mumbai Metropolitan Region falling under the control and jurisdiction of Airports Authority of India, Railways, Telegraph Dept, and Port Trust Authorities. All of these operate as semi-autonomous units. Some of these units function under the control and direction of the State Government and some under the Central Government. It should not be surprising that the governance system is not efficient. Furthermore, the Municipal Corporation still follows “Single Entry” book keeping system. There are no norms prescribing periodical disclosure of relevant and important information for the beneficiaries of these units of governance. There is no single coordinating authority for “Transport” to integrate the planning and execution of various modes of transportation. There is no single authority to collect and monitor vital reliable “data” or information on which the entire planning ought to be based or founded.

The current system depicted in a diagrammatical form will look something like the following: -

Mumbai-Current Situation-Issues



It will be seen that the voter is nowhere in the picture in the above diagram. He does not elect the “Mayor”, he does not elect the “Commissioner”, and he has no place in the “Ward Committees”. Except electing the Corporator once in five years, he has no role to play. Where is the self-governance? The Corporators themselves have very little control over the governance, if governance means ensuring efficient delivery of services. In addition, if other agencies work on their agenda independently, the Corporators are as helpless as the voters, who elect them.

6. Therefore, it is clear that the present structure or system of governance suffers from the following deficiencies, each one of which is indicative of deficiency in the local self-governance:

- There is no devolution of power to people.
- There is no empowerment of people so that there is no participation of the people in governance.
- There is no accountability to the people since people governing are not elected by the people.
- There is no transparency in the system of governance, which is a natural outfall of want of accountability.
- There is no democratisation of government, with the result that there is absence of democratic governance at the grassroots.

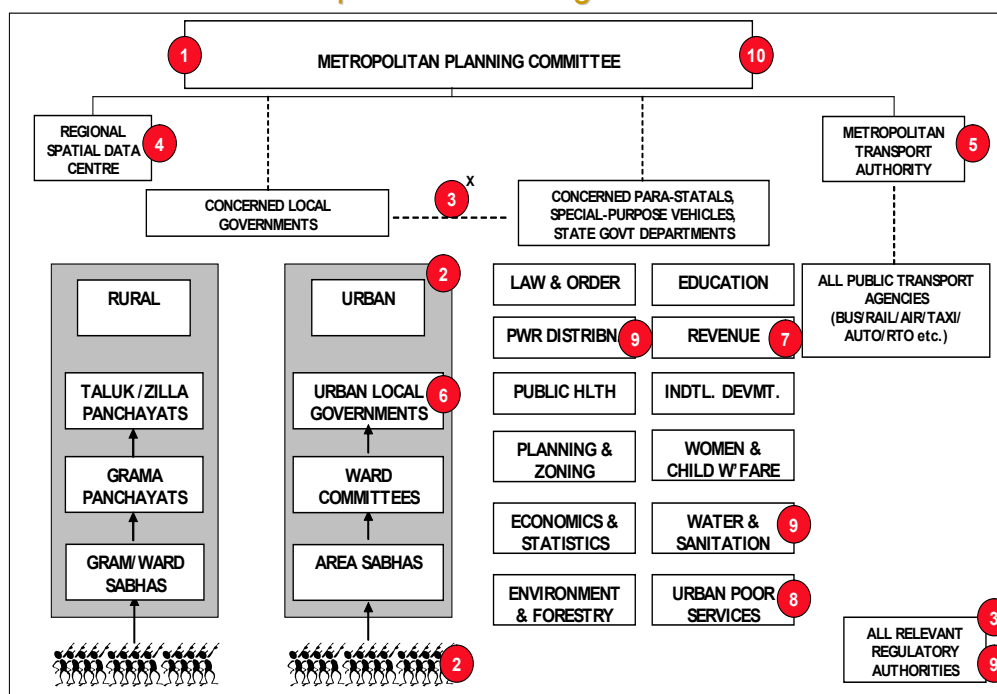
7. If the present system is wrong for the above reasons, then, what is right? Please read on

System of Governance– Formatted to Match 74th Amendment

1. We posed to ourselves the questions, - what must be the true intention of the framers of 73rd and 74th Amendment? If these framers were given the opportunity to put in practice these amendments, how would they go about it or what would they do? Taking these questions as the starting point, people specializing in “Urban Governance” devised a “model” that should translate in real world the 74th Amendment. Taking that “model” as the starting point a modified model was designed, which was made Mumbai centric. Thus adopted, how would this model look like?

2. First – The Big Picture: - Mumbai, however great its achievements, however unique its place may be in Indian Economy, however vibrant a place it may be; it cannot live or survive in splendid isolation, unconcerned with the Metropolitan Region or the State or the Country. Mumbai depends a great deal for its support and survival on nearby areas. It requires the vital services provided by the State Government and Central Government or its agencies. So, pure self-governance will not suffice. The local self-governance must be such as would harmonise and synthesis with the planning and development of other agencies and areas falling under the Mumbai Metropolitan Region and the planning of the State Government. The following diagram correctly depicts the sub-ordinate status and position of Mumbai in the context of Mumbai Metropolitan Region.

The Case for Comprehensive Urban Reforms Specific Action Agendas



3. The above diagram immediately reveals the paramount importance of “Data Collection” centre and “Authority for Integration of Transportation”. These are considered the two main pillars of “planning and development”. All others, that is the

local bodies, parastatal agencies and central government agencies together would constitute the third leg as “feeder” lines, providing vital information to the Data Centre and for planning integration of transportation facilities; and also the “beneficiaries” of the overall planning done by the Metropolitan Planning Committee. The quality of life of the residents is in direct proportion to the development of infrastructure and efficient delivery of public services. The Metropolitan Planning Committee will ensure development of infrastructure ahead of expected movement of the people within the Region or can even direct the movement of people to certain parts of the Region to decongest some other part. Effective Local Self-Governance can ensure efficient delivery of public services.

4. Therefore, establishment and functioning of Metropolitan Planning Committee and vibrant local self-governance are two sides of the same coin and must go hand in hand. One without the other will prove detrimental to the growth of the region as well as the local bodies, however efficiently they may be governed. In Maharashtra, the law has been passed. Now, there is urgent need to make it operational so as to reap full benefits of the law. Article 243ZE has prescribed constitution of such a Committee for the Metropolitan Region for preparing a draft development plan for the Metropolitan Region as a whole. Although the State Governments have been permitted to pass laws with respect to composition of the Metropolitan Planning Committee, there are prescribed certain mandatory provisions for composition of the Committee. Every such law must ensure 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. It also makes provisions for the nomination as members of the Committee of representatives of the Government of India and the State and of such organisations and institutions as may be deemed necessary. However, what is essential is that such nominated members should not exceed one-third in number.

5. Therefore, the structure suggested in the above diagram will ensure that the Metropolitan Planning Committee will itself promote and advance the concept of local self-government on the regional scale, without leaving out of consideration or causing detriment to the vital other Governmental interests, priorities, issues and policies, either of the Central or State Government. The structure also suggests the form of management to make the working of the Committee more efficient and beneficial.

6. So much for the larger picture. Now we come to local self-governance as should ensure efficient delivery of public services.

Changes to the Municipal Corporation Framework

1. Before we attempt to lay down the specific changes advocated to the present structure of governance in the Bombay Municipal Corporation; we would attempt to state the principles that have governed or guided the changes advocated. In other words, it means that when the changed system is adopted the benefits expected from following these principles will automatically accrue to the people in the form of more efficient delivery of public services and vibrant local self-government. These principles are: -

- Democratisation of Local Government
- Empowerment of Local Government
- Accountability in Local Government
- Participatory Democracy
- Decentralisation
- Transparency in working of the Local Government
- Checks and balances to eliminate misuse of power by the Local Government

2. For application of these principles, the most important changes, among others, advocated are these: -

- a) Directly Elected “Mayor”
- b) “Mayor” to be the Chief Executive Officer
- c) “Commissioner” to work under the control, direction, and supervision of the “Mayor”
- d) “Chairperson” of the “Corporation” to be elected in accordance with 74th Amendment
- e) “Mayor” to be an ex-officio member of the “Corporation”
- f) “Statutory Committees” constituted according to the functions they perform
- g) “Ward Committees” to be constituted on the basis of “electoral wards”
- h) “Corporators” to be directly elected as before
- i) “Corporator” to be the Chairperson of the Ward Committee of the ward, from where he is elected
- j) “Voters” registered with each polling booth, to become members of “Area Sabha”
- k) “Each Area Sabha” will have a right to elect one representative, who will become member of the “Ward Committee” of that ward.
- l) “Area Sabha” will have a right to recall its representative at any time after following the prescribed procedure
- m) “Ward Committees” to be provided with “funds”, have defined “functions” and named “functionaries”
- n) “Area Sabhas” will function as providers of vital local information, raise local issues and problems, act as watchdogs to monitor budget allocation and expenditure and become the “eyes” and “ears” of the Corporation
- o) “Business and Industrial Houses and NGOs” to have representations in “Area Sabhas”
- p) “Citizen’s Charter” to be framed with prescribed penalties
- q) “Ombudsmen” to be appointed for redressal of grievances with authority to award damages and impose penalties against employees and the Corporation
- r) “Independent Auditor” to be appointed

- s) “Disclosure Norms” to be set so as to periodically provide information, which should be of interest to any average Mumbaikar
- t) Leave unaltered the “Sovereign” powers possessed by the State Government under Chapter XX.

The changes advocated are closely connected or linked with the principles set out in the beginning. It is considered advisable to discuss, in some detail, some of the principles or changes suggested. In other words, the discussion is expected to answer the question, - why?

3. The reason is elementary why people appoint some from among themselves to constitute a Municipal Corporation or Gram Panchayat or State Assembly or Government or Parliament or Central Government. They do it because these elected people are expected to do what people living in a society would do for themselves. That is why they are referred to in law as “public servants”. However, it is equally true, whether in democracy or communism or socialism, that these elected people perform, what can conveniently be called “sovereign” functions as well. In other words, such information, which a “King” would receive and keep it to himself and not divulge, except to a select few. Unfortunately, the dividing line, when it gets blurred leads to acts like “Right to Information Act” where masters have to invoke the law to know what the servants are doing. This anomaly has compelled us to insist on “disclosure” norms and measures of accountability, so that all relevant information is made ordinarily and regularly available to the citizens to know how well people appointed by them are performing and suggest ways to have effective checks and balances so that the power delegated is not misused.

Secondly, a master must at all times remain a master, so that his representative performs his duties and functions in a way so as to facilitate the quality of life of the people appointing him. This was the reason why 73rd and 74th Amendments were enacted. Towards, this goal, we have suggested the lawful creation of “Area Sabhas”, “Ward Committees” at electoral ward level and “Mayor” directly elected for Municipal Corporation. Thus people have their own elected representative at each tier of the management. At the highest point, people have their elected “Mayor”, who becomes the Chief Executive Officer for executing the policies decided by the “Corporation” consisting of Corporators elected by people. At the intermediate level, you have Corporator, elected by people as the Chairperson of the Ward Committees and Ward Committees consisting of representatives elected by people again. At the foundation level, we have proposed creation of “Area Sabha” consisting of registered voters, where people participate directly and have great concern for the areas they live in, its problems, and its future development.

4. Therefore, consistent with the principle of democratisation of government, decentralisation, participation and empowerment of people and taking a bottom to top view, the management structure now suggested is:

1st Tier – “Area Sabha” – Registered Voters in each Polling Booth constitute themselves as “Area Sabha”. Legal provisions are suggested under which the Area Sabha will have a right to submit their requirement of funds, or for provision of services or for provision of information and data regarding the usefulness and efficiency of the services provided in their area by the Corporation and Ward Committee. This will provide the voters with a legitimate platform to have their voice heard in the Area Sabha, or Ward Committee through their representative.

2nd Tier – “Ward Committee” – The jurisdiction suggested is that of the electoral ward. The elected Corporator from that ward will become the Chairperson. The other members will be elected by each of the Area Sabhas falling within the electoral ward. In other words, if the ward has 25 polling booths, there will be 25 Area Sabhas and 25 representatives will be elected from 25 Area Sabhas as members of the Ward Committee. In addition, provisions have been suggested for nomination of persons from local NGOs and from business and commercial establishments, subject to a ceiling on numbers. These Ward Committees will be made responsible for certain functions for which funds will be made available. Ward Committees would also have authority to raise funds for performance of certain tasks or functions from the funds so raised.

3rd Tier – “Corporation” will continue to consist of elected Corporators and will continue to have reservation of seats for the Scheduled Castes and Tribes and Women. “Mayor” will be directly elected. He will be the Chief Executing Officer under whom the “Commissioner” and all the employees of BMC will work. “Mayor” will be member of the Metropolitan Planning Committee. He can therefore avoid conflict of interests and jurisdiction between BMC, para-statal agencies, State Government and Central Government agencies and harmonise the efforts of all to ensure that the activities of multiple agencies do not adversely affect, but improve the quality of life of people living in Mumbai.

Therefore, it will be noticed that “people power” permeates at every level of the tiers, and fulfilling in every sense the mandate contained in the 74th Amendment.

We have attempted to draw up a detailed table to indicate the areas in which the Ward Committees and Area Sabhas will work, what functions they are expected to perform and how these functions may be performed. We have also prepared a booklet, in which we have collected the “FAQ” (Frequently asked questions) and attempted to provide answers. These can be provided on demand **and on payment of minimum costs.**

5. Any talk of power always invariably raises the apprehensions of “corruption” or “misuse”, doesn’t it? What if “Mayor” and “Corporators” at their respective levels become too powerful tending towards “corrupting” them?, would be a very legitimate question. To deal effectively with this question, the following measures are proposed to ensure “accountability” and “checks and balances”: -

- ⌘ “Disclosure” norms are expected to be in place so that periodically information relevant to the citizens is published by Municipality or is made available on application. Further more, the “Right to Information Act” will always be available to people to know what is happening. This will provide the necessary transparency and will act as a sufficient deterrent against any planned or proposed wrongdoing;
- ⌘ Appointment of Municipal Accounts Committee and an independent Auditor by the State Government is another measure suggested to ensure accountability and prevent misuse of funds or power;
- ⌘ It is proposed that a “Citizens’ Charter” should be framed with provisions for penalty or punishment. This again will ensure accountability and efficiency;

- ⌘ “Ombudsmen” are proposed to be appointed for redressal of grievances with powers to award damages, penalize the guilty party and ensure that the delivery of services is maintained.
- ⌘ Most importantly, the powers reserved to the State Government under Chapter XX remain untouched or unaltered, so that the State Government can always intervene in public interest to prevent misuse or abuse of power or corruption.

6. It will be seen that the scheme suggested is designed to provide power to people on one hand and on the other to ensure that the power is not unrestricted or untrammelled. It gives life and soul to the vision and provisions of 74th Amendment, without inviting the vice of corruption at the cost of the larger interests.

7. In the process of compiling this booklet, we undertook detailed search of the material available on the issues connected to the concept. All the material received on different topics is classified under different heads and each is included in a separate appendix to this booklet. What is presented in these appendices is a concoction of information available from different sources. At the end of the each appendix, we have acknowledged or given reference to the source from where some material was extracted. We are grateful to all these person/s who have toiled on the topics of their interests and gratefully acknowledge their contribution. Thus under: -

Appendix - B - we have collected material on directly elected Mayor and in some cases, Mayor-in-council;

Appendix - C - we have collected material on “Democratisation of local government”;

Appendix – D – we have collected material on “Empowerment of local government”;

Appendix – E – we have collected material on “Accountability Instruments” in democracy;

Appendix – F – we have collected material on “Participatory Democracy and Decentralisation”;

Appendix – G – we have included a note on “National Urban Renewal Mission” (NURM).

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