Urban Governance: How Democratic?

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The governance of Indian cities is characterized by an increasing complexity, in terms of actors, processes, and resources. One can trace such complexity to three major causes: (i) the federal organization of the Indian State, historically characterized by a strong centre; (ii) the economic reforms launched in the early 1990s, which have allowed multinational firms – with a strong interest in urban infrastructures – to enter the Indian economy; and (iii) the decentralization policy adopted in 1992. In this context, the relationship between urban governance and the right to the city can be summed up in the crucial issue of participation: what are the opportunities and constraints that define the capacity for urban dwellers to meaningfully participate in those decision-making processes that affect their life in the city? An informed response to this question implies distinguishing how different socio-economic groups are empowered, or disempowered, regarding access to the existing avenues of participation; but it also requires scrutinizing the relationship between various forms of participation and decision-making per se.

1. Facts

The governance of large cities involves a multiplicity of institutional actors, both public (municipal corporations, parastatal agencies and officials depending on the state and on the central governments, the courts) and private (the corporate sector, organized civil society). Such multiplicity can be an obstacle to transparency and to accountability. Some of the tasks assigned to public actors tend to overlap, which makes it difficult for citizens to identify the institution that is responsible for a given problem in the delivery of urban services, and therefore to properly channel their grievances. The increasing involvement of the corporate sector through public-private partnerships (PPPs) can aggravate the opacity of the chain of responsibility. Finally the increasing involvement of the courts (both the High Court and the Supreme Court) in the
major decisions shaping cities can act as a limit to
democratic control.

The overlap in the remit of the various actors
of urban governance also impacts negatively on
their collective efficiency. There is obviously a
strong need for coordination of these multiple
agencies, which could and should be provided
by the Metropolitan Planning Committees (MPC)
that all states are supposed to set up in the
framework of the decentralization policy adopted
in 1992. So far however only four states – West
Bengal, Maharashtra and more recently Andhra
Pradesh and Gujarat – have implemented this
provision. In most Indian cities however the
absence of an MPC allows the state government
to keep playing a major role in urban governance,
since it usually controls key functions such as
land development and planning, or law and order.

The historical rivalry between the three levels
of government (Sivaramakrishnan & Maiti,
2009: 26) is further complicated by a rivalry,
at each level, between elected representatives
and officials. Parastatal agencies and boards
(which in most cities are in charge of key sectors
such as land, water, electricity, transport etc.)
are almost always composed of a majority of
officials and a minority of elected representatives,
thus favouring a technocratic, top down vision
of urban governance. One of the objectives of
the decentralization policy elaborated by Rajiv
Gandhi’s government in the late 1980s, and
implemented from 1993 onwards, was precisely
to democratize local government, to make it more
representative of, and more responsive to, the
local population.

The implementation of the decentralization
policy, however, is way behind the ambitions of
the 73rd and 74th Constitutional amendments.
The translation of these amendments into

Box 5. The 74th Constitutional Amendment Act: defining decentralization in the urban context

The decentralization policy takes the form of two constitutional amendments, the 73rd CAA dealing with rural India, and the 74th CAA dealing with urban India. This policy is historic for several reasons.

1. It confers a “constitutional dignity” (Baxi, this volume) to the third level of federalism: local elections have to take place within six months from the end of the mandate of the previous council, under the supervision of state election commissions.

2. It makes local democracy more representative: reservations (i.e. electoral quotas) for scheduled castes and scheduled tribes, which have been implemented at the level of both the national parliament and states’ legislative assemblies since independence, are now extended to the local level. These reservations are in proportion to the local demographic weight of SCs/STs. An important innovation is reservations for women which are established for the first time (33% of seats).

3. This policy also makes local democracy more participative: the 74th CAA institutionalizes participatory spaces – the ward committees – meant to promote the participation of citizens in the management of urban affairs.

4. It devolves significant responsibilities to urban local bodies, through a list of functions to be transferred to local self-government – the Twelfth Schedule.

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11 Thus the Kolkata Metropolitan Planning Committee (KMPC), formed in 1998, is made up of elected representatives of the rural and urban local bodies that fall under the metropolitan area (two thirds) and of officials (one third).
implementable policy was done through the conformity legislation that all states had to adopt from 1993 onwards. This process revealed, in most cases, the persisting resistance of state level politicians to an effective delegation of resources and power to lower levels. As a result, local government is weak in Indian cities, on several accounts. One, the resources allocated to municipal corporations (in terms of both finances and functionaries) are so limited that no city government can actually take charge of all the functions listed in the XIth Schedule. Two, the dominant municipal regime, called “Commissioner System”\textsuperscript{12}, confers executive powers to the executive, non-elected wing of the corporation; the strong man of the municipal corporation is thus the commissioner – an Indian Administrative Services (IAS) official nominated by the state government, rather than the mayor, who is usually indirectly elected and only has a ceremonial role. Three, because of the reservations system, many councillors are newcomers, which makes them more dependent on local functionaries to exercise their prerogatives. As a result municipal corporations lack in authority, which explains the fact that the mayor is hardly known amongst city dwellers, many of whom are also unaware of the name of their local councillor.

This indifference to local government expresses itself in the low rate of participation that characterizes municipal elections. One must note however that electoral participation at that level is even more determined by class than it is elsewhere in India (Jaffrelot 2008): whereas the middle classes tend to abstain from municipal elections, poor voters do participate en masse – indeed studies of municipal politics show that poor urban dwellers know their councillor, whom they consider as a privileged mediator with public authorities, be it at the municipal or at higher levels (Ghosh & Tawa Lama-Rewal 2005, Berenschot 2010).

What are the modes of participation, other than elections, open to urban dwellers? The 74\textsuperscript{th} CAA promotes the idea of ward committees as a sub-municipal space of interaction between residents, councillors and officials, at the level of the smallest electoral constituency – the ward. But this provision too has been interpreted in a restrictive way, and in most cities ward committees are really wards committees: they exist at the level of a cluster of wards – a scale that does not qualify as local. In addition, wards committees usually do not make space for civil society – a prominent exception being Mumbai, where wards committees include 3 NGOs – selected by the councillors. In practice therefore wards committees only add one level of interaction between councillors and functionaries. Municipal government, on the whole, hardly leaves any space for citizens’ participation beyond elections.

However alternative avenues of participation in urban affairs have emerged in the past two decades. Some of these follow a top down dynamic: this is the case with participatory programmes initiated by state governments (such as the Bhagidari scheme – see below) or by Municipal Corporations (like the Advanced Locality Management Groups created in 2001 in Mumbai). Other channels of participation are more bottom up: for instance media campaigns (including through the internet), public audits, and public interest litigations.

2. The Legal and Policy Framework

The 74\textsuperscript{th} CAA (1992) constitutes a breakthrough in the political trajectory of independent India in two regards: (i) it is part, along with the 73\textsuperscript{rd} CAA, of an historic and ambitious decentralization policy, as mentioned above; (ii) it asserts that local self-government in cities is different from that of the village, thus contrasting with past policies which tended to conflate the urban and

\textsuperscript{12} The alternative municipal regime, called “Mayor-in-Council system”, is implemented only in West Bengal and Madhya Pradesh. In that system the head of the executive wing is the Mayor, elected by municipal councillors from among themselves, who then nominates a small number of councillors who are given charge of the main portfolios (such as water and sanitation, roads etc.) and form the “council” in the manner of a cabinet in the Westminster system.
the rural. However the 74th CAA has been only partly implemented: some optional provisions, such as the composition and role of ward committees, have been interpreted in a very restrictive way; while some mandatory provisions such as the formation of Metropolitan Planning Committees have simply been ignored in most states.

One of the stated objectives of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) - launched in 2005 is a proper implementation of the 74th CAA in the 65 concerned cities. The JNNURM pays specific attention to the participatory dimension of local democracy, yet its contribution in the matter has not been conclusive so far. For instance, one of the conditions for cities to be eligible to the JNNURM was the elaboration of a City Development Plan (CDP), i.e. a comprehensive document identifying those urban projects that had to be given priority and providing a road map for inclusive urban development. CDPs were supposed to reflect the priorities of all stakeholders, which implied extensive consultation with city-dwellers, but the consultation process proved to be extremely flawed in most cases: consultation meetings were organized in such a way that they made the participation of the poor, or the uneducated, very difficult; when they did take place, many of their conclusions were not incorporated in the final CDPs (see Hazards Centre, 2005).

The JNNURM also makes it mandatory for eligible cities to implement a Community Participation Law (CPL), meant to achieve what wards committees could not, namely institutionalize a local participatory space, the area sabha (or area assembly) where the local councillor and municipal officials would interact on a regular basis with representatives of the local residents. The area sabha would be composed of all registered voters in a given polling booth (or a series of polling booths), and its representatives would be members of the ward committee. The CPL has been strongly criticized by CSOs on three grounds. Firstly, the “model CPL” offered by the JNNURM does not specify whether such representatives will be elected or nominated by the councillor. Secondly, CSOs are wary that area sabha representatives might actually over-represent the privileged sections of the local population, who will be better equipped to get elected or nominated. Finally CSOs argue that limiting membership on the basis of electoral rolls would de facto exclude migrants, who make up a substantial section of local population, from area sabhas. So far, in any case, the creation of area sabhas has been strongly resisted, including by self-proclaimed champions of participation, such as the Chief Minister of Delhi, and the CPL has been implemented only in four states: Andhra Pradesh, Assam, Gujarat and Karnataka.

A specific piece of legislation actually runs counter to the objectives of the decentralization policy, namely the Local Area Development Scheme (LADS, 1993), which concerns elected representatives at the state level (i.e. Members of Legislative Assembly, or MLAs) and at the national level (i.e. Members of Parliament, or MPs), and is popularly known as the MP/MLA fund. This policy allows each MP or MLA to spend a given amount (regularly revised) in his or her constituency, on a series of pre-defined items, such as roads, water pumps etc. In urban areas, the implementing agency is the municipal corporation. This provision introduces a competition between councillors (who also have a fund to be spent in their constituency) and representatives elected at higher levels; it undermines decentralization, since non-local representatives can also intervene in issues that are essentially local. This provision has

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13 One should note that representatives of residents already exist in slums, albeit in a non-official capacity: the slum pradhan is a local “big man” whose long term residence in the slum combines with relatively privileged contacts with political cadres to make him a sometimes important mediator between slum residents and local politicians (see Jha, Rao, Wookock 2005).

repeatedly been criticized (it was also blamed for encouraging a clientelistic nurturing of their constituency by MPs and MLAs), yet no government has been willing to act on it so far (Kumar & Landy, 2009).

Finally the Right to Information Act (RTI) is arguably a major legislative tool for both local and national democracy. The RTI Act, resulting from the relentless advocacy of the Mazdoor Kisan Shakti Sangathan (MKSS), an NGO based in Rajasthan, was passed in 2005 at the national level\textsuperscript{15}, but it had been adopted in several states even before that date. The RTI makes it mandatory for officials, at all levels of government, to provide any document requested by a citizen (with a few exceptions) within 30 days of the application, or face sanctions (see http://righttoinformation.gov.in/). It is a powerful instrument of democratic control, and has indeed been used by various citizen groups to expose corruption and other types of wrongdoing by public authorities.

3. Political and Academic Debates

The term “governance”, that is today quite ubiquitous when it comes to the management of urban affairs, has been the object of an international academic debate, in which Indian political scientists have been important contributors. The notion of governance, imported as it is from the vocabulary of the corporate sector, hints at the new importance of a managerial conception of local democracy (Jayal 1997, Chandhoke 2003), in which the legitimacy of decisions hinges on their efficiency more than on the democratic selection of decision-makers. The academic debate thus focuses on the risk for democratic control to dissolve itself in the “good governance” discourse.

A more India-centric debate owes much to John Harriss and Partha Chatterjee, two anthropologists working on Indian cities, who offer a conceptualization of political participation in the urban context in binary terms. Harriss (2007:2717) contrasts the “old politics of political parties and their mass movements, especially trade unions ... a politics forged primarily in and over workplaces” and the “new politics ... built up

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\textsuperscript{15} The RTI is not applicable to the state of Jammu and Kashmir.
around voluntary organisations in civil society rather than political parties, around new social movements... rather than labour organizations, and ... forged in communities rather than in workplaces”. Similarly, Chatterjee (2004) distinguishes the “political society” structured by political parties and trade unions, and concerning the masses, from the “civil society” composed of “proper citizens” who mobilize themselves through associations. Both conceptualizations highlight a correspondence between class and mobilization strategies.

This academic debate finds an echo in the competing claims for citizenship that express themselves in Indian cities. Citizenship is commonly defined as the sum of rights and obligations that characterize the relationship between the individual and the state. In Indian cities today, (urban) citizenship is claimed on a different basis by different categories of people, as shown by political speeches and press statements. On the one hand, neighbourhood associations, that mostly represent middle class residents, insist that they fulfill the obligations entailed by citizenship; thus a much used phrase is that of “law abiding, tax paying citizens”. On the other hand, social and political organizations representing slum dwellers underline their rights, in the sense of basic human rights, as evident in expressions such as “the people, the common man”. Oddly enough, the fact that poor urban dwellers participate much more in local elections is hardly evoked as a ground for citizenship; yet voting is usually considered as a major practice defining citizenship, and anthropological studies on the meaning of the vote in India suggest that poor voters consider elections as a rare opportunity to “perform” their citizenship (Hauser & Singer, 1986).

Another debate concerns the role of civil society organizations (CSOs) in the democratic character of urban governance. A number of CSOs have played a crucial role in negotiating rights – to low-priced water, secure housing, good roads etc. – for city dwellers. As mentioned, the MKSS (the Mazdoor Kisan Shakti Sangathan NGO based in Rajasthan), has led the struggle for the right to information. The same organization has reinvented public audits – an organized meeting between local people and public authorities on a given, local issue, which gives a very concrete meaning to accountability. Public audits require the strong involvement of an NGO, and in Delhi Parivartan, Mobile Crèches, Jagori, among others, have engaged with this particular mode of collective action when dealing with the question of urban services. In Mumbai, the Society for the Promotion of Area Resource Centres (SPARC) has been much involved in the mobilization of slum dwellers to secure housing rights. There is now a debate, both in the activist and in the academic spheres, over the consequences of such NGO engagement in urban governance. Does it contribute to deepening urban democracy (Appadurai 2001), indeed to “forge a new type of global urban democracy” (Weinstein 2009: 402)? Or does it, on the contrary, facilitate the undemocratic processes that characterize urban renewal (Roy, 2009b)?

4. Good (and Bad) Practices

A series of recent initiatives concerning urban governance are specific to one state, or to one city. For instance, in 1996, the State Government of Kerala launched a unique experiment: the People’s Campaign for Decentralised Planning. Unlike everywhere else in India, local democracy was conceived not only as an extension of representation (to new levels and new social groups), but also as a site of participation. From 1996 to 2001 thousands of people were mobilized for participatory planning. Kerala’s experiment was unique: the state was strongly supporting of this initiative; state funds were released very quickly; and a substantial proportion of the budget was to be allocated though participatory planning (Sharma, 2003). However when the Left Democratic Front lost state elections in 2001, the experiment was suspended by the new, Congress-dominated government.

Voting remains the major form of participation
Box 7. The Unique Identification (UID) project

In 2009 the Government of India set up the Unique Identification Authority of India (UIDAI), an agency in charge of implementing the Unique Identification Card project in the country. Under this project every adult resident will be given a 12 digit number, associated to a photograph and biometric data (fingerprints, iris) so as to make sure that the ID is unique. The UID is meant to make people visible to the state, in order to achieve a series of objectives: (i) reaching all the potential beneficiaries of welfare programmes; (ii) suppressing “leakages” due to corruption and making sure that all the provided benefits reach their intended beneficiaries; (iii) fighting fraud, including electoral fraud; (iv) fighting terrorism.

The UID Card project has evoked a series of criticisms (see for instance Ramanathan 2010), focusing on three aspects: the reliability, security and misuse of data. First, there are strong doubts concerning the technological feasibility of the project, and one can fear that the data collection and recording will be prone to errors. Second, errors would have dramatic consequences since it is expected that major state agencies, but also banks and other commercial institutions will request UID cards from their consumers. Third, the UID database will be linked with other identity databases, which means that the powers of surveillance over the population will increase manifold. Critics argue that the National Identification Authority of India Bill (introduced in Parliament in December 2010) does not include the necessary safeguards to ensure that privacy rights will be protected from the legitimate owner of the database (the UIDAI) or from unauthorized institutions.

In local democracy. In this regard it was observed that initiatives aiming to limit rigging in local elections can end up disenfranchising the most vulnerable section of voters. Such was the case during the 2007 municipal elections in Delhi: for the first time, ration cards were not admissible as a proof of identity, because, it was argued, ration cards are not an individual document (there is one ration card per family, which can facilitate bogus voting). But most alternative identity documents (such as PAN card, driving licence, telephone bill) implied a level of income which is beyond a substantial section of voters. The ‘Unique Identification’ number that is in the process of being attributed to the whole population of India might provide a solution, but it raises another set of issues.

In India as in many other countries, there are attempts at developing a more participative local democracy, for instance through consultation procedures, that have become more frequent in the past decades, since the “good governance” discourse values people’s participation. This new trend concerns even one of the most top down and technocratic features of Indian urbanism: the Master Plan. But experiences of consultation around the latest Delhi Master Plan, for instance, revealed a strong resistance to implementing the participation principle in the spirit intended. Citizens and citizen groups were invited to express their views – which they did; but the final Master Plan ignored most of the 7000 plus recommendations received (Hazards centre 2005).

Participation goes further than consultation in participatory schemes, such as Bhagidari in Delhi or the Advanced Locality Management (ALM) groups in Mumbai.

Both Bhagidari and the ALM in Mumbai have been criticized as being amenable to elite capture; in other words, they tend to empower the already powerful. Yet these schemes have also proven to trigger collective action beyond their assigned objectives, and beyond the targeted population, namely the middle classes. For
Box 8. The Bhagidari scheme

This urban participatory device, launched in 2000 by the Chief Minister of Delhi, Sheila Dikshit, provides a rich example of the current political emphasis on participatory governance. The scheme, defining itself as “a citizen–government partnership”\(^{16}\) is designed to facilitate interaction between residents and city administrators in order to develop a localized form of participation, focusing primarily on urban services. The Bhagidari (‘partnership’ in Hindi) scheme officially aims at “developing a democratic framework in which citizen groups can communicate and act in partnership with government servants in order to solve simple, daily problems”\(^{17}\). In practice the scheme is almost exclusively channelled via Resident Welfare Associations from authorized colonies (as well as trader associations). The Bhagidari scheme comprises regularly organized thematic workshops (usually lasting three days), through which representatives of RWAs and the various administrations dealing with urban services meet and debate, with the intention that they collaborate (rather than conflict) as ‘Team Delhi’ to resolve common problems by identifying ‘consensual propositions’, a key notion of the scheme. The Bhagidari scheme was selected as a best practice by the United Nations, but there is significant scholarly debate regarding the impact of Bhagidari on urban politics and everyday life in Delhi.

instance in Delhi, Resident Welfare Associations (RWAs) have evolved into an interest group that occasionally confronts the state government or the municipal corporation, and they have allied with associations representing the urban poor in a movement resisting the privatization of water delivery, which ultimately proved successful (Tawa Lama-Rewal, 2007). In Mumbai some ALM groups have joined municipal elections in 2007, and their candidate has been elected (Zerah, 2007), suggesting that these participatory programmes can help fight the electoral abstention of the middle classes, which is certainly important for the legitimacy and authority of local government.

A much advertised “product of the Bhagidari scheme” (according to Delhi’s Chief Minister\(^{18}\)) is Mission Convergence: this programme was created in 2008 to bring all the nine social welfare departments of the Delhi government together under a single-window system, through which beneficiaries can directly access schemes such as old age pension, ration cards etc. In 2010 this programme won two gold medals from the Commonwealth Association for Public Administration and Management (CAPAM), rewarding its contribution to good governance. However Mission Convergence, just like the Bhagidari scheme, is strongly criticized by elected representatives who resent the fact that it relies on bureaucrats (and CSOs), which deprives them of their traditional role as intermediaries between the welfare departments and beneficiaries.

A more ubiquitous practice is the provision of citizen charters by an increasing number of administrations, starting with Delhi and Andhra Pradesh – two states whose Chief Ministers have repeatedly asserted their commitment to “good governance”. Citizen charters are meant to fulfill one of the key notions of the good governance package, namely transparency. The availability of documents providing, in clear terms, a description of the tasks of major urban agencies, as well as the name, function and contact of the person in charge, is definitely an important step towards a true accountability of administrations to citizens. However, the real impact of these charters ultimately depends on (i) the capacity of all sections of the population, including the

\(^{16}\) http://delhigovtnic.in/

\(^{17}\) Delhi Smiles (brochure of the Bhagidari scheme, Delhi Government, 2007)

\(^{18}\) Frontline, 03/05/2010.
less educated, to understand them – which requires the involvement of advocacy NGOs in “demystifying and popularizing” the charters (Banerjee 2006: 11); and (ii) on the existence and efficiency of grievance redressal mechanisms – which is closely related to the implementation of the Right to Information.

Finally classic modes of mobilization, such as street protests, bandh (general strikes), dharna (sit-ins), or gherao (encircling a person representing the contested decision/authority) have shown in the recent past their enduring efficiency. For instance the conflict that shook Delhi in 2006 around the implementation of the new Master Plan offered a representative sample of the various forms of collective action mentioned above: press campaign, PIL,19 street protests. Ultimately, it was the strikes and demonstrations called by the traders, and joined by all those opposing zoning, which forced the government to adopt mixed land use, even if that implied amending the Master Plan so that it would coincide with reality on the ground. This episode exemplifies how two definitions of the notion of right can be mobilized and opposed to each other by different groups. While supporters of a strict implementation of the Master Plan (i.e. of the zoning principle) favored a legalistic vision, arguing that the Master Plan was binding by law, opponents evoked the idea of justice, that is, of natural rights, to justify their opposition to zoning and their support to mixed land use.

5. Barriers

The main barrier to an implementation of the spirit of the decentralization policy seems to be an enduring resistance to the delegation, and therefore the sharing, of power and resources, by state level politicians and officials. With hindsight, it appears that state governments have consistently worked towards containing the potential of the 74th CAA in terms of changing the balance of power.

Another barrier to inclusive urban governance is of a more social nature: it lies in the way various avenues of participation are informed by class. As mentioned, most participants in municipal elections are poor, while most participants in participatory schemes are middle class.

6. Policy Recommendations

One can see five possible ways to empower local self-government and to make it more responsive to city dwellers. Empowering councillors is essential with regard to making urban governance more inclusive, because councillors are the most approachable representatives of public authorities for poor city dwellers. At the same time, it is necessary to create spaces of interaction between councillors and representatives of the local population that would involve middle class residents as well, in order to give another dimension to the mediation work effected by the councillor. This would then go beyond interventions on behalf of individual constituents (what Berenschot -2010- calls “brokerage and patronage”), towards defending (local) common interests.

1. The Mayor-in-Council system should be generalized20: This municipal regime, already implemented in two states, vests executive authority in the hands of the Mayor. Even if the Municipal Commissioner, nominated by the state, plays a major role in the implementation of the Municipal Corporation’s functions, she/he is responsible to the Mayor-in-Council, not the state government.

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19 The Public Interest Litigation is a legal procedure established in the early 1980s in India, whereby a person or an organisation can approach the court and seek legal remedy in cases where public interest is at stake, even though that person or organisation is not an aggrieved party.

20 This recommendation goes one step further than the « Model Municipal Law » prepared by the Ministry of Urban Development in the framework of the JNNURM, which advocates: “Executive powers vested with Empowered Standing Committee”; “Five year term for Mayor/Chairman”; and “Provision for wards and ward committees”.

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2. The Mayor should be elected directly by voters, for a five year tenure. Direct election as well as a tenure that matches that of the municipal corporation/council will ensure the visibility of the Mayor for voters, and reinforce his/her status as a representative of local self-government vis-à-vis state and central interlocutors, as shown by the Tamil Nadu experience in this regard.

3. Councillors should be systematically provided with well designed, efficient training, just after being elected. This is essential considering the fact that (i) many of them are newcomers (because of the rotation of reserved constituencies), and (ii) they have to work with officials who are often more experienced than they are. A good training would empower councillors to make the best of their prerogatives.

4. The MP/MLA Local Area Development Scheme should be suppressed, as its negative effects have been pointed out by a number of observers. Councillors should be the only elected representatives concerned with local infrastructure in their constituency. Again, this measure would reinforce their credibility in the eyes of voters and officials.

5. The Community Participation Law should be improved – so as to allow for a democratic representation of the various social groups present in the locality – and implemented. The development of neighbourhood activism in the past decades has shown that middle class residents are concerned with local issues, and eager to act on them. Functional area sabhas are much needed to channel this energy in a more democratic way.