



# Citizens' Action Forum

## The Fifth Estate

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25<sup>th</sup> November 2014

Sri Vinay Kumar Sorake  
Hon'ble Minister for Urban Development  
Vikasa Soudha  
Dr. Ambedkar Veedhi  
Bangalore 560001

Dear Sir,

**Subject: WE ENDORSE "CIVIC's" OBJECTIONS/SUGGESTIONS to the KMC (Amdt.) Act Jan 2011 and the Ward Committee Rules published in the gazette dated 10<sup>th</sup> November 2014 AND ARE RESENDING THE SAME ON OUR LETTERHEAD - Ref: No. UDD 507 MNY 2012 dated 10.11.14**

Dear Sir

**We from Citizen Action Forum (CAF) ENDORSE "CIVIC's" OBJECTIONS/SUGGESTIONS to the KMC (Amdt.) Act Jan 2011 and the Ward Committee Rules published in the gazette dated 10<sup>th</sup> November 2014 . We ARE RESENDING THE SAME ON OUR LETTERHEAD - Ref: No. UDD 507 MNY 2012 dated 10.11.14**

**We hope our objections/suggestions will be considered and accepted to ensure functional and effective ward committees as we believe Ward committees are important role players in a community through which "PEOPLE PARTICIPATION IN GOVERNANCE IS POSSIBLE" ..and we strongly urge inclusion of long pending demands to amend KMC Act and Rules to ensure functional and effective ward committees**

Please find our objections/suggestions to the latest draft Rules on ward committees publicised on 10<sup>th</sup> November 2014. The suggestions we had given to the August 2013 Draft Rules are still relevant and we request you to consider them afresh. We are here presenting an abridged version of the same, highlighting the important points we wish to make.

1. **Amendments needed to KMC (Amdt.) Act of Jan 2011 itself:** Above all, we realise that the KMC (Amdt.) Act of January 2011 has several anti-people provisions which need to be removed. Without these amendments, any amount of tinkering with the Rules is not going to make the working of ward committees and area sabhas effective. **We further wish to point out that you, Sir, had given us an assurance at a public meeting organised by CIVIC on 11<sup>th</sup> July 2014 that you would get the nomination procedure and veto powers to councillors removed as you sensed the opposition of citizens to these provisions and that you would set up a committee to look into the required amendments. We request that the public assurance you gave be adhered to.**
  
2. **Committee to be set up to review the in KMC (Amdt.) Act of January 2011:** To review the entire gamut of provisions relating to the implementation of the 74th Constitutional Amendment in its true spirit, we request that a committee be set up, headed by a public figure and members devoted to the cause of decentralisation, to review the KMC (Amdt.) Act of January 2011 and present a revised legislation as has been done in the case of the Panchayat Raj Act by the very same government.
  
3. **Amendments to KMC (Amdt.) Act of Jan 2011:** We are specifying the following amendments to the KMC (Amdt.) Act of January 2011 that we deem to be imperative:
  - a. **Functions and supervision of poverty alleviation schemes, slum development and rehabilitation schemes, PDS, primary health centres, primary schools and anganwadis to be devolved to Ward Committees.**
  - b. The Area Sabha Representative (ASR) should be elected by the area sabha to make him accountable to the people. Being nominated by the councillor, the ASR will not be accountable to the people of the area but only to his political bosses.
  - c. As noted in the model community participation law circulated by the Ministry of Urban Development, ASR should be a member of the ward committee and represent his area.
  - d. The election of ASR should be on non-party basis. The candidates should not be former councillors or defeated candidates and not belong to any political party but have a record of service-mindedness.
  - e. Other 10 ward committee members shall be selected by various interest groups themselves.
  - f. Veto power of the councillor should be removed as it makes the concept of people's participation meaningless. This provision is not there in the laws of any other state. The councillor can be allowed a casting vote when equal number of votes are cast by ward committee members on any issue.
  - g. All ward-level officials of the municipal corporation and jurisdictional water board officials shall be ex-officio members of the ward committee and attend all meetings mandatorily.
  - h. The concerned jurisdictional officials of the ESCOM, city bus transport corporation, city police, slum board, social welfare dept., food inspector, labour inspector and HMs of

primary schools, anganwadi workers and PHC doctor should attend the ward committee meetings whenever they are called upon to do so.

- i. Ward committee members holding particular portfolios could be federated at the city level to constitute a city-level forum on that particular subject and have consultative status at city-level on that subject before policy decisions regarding that domain are taken.
- j. Sub-committees can be formed under each of these ward committee members with a particular portfolio. Interested citizens can be co-opted to serve on these sub-committees under each ward committee member.

#### **General provisions sought in the Rules on ward committees and area sabhas (in addition or in opposition to those in the draft rules)**

4. **Re-inclusion of our earlier accepted suggestions:** We are unhappy that the following two suggestions made by us earlier to the January 2013 draft rules, which had been accepted and incorporated in the revised draft rules on ward committees and area sabhas published on 27<sup>th</sup> August 2013, have now been removed. The reason or rationale for the removal is not clear. If they were thought to be relevant enough to be included in August 2013, we do not know why it is considered inappropriate to include them in November 2014. We demand their re-inclusion as there cannot be genuine ward development without a 5-year Ward Vision Plan as per a Performance Management System based on indicators and outcomes:
  - a. Each member of the ward committee can be allocated different portfolios depending on his expertise and interest.
  - b. The Ward Committees should be asked to prepare a 5-year ward vision plan as per a Performance Management System (PMS) **based on human development and social infrastructure outcomes at ward level**. Targets need to be set and outcome indicators developed for measuring these. Monitoring and review need to be based on performance on those indicators. The Area Sabhas need to be involved in setting targets and reviewing municipal performance.
5. An exclusive officer called Ward Chief Executive Officer (Ward CEO) should be appointed as Ward Secretary dedicated to the Ward, who is higher in the hierarchy than the ward-level officers of health, revenue, engineering and other departments he has to direct. He shall be entrusted with the responsibility of ensuring follow up action.
6. Members of the Ward Committees and Area Sabhas who do not attend three consecutive meetings without prior notice and valid reasons shall be disqualified from the membership.
7. Ward committees and Area Sabhas need to be given powers to get all information on and projects planned for their areas, take decisions regarding the use of ward's properties and resources, give consent to projects planned in their ward, plan, prioritise and budget for their

wards, hold officials accountable and monitor all works. Area sabhas should get their grievances redressed at area/ward level and conduct social audits of works. Without these powers, the concept of citizen participation will be meaningless.

8. The Area Sabhas and Ward Committees should serve as platforms and conduits for providing an opportunity to every citizen to participate in discussions on issues before the municipal council, the CDP of the city and the city's budgets and fiscal plans under the Karnataka Local Fund Authorities' Fiscal Responsibility Act. The opinions gathered from the Area Sabhas should be collated at Ward Committee level and sent to the Council, where the opinions from all the wards are collated.
9. The Area Sabhas and Ward Committees need to discuss and give their opinions on decisions being taken at city level, for instance on mega-infrastructure projects, loans from IFIs, global tenders being floated, privatization policies, etc.
10. There needs to be an Information & Statistics Committee at ward-level which will collect the necessary data and create a:
  - Ward Human Development Index with information on life expectancy, literacy, income levels, IMR, MMR, malnourishment and nutrition status, number of employed & unemployed persons, BPL lists, eligibility lists for old-age, widow, physically-challenged pensions, etc
  - Ward Social Infrastructure Index to indicate number of PHCs, schools, anganwadis, day-care centres for 0-6 children per population and their status, workers' facilitation and service centres, workers' and migrants' social rental housing, community kitchens, night shelters for the homeless, etc.
  - There also need to be:
    - Ward Physical Infrastructure Index
    - Ward Assets & Resources Register
11. A Ward Finance Committee should look after ward-level finances.
12. There need to be secretariats for each ward committee and area sabha providing computer and secretarial support.

#### **Constitution of Ward Committee:**

#### **Procedure for election / nomination as a member of the Ward Committee:**

13. If nomination procedure is adopted for ASRs, applications from the eligible persons for nomination as members of the Ward Committee by giving wide publicity in the newspapers, and notices at ward offices giving fifteen days' time for submission of applications;
14. After receipt of applications for nomination, they shall be scrutinized;
15. The list of eligible persons shall be displayed on the notice board of the ward office and objections to the names called for from the public.

16. The list of eligible applicants and the objections received shall be placed before a Selection Committee consisting of distinguished citizens of the city who shall select the names of the ward committee members from the list.
17. The approved list of nominated members shall be gazetted.

#### **Publicity for spreading awareness about the AS and WCs**

- Ward-wise publicity shall be given about the constitution and working of the Area Sabhas and Ward Committees
- Mobile audio publicity using autos
- Posters, slides, booklets and handbills, etc.
- List of committee members, duties and functions of Area Sabhas and Ward Committees should be displayed in ward offices and other public places.

#### **No confidence motion**

18. Chairmen/ward councillors not conducting mandatory monthly ward committee meetings shall be removed/disqualified from holding office by a vote of “no confidence” by a majority of the ward committee members or by “no confidence” vote of 51% area sabhas.

#### **Meetings of ward committees**

19. All ward committee meetings shall be held on a fixed day, such as the first Saturday of every month;
20. Notices of the ward committee meetings shall be affixed on the notice board of the ward office and also publicity through mobile autorickshaw with loudspeaker shall be given.
21. The entire proceedings of the Area Sabhas and Ward Committees should be videographed / photographed to show attendance and resolutions passed.
22. Invitation to media should be extended to cover meetings. TV Channels can be approached to give coverage of meetings.
23. All ward-level officials of revenue, health, engineering, solid waste, town planning, welfare, horticulture, etc. and of BWSSB to attend the meetings of the Ward Committee mandatorily.
24. The concerned jurisdictional officials of the ESCOM, city bus transport corporation, city police, HMs of primary schools, anganwadi workers, PHC doctor, slum board, social welfare dept., food inspector, labour inspector should attend the ward committee meetings whenever they are called upon to do so.
25. Resolutions of the ward committee should be pasted on notice boards as well as copies given to members.

#### **Requisition for calling ward committee meeting**

26. The Chairperson shall, on the requisition in writing of not less than one half of the members on the Ward Committee, convene a meeting of the Ward Committee provided the requisition specifies the purpose for which the meeting is to be held.

**Minutes of the Meeting:**

27. The minutes of the proceedings at the meeting of the Ward Committee shall, at all reasonable times and without charge, be open at the Ward Committee office for the inspection of any person in the area of the Ward Committee.
28. Resolutions of the ward committee should be pasted on notice boards

**Functions of the ward committee**

29. Ward committees should make available at ward level all items of information about the ward, minutes of ward committee meetings, details of properties, revenues collected, ward budgets, accounts, programme of works, work orders, bills, vouchers, muster rolls, etc., to be either available for scrutiny at ward office or displayed on notice board. All suo motu [RTI 4(1)(b)] information to be available in the form of booklet/pamphlet, etc. at ward office.
30. Monitoring the functioning of anganwadis, schools, maternity centres, dispensaries and health centres, welfare department activities in improving service delivery of the said Departments.

**Ward committee finances**

31. Funds to Wards shall be released in a financial year only when the mandated number of statutory meetings of Area Sabhas and Ward Committees have been duly held in the previous financial year and after receiving recommendations for development works from respective Area Sabha and Ward Committees as per stipulations.
32. The Corporation shall allocate 40% of the amount earmarked in the annual budget as untied funds to the ward committee for works of its choice for urban services

**Monitoring of works**

33. Ward committees shall have the power to impose financial penalties on such government officials who report to ward committee and with whose functioning the ward committee is dissatisfied. They should also have the power to terminate contracts, such as garbage and road contracts, if the contractors fail to perform properly.
34. On urban poverty alleviation, the ward committee shall ensure, that there are no homeless persons, that all eligible are provided social security, that there are adequate skill training facilities and credit facilities at low interest rates, wage-employment on municipal works for all those unemployed, implementation of all labour laws.
35. For those projects, which require environmental clearances, public hearings, land acquisition, privatization of services, displacement of residents, zoning changes, the ward committee and area sabhas shall receive detailed project reports, including their cost-benefit analyses, environment and social impact assessment reports, survey details of affected persons from the

neighbourhood, etc. The ward committee/area sabhas shall be given 3 months' time to give their opinion.

### **Ward committees to monitor grievance redressal and implementation of Citizens' Charter of the municipal corporation**

36. Citizens with any grievances shall be enabled to submit their grievances at the ward office daily between 9AM and 11AM. They shall receive an e-acknowledgement with unique tracking number and be asked to appear for a hearing on the next Friday's ward public hearing.
37. The ward committee shall review on a weekly basis at a public hearing every Friday, between 12 noon and 3PM, all grievances and the delivery of services within the time limit and as per the standards stipulated under SAKALA and in the Citizens' Charter giving the complainant citizen or applicant a Right to be Heard.
38. If the stipulated timeframes for service delivery or redressal of grievance is not adhered to, compensation would be paid to the applicant at Rs.50/- per day in case of services of Revenue, Engineering and Health Sections, and Rs.100/- per day in case of services of Town Planning Section by the Municipal Corporation towards loss of valuable time of the applicant. This compensation will be recovered from the person who delayed the service delivery.
39. The Deputy Commissioners of the Municipal Corporation shall review on a fortnightly basis, any escalated grievances or grievances about the delivery of services which are not redressed by the ward committee.
40. The Zonal Commissioners of the Municipal Corporation shall review the grievances escalated by the Deputy Commissioners
41. There shall be a committee consisting of Area Sabha Representative, a secretary and a treasurer to carry out the functions of the Area Sabha and be accountable to the Area Sabha.

### **Functions of Area Sabha:**

42. Area sabhas shall plan, prioritise, monitor, and social audit all works.
43. The Area Sabha shall be consulted on allowing/disallowing any commercial or industrial activity or any land use conversion or acquisition of any land, and if yes, on what terms and conditions; to decide the public purpose for which land is being acquired; allow/disallow removal of a slum /displacement until those being removed are resettled, getting all encroachments removed from public land; control over all natural resources in its jurisdiction, such as land, CA sites, water, lakes, etc.

### **Meetings of Area Sabha:-**

44. The ward committee secretary shall ensure that the area sabha meetings are conducted regularly and the public is well informed in advance about the conduct of the said meetings through news paper advertisements, notices in ward office, and mobile publicity through autorickshaws fitted with loudspeakers, etc.
45. There should be a quorum fixed for meetings of Area Sabha.
46. The Secretary of the Ward Committee shall inform the follow-up action taken on the decisions concerning the area to the Area Sabha Representative.

47. Municipal Corporation should recognize one NGO which shall give periodical performance reports to the Ward Committee. It should orient and support the Area Sabha in conducting social audit of works.

Hoping our suggestions will be considerably favourably.

Yours sincerely,

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