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take great pleasure in inviting you to a consultation with civil society organizations, officials, elected representatives and ward committee members on:

“Draft Ward Committee & Area Sabha Rules”

published in the gazette on 11th Jan 2013 and to be finalized soon
in compliance with directions of the Hon'ble High Court of Karnataka

Date: Saturday, 15th June 2013

Time: 3.00 PM to 5.30 PM

Venue: Student Christian Movement of India (SCM) House

29, 2nd Cross, CSI Compound, Off Mission Road,
(Opposite Mitralaya School behind Corporation Bank)

Bangalore 560027, Tel: 080 2222 3761

(Registration opens: 3 pm)

(Directions [Link](#))

Programme Schedule

- | | |
|---------|---|
| 3.00 PM | Registration & Tea |
| 3.30PM | Presentation of KMC Amdt Act & Draft Rules on Ward Committees & Area Sabhas |
| 4.00PM | Open discussion with citizens, ward committee members |
| 4.45 PM | Responses by officials and elected representatives |
| 5.30 PM | Summation and vote of thanks |

CIVIC Bangalore

(Citizens' Voluntary Initiative for the City, Bangalore)

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Environmental Social Governance Justice Initiatives

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PTO

Concept Note

More than 20 years after the passage of the 74th Constitutional Amendment, its implementation in its true spirit still has a long way to go. The ward committees, that were set up in 1999 and 2003 to bring in proximity, transparency, accountability and people's participation at urban grassroots level failed to achieve these objectives, given their weak democratic basis and lack of funds and powers to perform the functions assigned to them.

The Jawaharlal Nehru National Urban Renewal Mission (JNNURM) made it a mandatory conditionality on the City to implement the 74th Constitutional Amendment in all its aspects. It also enjoined the passage of a Community Participation Law that goes even beyond the ward level and provides opportunities for the organization and participation of people at the neighbourhood (Area Sabha) level. The Karnataka Government passed the Karnataka Municipal Corporations (Amendment) Act, 2011, better known as the Community Participation Law in January 2011 to fulfill the JNNURM conditionalities but failed to frame the Rules to implement the same.

The Hon'ble High Court of Karnataka, as in the case of Environment Support Group and ors. vs. State of Karnataka and ors. (WP No. 46523/2012 c/w WP 24739/2012), directed the BBMP to form the Ward Committees as per the KMC (Amdt.) Act of Jan 2011. The BBMP submitted the names of 10 ward committee members, nominated by the municipal councilors, for most of the wards of Bangalore. However the ward committees could not meet regularly in the absence of Rules for their functioning. BBMP then framed the draft Rules for the setting up and functioning of Ward Committees and Area Sabhas in Bangalore which were gazetted on 11th January 2013 and which called for objections and suggestions within 15 days.

You will recall that ESG, CIVIC and other civil society organizations had organized a consultation on 16th January 2013 to come up with suggestions for the Rules which were subsequently given by civil society organizations to the Commissioner, BBMP, at a meeting called by him. This consultation is in the context of the proposed new Rules being finalized once the BBMP Council discusses these and sends its comments to the Government.

Various versions of the Community Participation Law have been developed across the country, such as the one by Parivartan of New Delhi, in an attempt to delineate a structure and process for people's participation at urban grassroots level, with elements of direct democracy. There have been many suggestions for deepening participatory urban governance in Bangalore. But there has not been enough public debate and consultation on any of these or on an ideal framework for bringing in genuine urban local self-governance. The current consultation is an attempt to facilitate such wider debate by bringing elected representatives of Bangalore, concerned officials, civil society organizations working on these issues, urban researchers, etc. on a common platform in an effort to shape the civil society debate and also to engage with key policy-making institutions and actors in shaping the Rules for institutionalising Community Participation in Bangalore's governance.



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ - IV-A	ಬೆಂಗಳೂರು, ಶುಕ್ರವಾರ, ಜನವರಿ ೧೧, ೨೦೧೩ (ಪುಷ್ಯ ೨೧, ಶಕ ವರ್ಷ ೧೯೩೪)	ನಂ. ೩೬
Part - IV-A	Bangalore, Friday, January 11, 2013 (Pushya 21, Shaka Varsha 1934)	No. 36

URBAN DEVELOPMENT SECRETARIAT

NOTIFICATION

No. UDD 129 CSS 2011, Bangalore, Dated 11th January, 2013

The draft of the Karnataka Municipal Corporations (Ward committee and Area Sabha) Rules, 2012, which the Government of Karnataka proposes to make in exercise of the powers conferred by section 13K read with section 421 and 427 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), is hereby published as required by sub-section(1) of section 421 of the said Act, for the information of the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after fifteen days from the date of its publication in the official Gazette.

Any objection or suggestion, which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above, will be considered by the State Government. Objections and suggestions may be addressed to the Principal Secretary to Government, Department of Urban Development, Vikasa Soudha, Bangalore - 560 001.

DRAFT RULES

1. Title and commencement.- (1) These rules may be called the Karnataka Municipal Corporation (ward committee and Area Sabh) Rules, 2012.

(2) They shall come into force from the date of their publication in the official Gazette.

2. Definitions.-In these rules, unless the context of otherwise requires,-

(a) "Act" means the Karnataka Municipal corporations Act, 1976 (Karnataka Act 14 of 1977).

(b) "Section" means section of the Act.

3. Determination of the Areas.- (1) The order regarding Areas into which each ward in a City Corporation shall be divided as under clause (b) of Section 13B of the Act shall be issued by Government , -

(a) At the first instance, along with the notification of these rules; and

(b) Subsequently within ninety days of the completion of the delimitation process.

(2) This order shall be re-notified as and when delimitation of Ward is undertaken.

4. Nomination of representatives of Area Sabha-(1) Every Councilor shall recommend names of Area Sabha Representative pertaining to his ward within ninety days from the constitution of the Corporation, or within ninety days of his election or within ninety days of commencement of these rules whichever is later.

(2) On the receipt of recommendation from the Councilor, the Council shall only verify their eligibility as under sub-section (3) and (4) of section 13D of the Act and nominate them as Area Representatives in the immediate next Council meeting.

Provided that, if no recommendations are received within the due date from the Councilor, the Commissioner shall recommend names for nomination to the Corporation, which shall approve the same as it is or with modification in the immediate next Council meeting.

5. Meeting of the Area Sabha- (1) The meeting of the Area Sabha shall be convened under sub-section (2) of section 13F of the Act.

(2) The meeting notice of the Area Sabha signed by the Nodal Officer and containing the date, time, agenda and location of the meeting shall be communicated by the way of putting it in the notice board of the corporation, zonal offices and also in the website of Corporation.

(3) The respective place of the Area Sabha meeting shall be fixed for all Area Sabhas through a common notification by the commissioner immediately after the notification of Area and it shall not be changed unless the building has become unsuitable for conduct of meeting.

Provided that location of the meeting of the Area Sabha may be fixed preferably in the premises of a polling station in that Area or any other public building subject to its suitability.

Provided further that private building may also to be used for the same in case of no suitable public building is available within the Area. However, under no circumstances shall any religious building or structure or place be used for this purpose.

6. Nomination of members of the ward Committee.-(1) Municipal Council shall nominate all the members of each Ward Committee under section 13H within ninety days of the constitution of Council or within ninety days of coming into effect these rules whichever is later.

Provided that if any person who is not qualified to be a member of the Ward Committee as under clause (b) sub-section and sub-section (3) of section 13H of the Act is nominated by the Council, the same shall be invalid and shall not be given effect to by the Commissioner.

7.Account and Audit of the Area Sabha and Ward Committee.- The Manner in which the accounts of all receipts and expenditure of the Area Sabha and Ward Committee for the purpose of conduct of meetings and discharge of their function shall be governed by Financial Rules made under Section 151 of the Act.

8. Repeal of the Karnataka Municipal Corporations (Ward Committee) Rules, 1997:- The Karnataka Municipal Corporations (Ward Committee) Rules, 1997 shall be repealed with immediate effect.

By order and in the name of Governor of Karnataka

K.V. RAMAPPA
Under Secretary to Government
Urban Development

13A. Definitions and application.- (1) In this Chapter, unless the context otherwise requires,-

- (a) "Area" means an area, determined in the manner specified in section 13B;
- (b) "Area Sabha" means, in relation to an Area, a body of all the persons who are registered as voters in the electoral rolls pertaining to any polling station of that Area;
- (c) "Association" means a trust, society, association or organization registered under Karnataka Societies Registration Act, 1960 and fulfil the conditions specified in sub-clause (iii) of clause (c) of sub-section (2) of section 13H.
- (d) "Polling Station" means Polling station set up for conducting elections to the Corporation;
- (e) "Ward Committee" means a committee constituted under section 13H.
- (f) "Ward Development Scheme" shall be the development scheme prepared by the Ward Committee for the budget allotted to it by the Corporation.

(2) The provisions of this Chapter shall apply to such of the Corporations as may be notified by the State Government.

13B. Determination of Areas.- The State Government shall by order determine,-

- (a) the areas into which each Ward may be divided; and
- (b) each area shall comprise the polling area of one or more contiguous polling stations in a ward, but in any case not exceeding total area of five such polling stations:

Provided that polling area of any polling station shall not be divided into two or more areas.
Municipal Corporations 1977: KAR. ACT 14] 346 **13C. Constitution of Area Sabha.-** (1) There shall be an Area Sabha for each area.

(2) All persons who are registered as voters in the electoral rolls of the polling stations in an area shall be members of that Area Sabha.

13D. Representatives of Area Sabha.- (1) Each area shall have an area sabha representative who shall be nominated by the Corporation on the recommendation of the councillor of the particular ward:

Provided that, if no recommendation is received within ninety days from the date of constitution or reconstitution of the Corporation, the Commissioner shall recommend names to the Corporation for nomination.

(2) If councillor of any ward, for any reason ceases to be the Councillor before the expiry of the term of the Corporation, the Area Sabha Representatives of that ward shall also cease to be Area Sabha Representatives and new Area Sabha Representatives shall be nominated in accordance with sub-section (1).

(3) The Area Sabha Representative shall be a member of that Area Sabha.

(4) Any person disqualified for being elected as a Councillor shall not be nominated as Area Sabha Representative.

13E. Term of office.- Except as provided in sub-section (2) of section 13D, the term of office of an Area Sabha Representative shall be co-terminus with that of the Councillor Corporation concerned:

Provided that no person shall continue to be a Area Sabha Representative if, at any time during his tenure, he incurs any of the disqualifications prescribed by or under any law for the time being in force for the purpose of election to the Corporation concerned:

Provided further that no person shall continue or be entitled to hold office as Area Sabha Representative of an Area Sabha of which he ceases to be a member.

13F. Meeting of the Area Sabha.- (1) The Area Sabha shall meet at least once in three months. The Area Sabha Representative shall preside over the meeting of the Area Sabha.

(2) An officer of appropriate rank shall be designated by the Commissioner of the Corporation to act as a nodal officer for each Area 1977: KAR. ACT 14] Municipal Corporations 347 Sabha and who shall provide all administrative assistance to the Area Sabha Representative in conducting meetings of the Area Sabha. The nodal officer shall be the convener of the Area Sabha meetings and shall convene the meeting in consultation with the Area Sabha Representative. All minutes of the proceedings of the meeting shall be recorded by the nodal officer and a copy of the same shall be forwarded by him to the Ward Committee.

(3) All decisions in the Area Sabha shall be as far as possible be arrived at through a consensus of all the members present. Where consensus is not possible, the decision shall be taken by the majority of the members present.

13G. Functions and duties of the Area Sabha.- An Area Sabha may, having regard to its managerial, technical, financial and organizational capacity, and the actual conditions prevailing in the Corporation, perform and discharge the following functions and duties, namely:-

- (1) It shall forward proposals for schemes and development programmes to be implemented in the area, to the Ward Committee, or in its absence to the Corporation, for inclusion in the ward development scheme and programs and schemes implemented by the Corporation.
- (2) It shall select eligible persons from the area for beneficiary oriented schemes of the Corporation and forward the same for approval of the Ward Committee or in its absence, to the Corporation.
- (3) It shall cross verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions and subsidies and submit list of ineligible beneficiaries, if any, to the Ward Committee or in its absence, to the Corporation.
- (4) It shall support tax mapping and to remind and encourage Area Sabha members of their obligations to pay municipal taxes and user charges.
- (5) It may identify the deficiencies in the water supply and suggest remedial measures.
- (6) It may identify deficiencies in the sanitation arrangements and suggest remedial measures.
- (7) It may identify the deficiencies in the street lighting arrangements and suggest remedial measures. Municipal Corporations 1977: KAR. ACT 14] 348
- (8) It shall impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution and parks and such other public amenity schemes in the area.
- (9) It may assist the activities in public health centers in the area, especially in disease prevention and family welfare and create awareness and to report outbreak of epidemics and natural calamities.
- (10) It shall provide and mobilize voluntary labour and contributions in cash and kind for development programmes and to supervise such development works through volunteer organizations.
- (11) It shall promote harmony and unity among various groups of people in the Area and encourage cultural and sports activities;
- (12) It may co-operate with the Ward Committee in discharging of any functions assigned to it. and

(13) It shall perform such other functions as may be assigned to it by the Corporation in accordance with the bye-laws.

13H. Composition, territorial area and manner of filling of seats in Ward Committee.- (1)

There shall be a Ward Committee for each ward in the Corporation.

(2) The Ward Committee shall consist of the following, namely:-

(a) the Councillor of the Corporation representing the Ward, shall be the Chairperson of the Ward Committee;

(b) ten other members to be nominated by the Corporation; out of which, there shall be,-

(i) at least two members belonging to the Scheduled Castes and the Scheduled Tribes;

(ii) at least three women members; and

(iii) at least two members representing residents Associations, whatever name called satisfying all conditions mentioned below, namely:-

(a) its registered office shall be located within the jurisdiction of that ward;

1977: KAR. ACT 14] Municipal Corporations 349

(b) it shall represent majority of residents, or civic groups, or commercial groups or industrial groups;

(c) it shall have been actively engaged in its activities for not less than three years; and

(d) it shall be a registered Association by whatever name called, comprising of individuals who serve in a fiduciary capacity;

(3) Any person disqualified from being elected as a Councillor shall not be nominated as member of the Ward Committee.

(4) An officer of appropriate rank shall be designated by the Commissioner of the Corporation to act as Secretary for each Ward Committee to provide all administrative assistance to it. All minutes of the proceedings of the meeting of the Ward Committee shall be recorded by the Secretary and a copy of the same shall be forwarded to the Corporation.

(5) The Secretary of the Ward Committee shall be the convener of the meeting of the Ward Committee who shall convene the meeting in consultation with Chairperson.

(6) The Ward Committee shall meet at least once in a month.

(7) Decisions of the Ward Committee shall normally be taken by the majority of the nominated members of the Ward Committee:

Provided that the Chairperson may exercise a 'veto' over any decision by giving reasons in writing. The decision of the Chairperson shall be final and binding.

(8) No act done or proceedings taken under this Act by the Ward Committee shall be invalid merely on the ground of any vacancy in it.

(9) The Commissioner or his nominee, shall be entitled to take part in the meetings and deliberations of the Ward Committee. The Chairperson of the Ward Committee may request the representatives of concerned departments as special invitees to participate in the meetings.

(10) The term of the nominated members shall be co-terminus with the term of the office of the Corporation.

(11) Notwithstanding anything contained in this Act, the Corporation may in addition to the allotment of funds to various projects in the budget, also allot not less than the prescribed amount

towards ward development scheme to each ward which shall be utilised by the ward committee in the manner as may be prescribed. Municipal Corporations 1977: KAR. ACT 14] 350

- (f) ensure timely collection of taxes, fees and other sums due to the Corporation;
- (h) ensure sewerage system maintenance in the ward;
- (i) ensure proper solid waste management and sanitation work in the ward and finalize location of new public sanitation units;
- (j) ensure maintenance of street lighting in the ward and finalize location of new street lights;
- (k) ensure maintenance of parks, open spaces, greening of area in the ward;
- (l) ensure afforestation, and implementation of rain water harvesting schemes;
- (m) mobilize voluntary labour and donation by way of goods or money for implementation of Ward Development Scheme and various programmes and schemes of Corporation;
- (n) inform the Corporation regarding any encroachment of land belonging to the Corporation;

(g) ensure water supply maintenance in the ward and finalize location of new public taps and public wells;

13I. Functions of the Ward Committee.- (1) The Ward Committee shall discharge the following functions, namely:-

- (a) prepare and submit Ward Development Scheme to the corporation for allotment of funds;
- (b) ensure proper utilization of the funds allotted under ward development scheme in the ward.
- (c) approve the list of beneficiaries for beneficiary oriented schemes of the Corporation submitted by Area Sabhas falling under that ward;
- (d) scrutinize list of ineligible beneficiaries submitted by the Area Sabhas and submit it to the Corporation;
- (e) supervise all programmes and schemes being implemented by the Corporation in the ward;

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- (o) perform such other functions as may be assigned to it by the Corporation as per its bye-laws.

(2) The procedure to be adopted by the Ward Committee in the transaction of its business shall be as may be prescribed in the rules.

13J. Bye-laws.- Every Corporation to which this Chapter is made applicable shall notify bye-laws for transaction of business and for finance and accounting procedures governing the working of Area Sabhas and Ward Committees, within six months from the date of coming into force of this Chapter in that Corporation.

13K. Power to make rules.- Subject to the provisions of this Act, the State Government may, after previous publication, make rules to provide for any matter which is to be or may be prescribed by rules.

13L. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the official Gazette make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty.

(2) Every order so made shall be laid as soon as may be after it is made before each House of the State Legislature.] ¹

1.Substituted by Act 3 of 2011 w.e.f. 01.08.2011 vide Notification No. UDD 51 CSS 2009, dated: 08.06.2011. Please see the text of notification at the end of the act.