# ACHIEVEMENTS OF CIVIC BANGALORE

**Name: CIVIC Bangalore (Citizens' Voluntary Initiative for the City –Bangalore)**

**Operational since:** Informally since 1992, registered as Public Charitable Trust in 1994

**Founders:** Eleven concerned citizens of Bangalore: Mr. T. Sriram (Founder Chairperson) Mr.Abraham Kuruvilla (current Chairman), Dr. Arun Kotenkar, Mr. Y.V.Aswathnarayana, Mr.T. M. Chengappa, Mr..G. Goverdhan, Mr.Prem Chandavarkar, Mr.Satyaprakash Varanashi, Ms Asha Kilaru, Ms Anita Reddy, Mr.Leo Saldanha.

Currently, only two of the Founding Trustees, Mr. Abraham Kuruvilla and Ms Asha Kilaru are still on the Board of Trustees. The other current trustees are: Ms Kathyayini Chamaraj (Executive Trustee), Ms Manjulika Vaz, Ms Anjula Gurtoo, Mr. K. T. Suresh & Dr. Bishnu Mohapatra

**Focus area:**

A voluntary citizens' initiative emerged in 1990-91 as a forum for discussion and action on issues impacting Bangalore, its development and future. The initiative became a registered non-profit charitable trust, Citizens' Voluntary Initiative for the City of Bangalore (CIVIC Bangalore), in 1994. Realising decentralisation in the urban context, through the implementation of the 74$^{th}$ Constitutional Amendment (CAA), has been our main aim. Our aim has not been to supplement or supplant government services but to make the government deliver on its promises to the people. We have worked with the state and local governments and the general public, advocating for the desired changes. By focusing on democracy, decentralization, transparency, accountability and public participation, our activities promote good governance, inclusiveness, and improvement of service delivery.

In the last nine years, given the growing disparities in the City, our focus has been on the urban poor. The main tools used by CIVIC to improve service delivery encompass transparency, awareness building and empowerment of the community through the Right to Information, accountability through public interactions with officials for grievance redressal and advocacy for systemic changes through public hearings, while acknowledging the procedures to be followed by the government itself.

At the slum level, CIVIC has produced IEC material and conducted awareness programmes, grievance redressal meetings, action research and public hearings for the urban poor on six rights: the rights to food, water, health, education, livelihood and welfare schemes, including for SC/STs.

At the ward level, our focus has been on conducting grievance redressal meetings on municipal issues and on bringing all sections of society, including the urban poor, on a common platform to plan, budget, and audit the ward programme of works of the BBMP and those of other line departments.

At the city level, we have been building public opinion on and responding to emerging and topical issues concerning Bangalore by organising popular consultations between citizens/citizen groups and concerned officials on issues such as the Master Plan for Bangalore, JNNURM, tree-felling and road widening, self-assessment system of property tax, Akrama-Sakrama, Bangalore's transport problems, the Metro, Solid Waste Management issues, Web-based Project Management System for BBMP's works, SAKALA, citizens' inputs to annual budgets of BBMP, presenting Citizens' Manifestoes for municipal, state and Lok Sabha elections to political parties, organising Know-Your-Candidates programmes before elections, etc. These consultations have given citizens of Bangalore a forum to learn about emerging issues and officials have been given an opportunity to get feedback from citizens about their plans.

We have been directing our experience and learning at the grassroots to feedback into policy change at the state and the city level to ensure the relevant integration of correction measures at city and state level in the domains of Urban Governance and the Rights to Food, Water, Health, Education, Livelihood and more recently Social Security. Further, to ensure an up-scaling of our intervention at the grassroots, given the experience and learning at the slum and ward level, we, while still maintaining our grassroots presence, focus significantly on policy advocacy and campaigning at the state and the city level through networking with partners.

CIVIC has also conducted studies and brought out documents on:

- Grievance redressal system of BMP
- Ward committee functioning in BMP
- Urban Infrastructure Projects and their impacts on the Peri-Urban Areas of Bangalore
- World Bank's Structural Adjustment Programmes and their impacts
- A Metropolitan Planning Committee for Bangalore
- A Study of Slums and the Urban Homeless in Bangalore
- A Citizens' Guide to Participatory Planning in Bangalore
- Study of the Basic Services for the Urban Poor Housing Projects under JNNURM in Bangalore
- Comparison of Community Participation Laws of several States
- Analysis of the Suo-Motu Disclosures under the RTI Act of seven service agencies of Bangalore
- Holistic and Inclusive Electricity Planning in Karnataka

CIVIC's objects as per its Trust Deed are as follows:

a. Promote a people's movement to empower the citizens of Bangalore and elsewhere to have a sense of control over their efforts to achieve a decent quality of life.

b. Inform and educate citizens on the vital issues of public interest, policy and action concerning the short term, medium term and long term development priorities and undertake supportive research, studies and relevant actions to fulfill the same.

c. Initiate public dialogues and debates on the implications of major actions of the public authorities and private

enterprises and affect the public opinion as criteria for decision taking.

d. Highlight the issues concerning environment, justice, development, human rights, deprived sections and organize support and advocacy action.

e. Identify, activate, co-operate and collaborate with public authorities and other organizations/agencies in Bangalore and elsewhere to facilitate improved performance of concerned authorities and agencies responsible for development planning, control and provision of all urban services.

f. Work towards greater democratization, decentralization and participation in the matters related to city administration and pro vision of services.

g. Demonstrate, through pilot actions, capacity of the people to take decisions and solve their own problems by collective actions.

h. To secure the effective use of the legal process to remedy public grievances.

i. Carry on any or all other activities which may be complementary to the attainment of the trust purposes stated above.

(Cont'd.)

## CIVIC's Leadership in Promoting Citizen Participation in Urban Governance in Karnataka

CIVIC was founded around the same time as the 74th Constitutional Amendment Act (CAA) or Nagarapalika Act to give 'Power to the People' was passed by the Centre. One of CIVIC's first activities was to call a multi-stakeholder consultation of academia, business and civil society groups to discuss what the contours of the State's conformity legislation in the form of an amendment to the KMC Act should be to implement the 74th CAA. Since then CIVIC has taken a leadership role in promoting citizen participation in urban governance in the State. But this has been an uphill task as all along, there has been no political will to implement the 74th CAA in its true spirit and bring greater decentralisation, transparency and accountability in urban governance and give citizens a role in planning, implementing, monitoring and social auditing urban works.

Once the conformity legislation was passed in 1994, CIVIC undertook training programmes for RWAs in Bangalore on the conformity legislation mandating ward committees. It was due to CIVIC's persistent lobbying and advocacy efforts that Ward Committee Rules were framed in 1997 and Ward Committees were set up for the first time in the State in Bangalore in 1999 and again in 2003. Once ward committees were set up, CIVIC motivated RWAs to attend and monitor ward committee functioning. CIVIC studied the functioning of ward committees in Bangalore from 1999-2001 for the Institute of Social Sciences in New Delhi and again in 2006. It continually brought to the notice of the urban development ministry the weak implementation of the 74th CAA and made several suggestions.

CIVIC took the lead again in Jan 2011 in calling for a state-level consultation on the proposed amendment to the KMC Act to bring in a fresh 'Community Participation Law' on ward committees and area sabhas, recommended by the Centre as a conditionality for giving grants under the JNNURM. But CIVIC's suggestions went unheeded and the new Amendment made things worse by giving veto powers to councilors on ward committee and area sabha decisions. It was only as a result of High Court directives in 2013 that ward committees have been set up and Rules are being framed for their functioning. CIVIC took the leadership again to conduct consultations to gather suggestions for amending the KMC Act and framing better Rules for more effective Ward Committees and Area Sabhas and gave extensive suggestions to the government. When the suggestions went unheeded, CIVIC impleaded itself in the Court case. On CIVIC's prayer, the Court directed the Urban Development Secretary to hold consultations with civil society groups, consider their suggestions and report to the Court on action taken. CIVIC participated in these detailed discussions for amending the Rules.

As the Court said that it was beyond its jurisdiction to direct the Government to amend the KMC Act and remove the veto power of councilors, CIVIC organized a state-level consultation in July 2014 and invited Shri Vinay Kumar Sorake, Hon'ble Minister for Urban Development, and Shri T.K. Anil Kumar, Secretary, UDD, GOK. The Hon'ble Minister promised to consider amending Section 13 of Karnataka Municipal Corporation Act, to remove the veto power given to councilors over ward committee decisions and to amend the Section giving councilors power to nominate members for ward committees.

On the Court's directive to the government to train all BBMP councilors on the 74th CAA, Smt. Kathyayini Chamaraj, Executive Trustee, CIVIC, was invited to conduct training sessions at the 4-day training (8th to 11th Sep 2014) organised by ATI for BBMP Corporators and officials on "74th CA, Ward Committees and Area Sabhas with special focus on solid waste management".

In November 2014, CIVIC submitted the suggestion that a 'Committee' should be set up to go into the entire gamut of issues related to effective implementation of the 74th CAA on the lines of the committee for going into the Panchayat Raj Act to the UD Minister and Secretary, UDD, GOK.




## Protest against veto and nomination power to councillors on ward committees & Area Sabhas

When the government failed to take any action on its promise to amend the KMC Act to remove the veto power of councilors, a protest was organised on 25th November 2014, against the anti-people amendments of KMC Act and the framing of weak Rules for the functioning of Ward Committees and Area Sabhas by the State Government. Shri H.S. Doreswamy, respected freedom fighter and activist, led the protest. CIVIC took the lead in organizing the protest along with other citizen groups in Bengaluru.

On 31st December 2014, a discussion was held with Shri Vinay Kumar Sorake, Hon'ble Minister for Urban Development, GOK. The Hon'ble Minister agreed to CIVIC's suggestion to constitute a "Committee" within 15 days with experts and civil society representatives on formation Ward Committees, on the lines of the committee constituted to redraft the Panchayati Raj Act. As per latest update, UDD is processing the file for setting up the "Committee" and getting approval for it from the Cabinet and CM. This is indeed a giant step in getting people's participation in urban governance institutionalized not only in Bangalore but in all

other municipal corporations of Karnataka.

CIVIC was one of the few organizations to conduct a study on the requirements for framing Rules for the effective functioning of a Metropolitan Planning Committee (MPC) for Bangalore. It conducted the first public consultation to gather inputs for the constitution of a MPC by inviting the Member-Secretary of the Kolkata Metropolitan Planning Committee, to share insights with the BDA Chairman, BBMP Commissioner and the general public. Meanwhile, as part of another PIL that was being heard in the High Court, the Court directed the government to set up a Metropolitan Planning Committee for Bangalore and frame Rules for its functioning as mandated by the 74$^{th}$ CAA, which however had not been established for 22 years in violation of the Constitution. CIVIC took the lead in submitting suggested Rules to the Court which were passed on to the government for consideration.

## Sub-Plan for SC/STs – CIVIC's initiative results in four-fold increase in SC/ST Sub-Plan allocation in BBMP

The concept of a Sub-Plan for SC/STs (earlier called Special Component Plan) came into existence in 1980 through a directive from the central government to all central, state & local bodies mandating the allocation of budget equal to the percentage proportion of the state's SC population, in the various departments, towards the upliftment of SCs/STs. Over the past few years, the Dalit Bahujan Movement (DBM), using RTI, applied for and collected documents relevant to the various government orders and circulars on implementation of the 18% (now 22.75%) Sub-Plan for SC/STs in BBMP (no other organisation has done this so far in the state). It was able to unearth the fact that hundreds of crores have either not been allocated as per norms, or if allocated, have not been used or carried over, as required. SCP utilisation was very poor in BBMP from 2005 to 2008. BBMP officials also became aware of the Sub-Plan after DBM got the guidelines from the Urban Development Department and gave these to them.

CIVIC collaborated with DBM to organise a budget review with regard to the 18% Sub-Plan in BBMP in 2008 which was attended by the then BBMP Commissioner, Dr. Subramanya. Due to CIVIC's and DBM's intervention in 2008-09, BBMP earmarked more than Rs. 200 crore for 2009-10 while earlier it used to allocate only around Rs. 50 crore. This was in addition to the amount of Rs.323 crore which was carried over from 2005-06 to 2009. Among others, recommendations were made by DBM on providing housing and free sites to SCs which was not being done earlier. Guidelines were created by BBMP for schemes under SC/ST Sub-Plan after follow-up through RTI. Carryover of unutilised budgets of previous years also started happening. Now 33 houses have been sanctioned and built under the scheme and 50 houses given approval. The amount of expenditure has also been increasing every year as a result of the interventions.

## Right to Information (RTI) as a tool

CIVIC's strategies and processes for better service delivery has been focused on using RTI as a tool to bring in transparency and accountability. CIVIC undertook the analysis of the suo motu disclosures of seven service

agencies and line departments, such as BWSSB, BDA, the Departments of Food & Civil Supplies, Women & Child Development, Health, Social Welfare and the Karnataka State Pollution Control Board, under Section 41b of the Right to Information Act.

CIVIC has used RTI to obtain information on these suo motu disclosures, which are akin to citizens' charters of the departments. Where these disclosures, mandated under the law, were non-existent, our asking for it made the public authority prepare them. Despite this, we found that these were often prepared in a very sketchy fashion which would really not help a citizen wishing to know more about the department.

Hence we started asking for details of specific items of the suo motu disclosures, such as the **job charts** of officials, which would enable citizens to fix accountability on particular officials. We also asked for details of the **grievance redressal systems** of the public authority which would help citizens to know whom to approach in the department, where, when and how, to get their grievances addressed. Another item on which we asked for information was on the public authorities' **Monthly Programme Implementation Calendar (MPIC)**, which required every department to set out their physical and financial targets month-wise for achieving their plans. If these plans were indeed there, it would mean that the department would not be left with unspent money at the end of the financial year, which would mean that it would not have achieved the desired outcomes either. The suo motu disclosures also require public authorities to disclose what **platforms** exist in the public authority to enable **people's participation** in decision-making within the public authority.

On getting these suo motu disclosures from the public authorities, we held awareness programmes for the urban poor to disseminate this information and empower the community with knowledge about their entitlements, on how they could make the system accountable to them, how they could participate in and monitor the functioning of the system.

## Impact of using RTI to get suo motu disclosures

As a result of the awareness programmes, communities have gained **k**nowledge about the programmes, and gained confidence in demanding their entitlements and communicating with officials. They know where to go and whom to approach within the system and have become more vocal and active.

Asking for the suo motu disclosures, for instance, in the two schools in the area of our work, the schools said that they were not aware of the legislation to prepare and publish suo-motu disclosure under the RTI Act. On appealing to the Information Commission, it gave a directive to the Secretary, Education, Govt. of Karnataka, to prepare a template and provide it to the more than 40,000 schools in Karnataka to publicise their suo-motu disclosure. The IC also directed the education department to take the assistance of CIVIC to train the head-teachers of the schools in Bangalore on the RTI Act which we also did. The schools in Bangalore were directed by the Deputy Directors of Public Instruction to publish their suo motu disclosure and provide a copy of it to CIVIC. Several schools published these. Job Charts and MPICs did not exist in the Department and were created as a result of the RTI applications. School budget and expenditure details were given.

In the domain of health, our RTI applications brought about compliance with 4 (1) a & b and display of

information in both BBMP maternity hospital and government hospital in our work area.

Even two years after the Horticulture Department was started in BBMP, no job charts were created for them and it was done only after CIVIC applied for the same. BBMP revenue officials were all following a 35-year-old job chart. After a KIC hearing they decided to prepare a new job chart.

Responding to appeals about the poor suo motu disclosures of Bruhat Bengaluru Mahanagara Palike (BBMP), the Information Commission directed BBMP to take the help of CIVIC and two other civil society organizations to improve its suo motu disclosures. CIVIC provided templates to BBMP to standardize and bring in uniformity in its suo motu disclosures across its several zones. This work is still on-going even after 1 ½ years.

## Accountability enhancement through use of Citizens' Charters

Asking for job charts has made Food Inspectors (FIs) of the Department of Food & Civil Supplies consult ten members of the community and take their signatures on the performance of ration shops as required in their job chart. Deputy Directors (DDs) also are demanding that FIs perform their duties as per their job chart.

Information about the grievance redressal system through RTI has spurred the Food Department to start conducting Ahara Adalats (grievance redressal meetings), which it hadn't done in two years. This in turn helped in rectifying gaps in services.

## Impact of Grievance Redressal Meetings

After conducting Grievance Redressal Meetings (GRMs), CIVIC has been filing RTI applications seeking action taken status of complaints submitted at GRMs. These have resulted in resolving the complaints and effecting better delivery of services. CIVIC has found that a combination of GRMs and RTI applications work effectively as a tool to ensure access to and delivery of better services, as well as bringing in systemic changes, transparency, accountability and people's participation.

**PDS:** Grievance Redressal Meetings with the Food Department have improved disbursement of commodities, increased days and timings of the ration shops, and rectified weights and measures. Proper bills are being issued for purchases and there is no compulsion to buy other commodities. There is a noticeable change in the attitude of ration shop-owners towards women. There are less abuses and the women are being treated with more dignity.

There is increased job accountability of FIs and an improved relationship between community and department. All the programmes were conducted with the involvement of the department. The approach of seeking information through RTI applications, resulted in fixing accountability on the department and FIs and also documenting the process.

**Anganwadis:** There were no anganwadis in the slums in our working area. The Supreme Court order stating

that an anganwadi should be established "on demand" if there were 40 or more children aged 0-6 in a community was used. A request on these lines was submitted to the Department of Women and Child Development. When there was no response, an RTI application and an appeal were filed asking for action taken on the request. After 2 months, anganwadis began to function from both the slums in our work areas.

The community received the following benefits from the anganwadi. Several children are receiving nutritional food from the centre and are getting pre-school education.

**Health:** Post the GRMs, the PHC is conducting field visits and the sub-centre has been activated. Auxiliary Nurse-Midwives who were never visiting the slum areas are now visiting them regularly and functioning effectively. Mothers are being identified and availing of benefits under various govt. schemes. Several pregnant women, lactating mothers and adolescent girls are getting nutritional food from the centre. Beneficiaries of Janani Suraksha Yojana (JSY), Prasuti, Madilu and Bhagyalakshmi schemes have been identified and entitlements delivered. Once a month, PHC and sub-centre staff conduct health checkups for children, pregnant women, lactating mothers and distribute the necessary medicines and impart health and hygiene education also. Both the BBMP maternity hospital and PHC are well attended now.

As a result of the GRM, the absence of an institutionalised grievance redressal system at the hospital was pointed out. The hospital authorities promised to open a grievance cell at the hospital within a month. The absence of an Arogya Raksha Samiti, a platform for people's participation with representatives of the beneficiary community, was also highlighted and the authorities again promised to set this right.

**Education:** A Residential Bridge Course (RBC) for 90 drop-outs in one of the slums opened as a result of CIVIC's petitioning the Education Department through RTI.

## Activation of people's participation platforms

**Education:** In all schools in our work areas, School Development & Monitoring Committees (SDMC) which are the people's participation platforms, have been trained, their roles and responsibilities explained and their meetings held regularly every month. Quarterly parents' meetings or Grievance Redressal Meetings were activated in all the schools. Both SDMC and parents' meetings were not happening earlier. Notices were now being sent about the SDMC meetings, which was not being done earlier. An SDMC president, who used to be asked to sign blank cheques by the head-mistress earlier, refused to sign them after the SDMC was trained by CIVIC.

As a result of the capacity building of SDMCs and parents, a compound wall and toilet facility were built for one high school. A 25,000 ltr. water storage tank was built and ten new taps were installed at another high school. Noting that children were being made to clean toilets, the SDMC appointed a cleaning lady for one school at a salary of Rs.2,000 monthly. One SDMC purchased cleaning materials and dust bins for students' toilets. Computer classes in one school resumed after the SDMC found a donor who agreed to pay a salary of Rs. 3,000 per month to a computer teacher. In one primary school, children were sitting on the ground at

mealtimes. They were provided with mats.

An Annual Plan for the school was done by one SDMC as required under the Rules. The grants for the plan were sanctioned by the department. Despite this, the head-mistress had not utilized the grant. On the SDMC and CIVIC complaining to the department, the salary of the headmistress was withheld until she used the money for improving the condition of the school. The school building was then painted, doors and windows repaired and electrical connections restored with the amount.

An amount of Rs.1,70,000 had been spent for lab furniture and chemicals in one school but the lab was not functioning at all. Noticing such discrepancies, a social audit of school accounts was done in all four schools by the SDMCs and expenditure details of the school grant painted on a board outside, visible to all parents, bringing transparency into the school accounts for the first time.

**Other domains:** RTI applications on suo motu disclosures to hospitals revealed that Arogya Raksha Samitis, as per Central guidelines, and Rogi Kalyan Samitis as per state guidelines, with local community participation to oversee hospital functioning had not been set up. Raising this issue at the grievance redressal meetings brought forth the promise that these would be set up within one month. These have been set up now but with participation of only officials. Upon pointing out that a community participation platform without community members is meaningless, a promise has been made to re-constitute the committees. Similarly, Boards of Visitors which were defunct in BBMP maternity hospitals have been now set up. Ground has been prepared for formation of Mothers' Committees in anganwadis.

Similarly, it came to light that BWSSB has no people's participation platform at sub-division level where local decisions could be taken with people's participation and their grievances redressed. Upon bringing this to the light of BWSSB, a decision has been taken to start these platforms on a pilot basis in a few sub-divisions. Grievance Redressal Meetings at sub-divisional level were also initiated. Under SJSRY, CIVIC facilitated the formation of a Federation of Community Development Societies (CDSs) at city-level, which is now actively functioning and doing advocacy at city and policy level.

## Initiation of participatory ward planning and budgeting

**Bringing different stakeholders on a common platform -** There are a number of stakeholders who need to be brought together for 'Participatory Planning' at the ward level - people/communities, organized groups, elected representatives, ward officials, etc. It is a challenge. We started with one ward – Sagayapuram (Ward 60). The idea of creating a model ward through bottom-up participatory planning was shared with Bruhath Bengaluru Mahanagara Palike (BBMP) officers. Then we identified active RWAs in the ward. It took a while to convince them that a plan for the ward can't be a plan drawn only by them but that people and communities from different areas of the ward need to be involved. They appreciated this point and agreed to work with groups from urban poor sections. The biggest challenge was in bringing different sections of society on a single platform to collectively plan for the ward. We succeeded after numerous forays. The RWAs and the urban

poor groups formed a federation. RWAs agreed that their already developed portion needs only maintenance work while the bulk of it has to go to the poorer portion.

This was followed by area-wise meetings. A cumulative list of required works was prepared for each area. And finally, the first, second and third priority list of works for the areas were finalized. Later the requirements were marked on the ward map and were budgeted. Thus a Programme of Works (PoW) was evolved by the people/organizations. The PoW was presented to the councilor and to the Executive Engineer. However, when the POW was announced, it was found that while the citizens' PoW had asked for community toilets, nursery school renovation, a public library, footpaths and a large amount for urban poor housing, BBMP's PoW had envisaged huge amounts for pothole filling, name boards, asphalting of roads and much lesser amounts for housing the poor.

## Social audit of development works

Social Audit of the works undertaken in the Richard's Park revealed that under the work to provide new dust bins, the work code had no mention of the number of dust bins that should be provided. The spot inspections revealed that no new dust bins were fitted. Only twenty six old bins were found with corroded and hanging bottom. The RWA submitted that no new dust bins were fitted.

Under the work to provide new ornamental benches, no mention of the number of benches was made. No new ornamental benches were found in the park. Only old concrete/stone benches were existing and out of existing ornamental benches, three were damaged. Only a part of the work of repair and painting of chain-link fence was complete while more money than estimated had been paid.

While children's play equipment was to be provided, on verification it was observed that the quality of equipment and work were not as per the specifications laid down in the work order. The play equipment was worn out within a year posing dangers to children. Thus it could be assumed that this equipment was not part of the work done in that year while an amount higher than was budgeted had been paid.

While money had been paid for maintenance of the park, the overall condition revealed that there was no proper maintenance of the park.

It was hence concluded that these spillover works list had only been filled up and hardly any of the works had been executed in toto. It was found that the money for works had not been spent or properly monitored by BBMP. There was no participatory process in finalizing the POW at ward level in BBMP.

## Integrated Sustainable Waste Management Plan

CIVIC's demand that the contract system of appointing Pourakarmikas should be given up and self-help groups of pourakarmikas formed for collection and local processing of garbage has been accepted by the Bruhat Bengaluru Mahanagara Palike (BBMP) and this is going to be implemented from March 2017. BBMP had done

away with cement rings that were in use before 2002 for deposition of garbage as these had no bottom, no lid and could not be emptied mechanically leading to manual handling of garbage and its exposure to the environment posing health hazards and unhygienic surroundings. But once these were removed, no hygienic containers with bottom, lid and wheels were put in their place, resulting in all garbage being strewn openly on the ground. CIVIC's insistence that colour-coded secondary waste storage containers should be installed as per the Ministry of Forest & Environment Rules on Municipal Solid Waste (Management & Handling) of 2000 has now been accepted and colour-coded bins for segregated collection of wet and dry waste have been placed at several points in Bengaluru city.

CIVIC has submitted an Integrated Sustainable Waste Management Plan at ward-level to the BBMP which calls for segregated collection of different streams of waste, namely, wet, dry, hazardous, bulky, debris and garden waste. It also advocates local processing of wet waste and collection and sorting of dry waste by rehabilitated rag-pickers, backward and forward linkages for trade wastes. It also calls for local ward-level sub-committees involving all stakeholders for monitoring and reviewing garbage proposal.

### Social Security for Construction & Unorganised Workers

CIVIC has formed several networks of organizations working with construction and unorganised workers. It has helped hundreds of workers to get registered with the Building & Other Construction Workers' Welfare Board. It has given several suggestions for the better functioning of the Welfare Boards to the Labour Minister and labour officials. Some of the suggestions accepted by the Labour Minister are:

1. To register unorganised workers on the basis of self-affidavits
2. To implement all the Karnataka High Court directives based on the suggestions made by CIVIC regarding setting up of day-care centres for children of construction workers in every ward.
3. To give up sector-based schemes for unorganised workers and to frame a common scheme for all unorganised workers
4. To frame a comprehensive scheme that provides several benefits to unorganised workers rather than a different scheme for each benefit.

CIVIC has also framed an alternative State Law for Unorganised Workers' Social Security given the ineffectual Central Law. This alternative law is under the active consideration of the Labour Minister.

## Community/number of people helped during tenure in current office, public perception, citizen engagement]

CIVIC's public meetings at all levels are attended by about 150 to 200 citizens each time. Our work in 10 slums touches about 1000 slum households.

### Success Stories

**Quantitative outcomes for the urban poor, especially women, at the end of the two–year project period in the 10 slums in 3 wards chosen as work areas**

| Sl.No. | Benefit | Number of persons benefited |
|---|---|---|
| 1. | Bhagyalakshmi Bonds for BPL girl children | 45 |
| 2. | Pensions | 429 |
| 3. | Ration cards issued | 409 |
| 4. | Construction workers registered with the Welfare Board | 64 |
| 5. | RSBY (health insurance) cards issued | 2358 |
| 6. | Private vehicle drivers insured against accidental death with the Unorganised Workers' Social Security Board | 51 |
| 7. | Senior citizens' cards | 8 |
| | **Total** | **3364** |

# Together we can and must make a Difference...








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*Invest to Support*

# Introduction

CIVIC-Bangalore began as a voluntary initiative by a group of like-minded people in 1992. It was a forum for discussion and action on issues impacting Bengaluru. In November 1994 it was formally registered as a non-profit organisation. Its focus, since inception, has been on promoting democracy, decentralisation and public participation as per the 74th Constitutional Amendment (74th CA). Its activities seek to promote good governance, inclusiveness, improvement of service delivery based on information, accountability and transparency. Over the years, CIVIC has worked at various levels of government—local, city and state—and with the general public and has earned the trust and respect of its stakeholders. While its initial focus was on advocacy and policy-related issues, in 2005 it began to include grass roots-level intervention along with a network of partner organisations in Bengaluru.

## CIVIC's Objectives

- Promote a people's movement to empower the citizens of Bengaluru.
- Inform and educate citizens on the vital issues of public interest, policy and action.
- Initiate public dialogues and debates on the implications of major actions of public authorities.
- Highlight issues concerning environment, justice, development, human rights and deprived sections.
- Identify, activate, co-operate and collaborate with public authorities for improved provision of all urban services.
- Work towards greater democratisation, decentralisation and participation in matters related to city administration.
- Demonstrate, through pilot actions, capacity of the people to take decisions and solve their own problems.
- Secure the effective use of legal processes to remedy public grievances.

## What We Do

- Realising decentralisation in the urban context, through the implementation of the 74th CA.
- Focusing on democracy, decentralization, transparency, accountability and public participation to promote good governance, inclusiveness and improvement of service delivery.
- Using tools such as the Right to Information Act, action research, public hearings and grievance redressal meetings to build awareness, empower communities, and improve government service delivery, especially on six rights: food, water, health, education, livelihood and welfare schemes (including for SCs/STs).
- Directing CIVIC's two decades of grass roots-level experience and learning to influence policy change at the state and city levels.
- Ensuring that CIVIC's interventions at the grass roots are up-scaled through policy advocacy and campaigning along with its network of partners.

## VISION

"To improve urban governance and the efficacy of delivery of basic public services to the urban poor in the country"



# CIVIC People

## Board of Trustees



### Abraham Kuruvilla

Co-founder and Trustee

**Mr. Kuruvilla** is a Management Consultant, Educationalist and Mentor. He has over 42 years of experience in the Electronics, IT and Education industry, including tenures as VP and CEO. An entrepreneur, an academic at heart and a prolific writer, he carries with him a unique blend of management skills and an understanding of diverse technologies. He was a Rotarian for over 25 years, the former President of the Rotary Club of Bengaluru Southwest, the IIMB Alumni Association and is a mentor at IIMB's NSRCEL.



### Dr. Anjula Gurtoo

Trustee

**Dr. Gurtoo** is an associate professor in the Department of Management Studies and an associate faculty at the Centre for Infrastructure, Sustainable Trans portation and Urban Planning in the IISC, Bengaluru.



### Asha Kilaru

Co-founder and Trustee

**Ms. Kilaru** is a member of the state working group of the Jana Aroghya Andolaan Karnataka (the People's Health Movement). As JAAK representative to the Department of Women and Child Development's (DWCD) health and nutrition committee to address malnutrition in children aged 0-6 years, she has developed detailed recommendations and guidelines for DWCD and the Department of Health and Family Welfare.



### K.T. Suresh

Trustee

**Mr. Suresh** is an independent consultant working with various donors, NGOs and civil society organisations. He has previously been the Executive Director of YUVA Collective and National Director of Amnesty International in India. He is also associated with several other Trusts/Societies namely, Equations Bengaluru, GRID Mangalore and SOL Chennai.



### Dr. Bishnu Mohapatra

Trustee

**Dr. Mohapatra** is a professor at the School of Development, Azim Premji University, Bengaluru. Previously, he has been on the faculty at the University of Delhi, JNU, the University of Kyoto and the National University of Singapore. He has published in the areas of identity politics, democracy and social capital, minority rights, dissenting political imagination and practice. He managed the governance portfolio of Ford Foundation's South Asia office in Delhi from 2002-10. He is also an accomplished poet and writes in Odia.



### Manjulika Vaz

Trustee

**Ms. Vaz** is a researcher and faculty member at the Health and Human ities Department of St. John's Research Institute. Her focus is inter-disciplinary, inter-sectoral research with an emphasis on the ethics of biomedical research, governance and public accountability. She was previously a freelance consultant in OD for the non-profit sector and governmental agencies. She is a member of the Institutional Ethics Committee and the Anti-Sexual Harassment Committee at St. John's Medical College, Bengaluru. She serves as a reviewer for Sage Publications and is an independent assessor for Credibility Alliance.



### Kathyayini Chamaraj

Executive Trustee

**Ms. Chamaraj** is an award-winning freelance journalist and social activist. She has worked extensively with the Government of Karnataka on child labour and primary education. She is involved with several organisations and social movements, especially the Right to Food and Work Campaign. She is a recipient of the Journalism for Human Rights' award for 1997 given by PUCL, the Chhattisgarh Labour Movement award, the India Development Foundation award and the 2014 Namma Bengalurean of the Year award from the Namma Bengaluru Foundation.



*Mrs. Kathyayini Chamaraj, Executive Trustee of CIVIC, receiving the Bengalurean of the Year' Award for 2014 given by the Namma Bengaluru Foundation.*

# Advisory Board

### Anselm Rosario

**Mr. Rosario** is the Founder/Director of Mythri Sarva Seva Samithi (MSSS), an NGO that specializes in addressing poverty and environmental issues. He also heads Waste Wise Trust (WWT), a subsidiary of MSSS. He is also part of several other organisations, such as Harsirudala Trust, Child Rights Trust and Consortium for Dissemination of Dewats Systems. Mr. Rosario is a recipient of the Ashoka Fellowship from Ashoka Innovators for the Public (Washington, USA) and the Environmental Award from Karnataka Pollution Control Board.

### P. Lakshapathi

**Mr. Lakshapathi** has over 40 years of experience in the development sector. He has helped unorganised workers fight for their rights and worked to improve the lives of children and their families living in urban slum communities in Hyderabad and Bengaluru. He is the founder and executive director of the Association for Promoting Social Action (APSA), which provides institutional community-based interventions in urban slums.

### Dr. Vinod Vyasulu

**Dr. Vyasulu** is one of the founders of the Centre for Budget and Policy Studies and has served as its director since its establishment in 1998. Prior to CBPS, he was a professor at IIM Bengaluru, served as the Director of the Institute of Public enterprises in Hyderabad, Economic Advisor to the National Small Industries Corporation and held the RBI Chair in the Institute for Social and Economic Change, Bengaluru.

### Y. G. Muralidharan

**Mr. Muralidharan** holds degrees in Commerce and Journalism. He took VRS after serving in BHEL for 20 years to devote more time to social work. He has been involved in the consumer rights and advocacy movement since 1993. He established the Consumer Rights Education and Awareness Trust (CREAT) as a consumer advocacy group. He has been a prolific writer on consumer protection, RTI and law and justice.

### Lukose Vallatharai

**Mr. Vallatharai**, IAS, retired as a Joint Secretary to Government of India. His experience spans across several departments at the state level (Karnataka), namely, revenue, agriculture, education, environment, etc. degrees in science, social service administration, law and management.

### Dr. Supriya Roy Chowdhary

**Dr. Roy Chowdhary** is a professor at the Centre for Political Institutions, Governance and Development in the Institute for Social and Economic Change. Her area of specialisation is globalization and labour, urban poverty, social movements and comparative development. She has published several papers in these areas.

### Ms. Pushpa Latha M.

**Ms. Pushpa Latha** has over 13 years of experience in the development sector. Currently, she is an assistant coordinator at APSA. She has worked on several aspects of ameliorating the situation of the urban poor in Bengaluru. She has been a health educator in the Indian Population Project, served as a volunteer to raise public awareness about the urban poor, worked as a journalist for a grass roots newspaper and has worked on the Special Component for SCs/STs.

### Dr Anjali Karol Mohan

**Dr. Mohan** is a consulting urban and regional planner with a PhD in urban e-governance. Her areas of practice and research include development, urbanisation and urban management, public policy and information and communication technologies and development

### Dr R. Padmini

**Dr. Padmini** is a child rights and social development activist. She retired from UNICEF after 20 years of service. She is currently trustee of the Child Rights Trust and a Member of the High-Powered Committee on the National Plan of Action for the Child and the National Coordinating Group on Child Rights, India. Also, she had served as a Trustee of CIVIC until 2014.





*5-point Charter on Waste Management being presented to **Chief Minister Siddaramaiah on World Environment Day 2015,** by the **Clean India Campaign** of which **CIVIC** is a part*

# CIVIC's notable accomplishments in the past five years (2008-2014)

### CIVIC's leadership in promoting citizen participation in urban governance in Karnataka

CIVIC has taken a leadership role in promoting citizen participation in urban governance in Karnataka by working towards implementation of the 74th CA (better known as the Nagarapalika Act) in its true spirit. CIVIC has been creating awareness about the Act, suggesting improvements to the Act and its Rules in order to bring greater decentralisation, transparency and accountability in urban governance through a strengthened Metropolitan Planning Committee for Bengaluru and ward committees at the local level. CIVIC has undertaken unique pilot exercises to give citizens a role in planning, budgeting, monitoring and social auditing of urban works.




*Mr. N. Santosh Hegde, Ex-judge Supreme Court of India & Ex-Lokayukta, & Ms Amita Prasad, Principal Secy. UD , release CIVIC's Guide on Citizen Participation in Urban Governance*




*Mr. Vinay Kumar Sorake, Minister for Urban Development addressing consultation on 74th CA and ward committees*




*Mr. H.S. Doreswamy, nonagenarian freedom-fighter, joins protest at Town Hall against weak ward committee Act & rules*

## Right to Health – Bengaluru gets selected as pilot city for NUHM

A CIVIC-supported study on health systems in Bengaluru resulted in the city being chosen as a pilot for the National Urban Health Mission (NUHM). This study identified policy interventions required to address:

1. The splintering of health services within and between the local and state governments
2. Lack of a comprehensive primary health care system
3. Lack of urban health standards
4. Shortage of personnel, infrastructure, equipment and medicines.

Submission of the findings to BBMP resulted in the Central government selecting Bengaluru as a pilot city for introducing the NUHM. CIVIC headed a sub-committee to provide the framework for community participation under NUHM.



*Mr. Dinesh Gundu Rao, Food & Civil Supplies Minister, releasing an information booklet on the PDS prepared by CIVIC. Also present were Ms Kalpana, Principal Secretary and Mr Pattanshetty, Food Commissioner. A memorandum to issue ration cards in a timely manner and to remove distinctions between BPL and APL categories was presented to the Minister*

## Right to Education – Protocols for preventing drop-outs gets established

CIVIC's impleading itself in a suo motu Public Interest Litigation (PIL) taken up by the Karnataka High Court resulted in several changes to Rules and issue of Government Orders to secure the fundamental right to elementary education for lakhs of children. CIVIC's submissions to the Court led to the Government redefining a "school drop-out" as "a child with unexcused absence of seven days". Attendance Authorities were designated and protocols were established to bring back out-of-school children to school within time-frames. The protocol incorporates, for the first time in the country, provisions of the UNCRC requiring the state to assist parents in fulfilling their child's rights and for the state to take guardianship of minors when their rights are denied.



*BBMP Commissioner, Mr. M.K. Shankarlinge Gowda, addresses gathering at release of study of Public Health Systems of Bengaluru*

## Right to Food – CIVIC gets Karnataka's poverty line revised

A CIVIC-led initiative helped to revise criteria used by Karnataka to determine poverty lines in rural and urban areas, thereby securing the right to food security for lakhs of families. Karnataka fixed annual household incomes for determining below poverty line (BPL) families under the Public Distribution System (PDS) at Rs. 12,000/- in rural areas and Rs. 17,000/- in urban areas. This translated to approximately Rs. 6/- and Rs. 9/- per capita/day compared to Rs. 26/- and Rs. 32/- per capita/day, respectively, fixed by the Planning Commission. A memorandum by CIVIC resulted in the removal of these income criteria and their replacement with new exclusion criteria for determining BPL families. Further, our suggestion that every individual in a family should be given food grain entitlement and the ceiling on entitlement to only five members per family should be removed has been implemented by the government.



*Executive Trustee of CIVIC addressing Attendance Authorities of Gulbarga Division on the PIL on out-of-school children at Dharwad*



*Mr. Ramalinga Reddy, Bengaluru-in-charge minister recieves petition on anganwadis. Mr. Justice (Retd.) Nagamohan Das, chaired the meeting*

## Increase in usage of SC/STs Sub-Plan funds

The BBMP was not earmarking or spending the 22.75% budget allocation under the SC/ST Sub-Plan. CIVIC intervened and facilitated interactions between the BBMP and the Dalit Bahujan Movement, which led to a four-fold increase in SC/ST Sub-Plan allocation by the BBMP, i.e., from approximately Rs. 50/- crores to over Rs. 200/- crores in one year. Further, un-utilised funds from one year were carried over to the following year without allowing it to lapse as earlier, which has increased the amount of available funds under the Sub-Plan to over Rs. 400/- crores.

## Right to Social Security - Accessibility to grievance redressal for pensioners enhanced

Following CIVIC's public hearing at the Bengaluru DC (Urban)'s office on widow, elderly and disability pensions, pension adalats (i.e., grievance redressal meetings) have been ordered to be held at the Hobli (i.e., block) level every month. This will allow such marginalised groups to seek redressal of their grievances regularly, close to their homes.

## Right to Information

CIVIC has been asking for the suo motu disclosures (under Section 4 of the RTI Act) of several public agencies, analysing them and giving recommendations for improving them so that citizens get all information regarding the working of the departments without having to ask for it. Thus, CIVIC's asking for the suo motu disclosure of a government school under the RTI Act resulted in all government schools in the state being given a template by the Education Department for framing their suo motu disclosures. CIVIC has also been using the RTI Act to get action taken reports on grievances, memoranda, etc., submitted to various government departments in order to get them to act on them.

## Right to Livelihood – Banks respond to urban poor women's needs for loans

Urban poor women who applied for loans under the SJSRY scheme to start self-employment ventures were harassed by banks to provide surety, which was not required by the scheme. The women were not provided any feedback on acceptance/rejection of their applications and were made to apply afresh every year. Following CIVIC's intervention, circulars were issued directing bankers to stop asking for surety for first-time applicants and to process loan applications within three months. Further, utilisation of funds under the scheme increased from zero in many BBMP zones.

## Slum-dwellers without address-proof get enrolled on voters' lists

Slum-dwellers were being denied enrolment on voters' lists as they lacked address and identity proof, though the guidelines for voter registration stated that such persons could be enrolled if they filed an affidavit on oath as to their location or if booth-level officers verified their place of 'ordinary residence'. The non-compliance of this procedure was made known by CIVIC to the Chief Election Commissioner, New Delhi. Following an enquiry ordered by the CEC, orders were passed to enrol slum-dwellers whose applications had been rejected. This initiative of CIVIC resulted in securing voting rights for large numbers of persons without address-proof and contributed to an increase in the voting percentage.



*Pension beneficiaries submit memorandum to Revenue Minister, Mr. Sreenivasa Prasad*



*Central team and Ms Shalini Rajneesh, Principal Secretary, DPAR, visit Dry-Waste Collection Centre under the Samartha Project of BBMP being documented by CIVIC*



*Awareness programme in Jothipura slum*

## Empowerment of urban poor women

A significant outcome of CIVIC's work is in providing urban poor women a platform for getting awareness about their rights under the citizens' charters of various departments. Once aware of their rights, women have bravely come forward to use CIVIC as a channel to complain about poor or non-existent services and facilities during Grievance Melas, to make use of the people's participation platforms available within each department and to frame their demands appropriately at Public Hearings. All this has helped to empower them to work in a sustained manner even after CIVIC moves away.

## Current project for the FORD Foundation

This project seeks to empower low-income and disadvantaged women from urban slums in Bengaluru to overcome gender discrimination and poverty through better awareness, service delivery and governance. The project also aims at strengthening people's participatory platforms under various departments of the state and city governments, such as vigilance committees of ration shops, School Development and Management Committees (SDMCs) , Arogya Raksha Samitis, Bal Vikas Samitis, Community Development Societies of SJSRY, etc., as well as ward committees and area sabhas of the municipality. CIVIC will also hold Grievance Melas, Public Hearings and ward-level consultations. The project seeks to be pro-active in encouraging women to become the key players in their localities.



*Grievance redressal meeting on the Public Distribution System*

## CIVIC's ground level work has helped people secure the following Entitlements since April 2014 (up to July 2015)

| Name of the Entitlement | Number of Beneficiaries |
|---|---|
| Bhagyalakshmi Bonds | 45 |
| Social Security Pensions | 429 |
| PDS Ration Cards | 409 |
| Enrolment of Construction Workers in the Welfare Board | 64 |
| Rashtriya Swastha Bima Yojana (RSBY) | 2,358 |
| Drivers' Insurance | 51 |
| Senior Citizens' Card | 8 |
| Total | 3,364 |





# CIVIC-Bangalore's **VISION-2025**: Areas of Action for the Next Decade

*Building on two decades of experience, we are looking forward to making a larger impact in the urban governance space over the next decade – i.e., from 2016 to 2025. Towards this end, we conducted a thorough review of our past work recently. Based on this review and an analysis of the likely future context - both within and outside the organisation - we identified two areas for action:*

**1** We will continue our work to realise the goals of the 74th Constitutional Amendment, but with particular focus on Food, Education, Employment and Health (including anganwadis). These areas will continue to remain as primary challenges for cities to address well into the future.

***We will operate at two levels to help us achieve our objectives in these areas: global and local.***

### Global – Research, Advocacy and Policy

- CIVIC's work related to research, advocacy and policy will have a global scope.
- CIVIC will leverage its strength and experience gained over the past two decades to address the gaps that still remain in fully implementing the 74th CA.
- CIVIC will work on developing new tools and processes to increase public participation in local governance and to make governments and local administrations more accountable.

### Local – Implementation

- CIVIC's geography for grass roots -level implementation activities will be Bengaluru City.
- Bengaluru will serve as the laboratory for pilot projects and research activities in CIVIC's core and subsidiary areas of focus

**2** Be a national-level research, resource and training centre for issues related to urban governance particularly the 74th CA – urban poor, government accountability and RTI. We will leverage the vast experience and unique insights we have gained over the past twenty years.

***In order to maintain high standards and deliver on our twin goals, we will strengthen our internal systems in three areas:***

- Strengthen and nurture a robust network of partners (both individuals and organisations) who have worked with CIVIC – i.e., staff members, researchers, collaborators, interns, trustees, advisors, government agencies, NGOs, CBOs, educational institutions and universities.
- Streamline documentation and communication activities to better showcase CIVIC's work to a wider audience and improve the impact its work.
- Strengthen organisational capacity and continually renew and upgrade organisational systems and processes in order to ensure financial sustainability and enhanced staff capacity.

### Goals

- Food, Education, Employment and Health
- National-level research, resource and training centre

### Supported By

- Robust network of individual and organisational partners
- Robust documentation and communications
- Strengthen internal organisational capacity
- Tools - RTI, PILs, Grievance Redressal and Public Hearings



*School girls in A. Narayanapura Ward benefiting from CIVIC's work in education*

To invest in building better urban governance institutions in the country, please support CIVIC-Bangalore by generously donating your time and/or money. No contribution is too small.

All monetary contributions to CIVIC-Bangalore are fully tax exempt under 80G. Your donations can be made by cheque or online bank transfer.

**Donation by cheque**
Please make your cheques in favour of **CIVIC-**Bangalore and send to:
CIVIC-Bangalore,
#6, II Floor, Kasturi Apartments,
35/23 Langford Road Cross,
Shanthinagar, Bengaluru 560 025

**Donation by online bank transfer:**
Bank Name: **State Bank of India**
Current Account Number: 10977238825
IFS code: SBIN0000813
Bank Branch: Bengaluru Main branch,
St.Marks Road, Bengaluru - 560 001

For Foreign Contributions:
FCRA Number: 094420800

Society/Trust Registration
Number: 599/94-95 IV
Form 12A Number: 492/95-96

Name: _____ Age: _____

Address: _____ Occupation: _____

_____ _____

**Please check (☑)all that apply:**

- ☐ I would like to donate to CIVIC's activities and programmes.
- ☐ I would like to attend CIVIC's meetings, panel discussions, etc.
- ☐ I would like to volunteer my time for CIVIC.
- ☐ I would like to subscribe to CIVIC's Newsletter.
- ☐ Individual – Annual Subscription: Rs.500/- per year.
- ☐ Individual – Life Subscription: Rs.5,000/-.
- ☐ Residents' Welfare Association: Rs.1,000/- per year.
- ☐ Organisations/Corporates: Rs.5,000/- per year.

CIVIC BANGALORE
CITIZENS VOLUNTARY INITIATIVE FOR THE CITY

Send this card with a crossed cheque in favour of **CIVIC-**Bangalore to:

**CIVIC-**Bangalore #6, II Floor, Kasturi Apartments, 35/23 Langford Road Cross, Shanthinagar, Bengaluru 560 025
**Phone: 080-2211 0584, 4114 4126 | info@civicspace.in | www.civicspace.in**



# Invest to Support



*Executive Trustee of CIVIC participated in the Convergence of Movements demanding rights to food, work & pensions at New Delhi*



*Mr. H. S. Doreswamy, nonagenarian freedom-fighter & Mr.Justice (Retd.) N. Santosh Hegde lead protest against proposed amendments to RTI Act led by CIVIC.*

CIVIC BANGALORE
CITIZENS VOLUNTARY INITIATIVE FOR THE CITY

(Regd., Public Charitable Trust No 599 / 94--95 IV)
#6, Kasturi Apts, 2nd floor, No.35/23, Langford Road Cross, Shanthi Nagar, Bangalore 560025
Telefax: 080-41144126, E-mail: info@civicspace.in, Internet: www.civicspace.in,

25th November 2014

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

Dear Sir,

**Subject: Our objections/suggestions to the KMC (Amdt.) Act Jan 2011 and the Ward Committee Rules published in the gazette dated 10th Novemer 2014**
**Ref: No. UDD 507 MNY 2012 dated 10.11.14**

Please find our objections/suggestions to the latest draft Rules on ward committees publicised on 10th 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: A**bove 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 11th 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 councilors 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 councilor 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 councilor 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 apposition 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 27th 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. T**argets 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,

Kathyayini Chamaraj
Executive Trustee
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21 November 2013

The Principal Secretary
Urban Development, GoK
Govt. of Karnataka
Vikasa Soudha
Dr. Ambedkar Veedhi
Bangalore 560001

Dear Sir,

**Subject: Our comments on the Draft Rules for setting up a Metropolitan Planning Committee for Bangalore – No. UDD 356 MNJ 2005(P), dated 7.11.2013, published in the gazette**

We are happy that at least 20 years after the passage of the 74th Constitutional Amendment, the government has decided to draft Rules for setting up a Metropolitan Planning Committee for Bangalore and end the long-standing violation of the Constitution. Our comments on the draft Rules are as follows:

1. **Rules should be applicable to any metropolitan city:** The rules should apply to any metropolitan city in Karnataka and not just Bangalore, since many other cities in Karnataka have reached or are fast approaching the population mark of 10 lakhs and will require MPCs to be set up.

   ***Recommendation:*** *The Rules need to be general, to apply to all cities which cross the 10 lakh population limit.*

2. **No notification under Section 4(1)(c) and (d) of the RTI Act: W**e wish to point out that no prior public intimation of the intention of the government to draft the said Rules was done as per Section 4(1)(c) and (d) of the RTI Act, 2005. Therefore citizens have been caught unawares and no opportunity has been given for public consultation and receiving of suggestions ***while***

***formulating*** the draft Rules, which is a violation of Section 4(1)(c) of the RTI Act**.**

***Recommendation:*** *We request you to extend the time for receiving feedback to make amends for this lapse and publicize the draft and deadline for recommendations through all major Kannada and English newspapers.*

3. **Non-adherence to the spirit of the 74th Constitutional Amendment (CA) :** The current draft bill seems to have only 2 functions – (i) comply with the High Court order only to meet minimum requirements rather than develop an MPC that will be autonomous, participatory and accountable to the people, and (ii) maintain status quo on the current situation of state government control over (a) the planning of Bangalore and (b) state government control over the para-statal agencies that are currently doing independent sectoral planning for Bangalore, especially the BMRDA and BDA .

   The opening lines of the 'Statement of Objects and Reasons' of the 74th Amendment make it clear that the intent of the Amendment is to empower local urban bodies to function as "vibrant democratic units of self-government", and the reason why this has not happened is that there has been undue interference from the State Governments. These draft rules too fail at this fundamental level for the same reasons.

   ***Recommendation:*** *In order to implement the spirit of the 74th CA it is necessary to grant the Metropolitan Planning Committee (MPC) a level of autonomy that will allow the planning of Bengaluru to be implemented by a "vibrant democratic unit of self-government".*

4. **Not defining "metropolitan area":** It is indeed strange that the very definition of the area that is to be covered by the MPC has not been defined and that it has been stated that the MPC will be non-functional until this area is defined**. But no time-frame has been specified within which this area will be defined to let the MPC start functioning**. A time-frame within which the MPC will be constituted is also missing. Is this a means of pulling the wool over the High Court's eyes as the Rules for the MPC have been drafted as per the Court's directive but the actual functioning of the MPC can now be kept in limbo by not defining the metropolitan area for an indefinite length of time?

***Recommendation:*** *We insist that the 'metropolitan area' should be defined while issuing the final Rules in the gazette; that the metropolitan area should include both Bangalore (Urban) and Bangalore (Rural) districts; and* ***that a time-frame should be set within which the MPC will be set up.***

5. **Two-thirds membership to elected representatives:** No sub-quota within the urban quota for representatives of municipalities falling within the MPC area other than the BBMP has been given. Without this the MPC will be dominated by BBMP corporators only. Deputy Chairpersons cannot be allowed as per provisions of Article 243ZE (2) (b) of the Constitution. In these respects, the draft rules do not conform to the 74th Amendment.

   ***Recommendation:*** *There must be a sub-quota in the urban quota for representatives of municipalities falling within the MPC area other than the BBMP. As far as rural representatives are concerned, only Chairpersons of Panchayats should be allowed and not Deputy Chairpersons.*

6. **BBMP Mayor and Commissioner are not members - CM and UD Minister are members:** It is strange that the Mayor of Bangalore, who represents the largest and most important area of the Bangalore Metropolitan Area, and the BBMP Commissioner are not automatic members of the MPC. Instead, the Chief Minister and the Minister for Urban Development are included as members of the MPC. The 74th CA says that the plan of the MPC shall be handed over to the government. So here we have a situation where the CM, as member of MPC, will be handing over the plan to himself! If the BBMP Mayor wants to be on the MPC, he has to stand for election to the MPC along with the others! But the BBMP Commissioner can have no say at all in the MPC!

   This clearly indicates that the intention is not to devolve planning powers to the representatives of the local bodies but to retain them with the State government. If we are to facilitate the autonomy of local government as intended by the 74th Amendment, it goes against its spirit to include two of the most powerful members of the State Government within the MPC and exclude the two most important members of the local bodies in the metropolitan area.

   ***Recommendation:*** *We insist that the BBMP Mayor and Commissioner should be automatically members of the MPC and the CM and UD minister should not be members.*

7. **Chairperson not specified**: It is also strange that the post of Chairperson of the MPC has been left to the committee to decide. In a committee which has the CM as the member, will anyone else dare to get the other members to vote for him and don the role of chairperson? It appears that this has been deliberately left undecided to mask the fact that the state government is being given the handles of power in the Committee.

   ***Recommendation****: A chairperson, other than the CM, should be specified at the time of finalizing the Rules to avoid confusion and conflicts later. The Zilla Panchayat presidents of Bangalore (Urban) and Bangalore (Rural) districts could be co-chairpersons.*

8. **Should MLAs and MLCs be members and have voting powers?** It needs to be recalled that the 74$^{th}$ CA does not say that there can be Permanent Invitees to the MPC, or that MLAs and MLCs should be members of the MPC. That MLAs and MLCs have been accommodated in the MPC is an arrangement chosen by the Karnataka government in its conformity legislation to the 74$^{th}$ CA (KMC Amdt. Act). This arrangement actually allows the state government to have a role in the affairs of local self-governments which is against the spirit of the 74$^{th}$ CA.

   It should also be considered that members of local bodies will be overawed in the presence of MLAs and MLCs and be unable to voice their real feelings and opinions in their presence. It is undesirable that MLAs and MLCs should be given the status of permanent invitees. It will make the meetings of the body unwieldy. There are more than 35 legislators, both MLAs and MLCs, who are going to be made permanent invitees. In fact, the number of permanent invitees will exceed the numbers of formal members. True, legislators do not have a legitimate voice in the development and planning process in Bangalore. However, for all of them to be represented in their individual capacities would be a travesty of the constitutional provisions.

   We understand that 'invitees' to a committee cannot be given voting rights under the Constitution. But we wish it to be clearly stated in the Rules that, if the MLAs and MLCs are continued as 'permanent invitees', they should not be given voting rights. If given the right to vote, they can out-vote the 20 elected representatives of the local bodies who are formal members on the MPC.

***Recommendation:*** *We recommend that an amendment be brought to the KMC Act to remove the presence of all MLAs and MLCs on the MPC. Instead, two positions can be provided in the formal membership of the MPC for one representative of the MLAs and one for the MLCs , by allowing the MLAs and MLCs to choose one from amongst themselves who will represent their collective interest as legislators in the MPC.*

9. **No representation to civil society:** The MPC has elected representatives and officials and just two non-official experts in town planning as special invitees. There is no representation to the real stakeholders of the metropolitan area, the citizens and their associations. The BMRDA, for instance, has four members appointed by the Government representing labour, women and Scheduled Castes and Scheduled Tribes. The BDA too has similar representation on its Board for SC/ST, etc.

   ***Recommendation:*** *Rather than individuals representing the disadvantaged, as in BMRDA and BDA, the associations of farmers, trade unions and traders' unions, small-scale industries, unorganised workers' unions, slum-dwellers' federations, federations of RWAs, federations of women's SHGs, federations of NGOs, children's rights groups, SC/ST associations, and other stakeholders in the metropolitan area, ideally, need to be represented on the MPC and given a voice in the decision-making body, by increasing the number of members if need be.*

10. **Consultations while preparing draft plan:** There is only a fleeting reference to "consult NGOs and other professional bodies" in preparing the draft development plan. It is not mentioned which are the stakeholders to be consulted, except for the Chamber of Commerce and Town planners, showing a bias towards experts and the elite in society as though they are the only stakeholders in the city.

    ***Recommendation:*** *In addition to giving representation to civil society organizations on the MPC as above, broad-based mandatory consultations to allow greater people's participation should be held by the MPC with various interest groups at the time of drafting the sectoral plans. The rules should specify the following groups with which mandatory consultations should be held in order to make the plan truly 'inclusive' as these are the groups who are under-represented in the corridors of power and whose interests are the ones that need to be planned for in the development plan if it is to be truly 'inclusive'. If left to the whims of the MPC, they may never*

*consult these groups: farmers, trade unions, vendors, small traders, small-scale industries, unorganised workers, slum-dwellers, RWAs, women, NGOs, children's rights groups, SC/STs, environmentalists, etc.,*

11. **Matters the MPC is to have regard to when formulating plans:** There has been a tendency in Indian cities to formulate plans that are directed primarily at the interests of elite minorities of the city, and the needs of the less privileged segments of the population are not considered. To counter this, in defining what the MPC should have regard to when formulating plans, it should be stipulated that the plan should seek to be as inclusive as possible, and attempt to consider the population of the entire city, especially the marginalised.

    Planning by the MPC should not be not just spatial planning but also developmental and sectoral planning as the main function spelt out in the 73rd and 74th CA for the third tiers of government is that they should 'plan for economic development and social justice'. The Twelfth Schedule of the 74th Amendment has listed 18 functions for urban local bodies. The MPC needs to prepare plans for all these sectors. These include, among others, safeguarding the interests of the weaker sections, slum improvement and upgradation, urban poverty alleviation, etc.

    ***Recommendation:*** *The plan prepared by the MPC should be a 'plan for economic development and social justice', which is the main function envisaged for local bodies under the 74th CA, and not just a spatial, zoning or 'engineering' plan. It needs to spell out what the MPC is going to do in terms of performance targets and outcomes for all the 18 functions listed in the 12th Schedule of the 74th CA, how it is going to do it, the cost for implementing the plans, how the resources will be raised and what is the monitoring and evaluation system.*

12. **Predominant role of para-statal agencies:** The rules accept the status quo of the continued existence of para-statal agencies, namely, Bangalore Development Authority, Bangalore Water Supply and Sewerage Board, and Bangalore Electricity Supply Company, etc. Officers drawn from the state administrative service run these organisations, report to the state government, state government controls the funding of these organisations, and they are outside the control of local government. Without effective local control over these organisations the MPC is reduced to a figurehead.

***Recommendation:*** *Parastatal agencies should be brought either under the control of the MPC or local bodies, depending on their jurisdictions and made accountable to them. They should act as the technical wings supporting the MPC and local bodies, rather than as independent planning authorities. Their planning functions should be transferred to the MPC and/or local bodies as explained below.*

13. **Role of municipalities and panchayats in planning left out:** Article 243ZE (3) (i) of the 74th CA speaks of plans prepared by municipalities and panchayats in the metropolitan areas. However, Rule 9(2) (a) (i) and (ii) makes no reference to municipalities and panchayats, but refers to 'Local Authorities'. This is a huge deviation from the constitutional intent, its implications are far reaching and, with this, **the entire constitutional spirit and purpose of the MPC is totally lost.**

    The constitution envisages through the 73rd and 74th amendments that municipalities and panchayats will prepare plans for economic and social development for their areas. (Article 243W (a) (i) for Municipalities and Article 243G (a) for Panchayats). In Karnataka, while there has been devolution of powers to prepare economic and social development plans to the Panchayats, no such planning powers have yet been devolved to municipalities.

    It is this failing of Karnataka that finds reflection in the draft MPC rules also. The implications of this glaring inconsistency, is that the MPC's purpose is diverted from considering panchayat and municipality plans and focused on examination of para-statal plans. We will thus have a body with 2/3rds of the representation comprising of the elected representatives of the municipalities and panchayats, but they will not be discussing the integration of their plans into the draft development plan. Instead, they will be deliberating upon the spatial plans prepared by the BDA and the BMRDA, authorities in which they have no say.

    So the question is: who will prepare plans for economic and social development? On the one hand, the BDA and BMRDA do not have the authority to do so. On the other, the panchayat and municipality prepared plans can be marginalized because the reference is to local authorities and not to panchayats and municipalities, in the rules.

***Recommendation:*** *Given the above glaring inconsistencies, the language in Draft rule 9(2)(a) should strictly follow word by word, the provisions of Article 243ZE(3) (a) (i), (ii), (iii) and (iv) of the Constitution and call for preparation of plans by municipalities and panchayats and not 'Local authorities'.*

14. **Absence of necessary officials:** Though the Draft Rules include most of the 18 subjects in the 12th Schedule among the functions of the MPC, the concerned officials dealing with these subjects are not members of the MPC. Only officials heading BWSSB and BESCOM are represented on the MPC, while there are no officials representing the housing department, slum board, women and children, welfare, labour, employment, transport, environment, etc. who are necessary if an inclusive plan for 'economic development and social justice' is to be prepared. Many of these officials are however members of the BMRDA. ***And while the Mayor of Bangalore finds no place on the MPC, he is a member of the BMRDA!***

    ***Recommendation:*** *As the plan should not just be a spatial, zoning and engineering plan, all officials necessary for planning for the expanded role of local bodies to bring about inclusive economic development and social justice should be ex-officio members of the MPC for providing technical support. Or they could be merely part of the sectoral sub-committees to be set up (as explained below).*

15. **Constitution of Sub-Committees (Rule 8):** The Rule 8 is vague and does not specify on what subjects sub-committees may be formed and who may sit on the sub-committees. The Kolkata MPC has five specified sub-committees for sectoral issues. But the kind of broad freedom foreseen in the current Draft Rules to constitute sub-committees which may not even include members of the MPC, is tantamount to handing over control of key functions to friends or influential persons belonging to elite sections of society.

    Such tendency has been amply demonstrated earlier by the setting up of such elite committees which are not accountable to anybody. To ensure the sub-committees' proper relationship to the MPC, it should be made necessary that more than half the members of the sub-committee should be members of the MPC, and the non-members (persons or organizations) to be nominated should be those with a demonstrated track record of expertise that is relevant to the purpose of the sub-committee.

***Recommendation:*** *In order to ensure that the expanded roles of the third tier of governance as spelt out in the 12th Schedule of the 74th CA are taken into account, the following Sectoral Committees need to be specified in the Rules to draw up sectoral plans. The sub-committees can be carved out of the main MPC:*

*o Land-use planning*
*o Water, sewerage and sanitation*
*o Health, education and Early Childhood Care & Development (ECCD)*
*o Urban poverty alleviation & housing (inclusive of SC/ST and other issues)*
*o Economic development, livelihood, skill training and social security*
*o Power, roads and transport, railways*
*o Environment, wetlands, parks and playgrounds*

*Sectoral experts and the above-mentioned federations of interest groups, having expertise and experience in the individual sectors, also need to be made part of the sectoral committees, on the lines of working groups, and their sectoral plans should be incorporated in the overall plan through suitable convergence with other sectoral plans.*

*Relevant departments/parastatals could act as the technical support wings to assist the sectoral committees, such as DULT/BMLTA for transport, BWSSB for water and sewerage; Urban Poverty Alleviation & Slum Redevelopment Authority under RAY for urban poverty alleviation and housing, BESCOM for power; etc.*

*Each technical wing of MPC [such as BWSSB, BESCOM, Urban Poverty Alleviation & Slum- Redevelopment Authority, etc., and the others to be created for each sectoral committee] could have a BBMP wing and be answerable to BBMP.*

16. **Bottom-up planning:** For effective local governance, decentralisation at multiple levels is needed. The 74th Amendment recognises the levels of Metropolitan Planning Committee, Municipality, and Ward Committee. Since then, recognition has been granted to a further level of decentralisation – the Area Sabha. If the relationship between these levels is not articulated, then the intent of the 74th Amendment will not be served.

***Recommendation:*** *The rules should require that the plans formulated by the MPC should be based on maximizing the extent of possible decentralisation, and all levels below the MPC should be empowered to the maximum extent possible. The rules should also stipulate the way in which the different levels communicate with each other, and are required to give consideration to any submissions of lower and higher levels.*

17. **Approval of the plan:** The 74th CA does say that the MPC should prepare a ***draft*** plan and submit it to the government. The implication is that the state government will finalise the Plan, meaning it can either approve it and provide sanction or reject the Plan, though it is not specifically stated so in the 74th CA. This is a weak point in the 74th CA. If it is for approval and sanction, then what of the autonomy of the MPC to make its own plans for the local self-governments in the MPC area? Strictly, the plans made by the MPC should not be changed by the higher level of government unless they are violative of the larger policies, priorities and framework set by the State government.

    The current Draft Rules say that the MPC will send its Draft Plan to the Director, Town Planning, BMRDA, and the government for approval. The CM is the Chairperson of the BMRDA. So while playing his role as chairperson of BMRDA and head of government, will he 'disapprove' the plans made by himself as the member or chairperson of the MPC? There is a conflict of interest here. Hence the CM cannot be a member of the MPC which makes the plans, and also the head of government which approves or rejects it. This is against the principle that you cannot be a judge in your own cause.

    ***Recommendation:*** *The reasons on what basis the plans of the MPC may be modified or rejected by the government may be broadly specified so that the plans are not changed merely to suit the convenience of the state government or to satisfy its whims. The CM should not be a member of the MPC as he is the final approving authority of the MPC's plan in the state government.*

18. **Finances:** There needs to be an MPC fund into which all the Central and State government allocations are deposited as existing for the BMRDA. Merely planning without an assurance of the fund availability will lead to castles being built in the air. Planning without assured finances has resulted in the plans remaining on paper in the Kolkata MPC. The MPC should also

know the extent of finances available with the service and development agencies for which it is planning.

***Recommendation:*** *Planning has to be realistic, based on the actual availability of assured funds to avoid plans remaining on paper.*

19. **Role of BMRDA**: The BMRDA was supposed to be abolished once the MPC was set up as per the KMC (Amdt.) Act. But an amendment has been made to the KMC Act continuing the existence of BMRDA. The Kasturirangan Committee on Bangalore Region Governance had recommended that the area comprising Bangalore (Urban), Bangalore (Rural) and Ramanagaram districts should come under the MPC and the BMRDA should be the secretariat of the MPC. Since the government has decided to make the BDA the secretariat of the MPC, we assume that it is feeling that the BMRDA region comprising three districts is too unwieldy and that the Metropolitan Area to be covered by the MPC should be smaller, which we also find desirable.

***Recommendation****: Either BMRDA should be abolished or converted into the secretariat for the MPC. Its jurisdiction should be the same as the Metropolitan Area defined for the MPC. In that case, the BDA should become the technical wing of BBMP.*

20. **Transparency requirements:** The conditions of transparency stipulated in the rules are inadequate. The requirement stipulated is that a notice only needs to be displayed in one local newspaper, and there is not stipulation on how prominent this notice should be, so it is possible to publish a notice that can get lost in the fine print. Given that the goal should be to attract the attention of the public, the stipulation on any announcement on plans should include:

    a. Display of notice in all major newspapers in both local and English language and the notice should be such that it is visually prominent to anyone reading the newspaper.
    b. Display of notice at all Bangalore One centres.
    c. Display on the home page of the MPC and all urban local body websites.
    d. Display on the notice board of all Ward Committee offices

In addition to this, the draft development plans plus the record of all deliberations of the MPC should be accessible on the MPC website, and should be available in both Kannada and English.

The plans for the Planning Districts should be displayed at the ward offices situated within the concerned planning districts to elicit suggestions from the local community and should also be made available for discussion to the ward committees and the Area Sabhas

21. **Summing up:** In its current form of composition and functions, the MPC is not designed to perform its constitutional function as an integral part of a democratic decentralized structure of multi-level government. Instead, it seems to be nothing more than **another layer of centralized control, which is evident in its proposed composition with predominance of State entities represented.**

    These distortions in the MPC rules appears to be the result of Karnataka's weak urban decentralization structure. The resistance of Karnataka to implement the provisions of the Constitution with respect to the devolution of planning powers to municipalities, has meant that planning responsibilities have been centralised in the hands of para-statals, the BDA and the BMRDA which were created prior to the 74th amendment. The Town and Country Planning Act too is derived from a pre-independence pattern of spatial planning. **There has been no attempt to re-align the pre-constitutional amendment system in Karnataka with the new requirements after the constitutional amendment.**

    This means that we are living in a system with huge contradictions, where planning powers vest in para-statal agencies. Therefore, the current MPC rules are symptomatic of a much deeper dysfunctionality. There is need for larger process of harmonization of the law with the constitutional intent. The above suggestions are made in this regard.

    Hoping you will take our recommendations into consideration while issuing the final Rules.

    Yours sincerely,

    Kathyayini Chamaraj
    Executive Trustee,

97318 17177

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28 May 2014

Mr. Vinay Kumar Sorake
Hon'ble Minister for Urban Development
Govt. of Karnataka
Vikasa Soudha
Bangalore 560001

Dear Sir,

**Subject: Request you to provide convenient dates for your participation in a discussion with stakeholders on the Ward Committee & Area Sabha Rules – Suggested dates: 5th, 7th or 9th June 2014**

Greetings from CIVIC Bangalore! We are happy that the final notification of Ward Committee & Area Sabha rules have been submitted to the Hon'ble High Court in the pending case.

However, we find that the said notification is not available on the websites either of the UDD or the DMA. This is necessary as per Section 4(1)(c) and (d) of the Right to Information Act.

Moreover, we wish to draw your kind attention to the fact that several submissions were made by civil society organisations on the draft rules notified in August 2013. We were hopeful that changes would be made in the Draft Rules - before they were submitted to the Hon'ble High Court - to make the working of Ward Committees and Area Sabhas truly effective and participatory. However, the final rules prepared by UDD and submitted to the Court do not incorporate any fresh suggestions made by citizens. They are practically the same as they were in draft stage. There are no provisions regarding Area Sabhas in the Rules.

We are happy that two of our suggestions made in January 2013 have been incorporated in the Rules, viz., that "every ward committee member should be given a portfolio" and that "a 5-year Ward Vision Plan should be prepared by the Councillor, based on the database of the ward, and that outcomes against targets should be measured through indicators and a

Performance Management System". But this cannot be done by the Councillor and ward committee without at the same time incorporating the suggestion made by CIVIC that there should be "a Ward Information & Statistics Committee" to gather the data and create a base-line to assist the Ward committee. Yet this suggestion too does not find a place in the final rules, let alone several other suggestions made by CIVIC and other organisations.

**There does not appear to be any system in the UDD to tabulate citizens' suggestions and record the reasons for rejecting them against each suggestion.**

Since there is now the following policy formulated by the Govt. of India on Pre-Legislative Consultation *(attached)*, it is our humble submission that the following points need to be adhered to before finalisation of any principal and subordinate legislation:

- Every Department/Ministry shall proactively publish the proposed legislations both on the internet as also through other means.
- The summary of feedback/comments received from the public/other stakeholders should also be placed on the website of the Department/Ministry concerned.
- The Department/Ministry concerned might, in addition to placing the proposal in public domain, also hold consultations with all stakeholders.
- If the Department/Ministry concerned is of the view that it is not feasible or desirable to hold pre-legislative consultation as detailed above, it may record the reasons in the note for the Cabinet.

**In this context, CIVIC has planned to organise a consultation with stakeholders (RWAs, NGOs, CBOs, etc.) to discuss the final rules on ward committees and area sabhas and provide feedback.**

**We would be honoured if you could participate in this discussion. Kindly let us know which of the following dates would be convenient for you to participate in the discussion: 5th 7th or 9th June 2014.**

Details regarding venue and programme schedule will be communicated to you once you confirm the date convenient to you.

Yours sincerely,

Kathyayini Chamaraj
Executive Trustee
97318 17177

Copy to: Mr. D. Satyamurthy, IAS, ACS –UD, GoK

Attachment: 1. Govt. of India Policy on Pre-legislative Consultation
2. Our suggestions on the Ward Committee & Area Sabha Rules