



JANAGRANA

A CRITICAL REVIEW OF DECENTRALISED PARTICIPATORY GOVERNANCE IN CITIES OF KARNATAKA





About Janaagraha Centre for Citizenship and Democracy

Janaagraha is a Bengaluru-based not-for-profit institution working to transform the quality of life in India's cities and towns. It defines quality of life as comprising quality of infrastructure and services, and quality of citizenship. To achieve its mission, Janaagraha works with councillors and citizens to catalyse active citizenship in city neighbourhoods, and with governments to institute reforms to citysystems. Janaagraha has worked extensively on urban policy and governance reforms for over two decades including on JnNURM, and with the XIII, XIV and XV Finance Commissions, Second Administrative Reforms Commission, Comptroller and Auditor General of India, NITI Aayog/Planning Commission, Ministry of Housing and Urban Affairs (MoHUA), as well as the state governments of Odisha, Uttar Pradesh, Tamil Nadu, Rajasthan, and Assam.

Find out more at www.janaagraha.org.

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Introduction



Shri Hardeep Singh Puri

Former Minister of Housing and Urban Affairs



Ward committees and area sabhas are the true embodiments of Swaraj. They are meant to represent the oft-overused, but rarely understood ideal of 'community' by exemplifying constructive teamwork between citizens, civic officials, and elected representatives... It is incumbent upon all of us to shape these agencies as effective instruments of local governance."



Shri Siddaramaiah

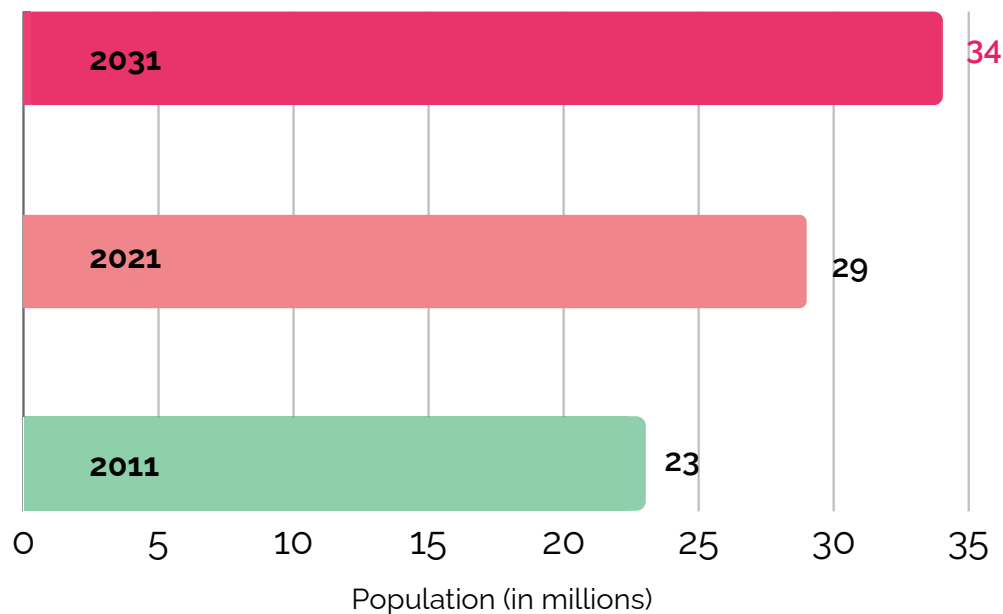
Chief Minister of Karnataka



The citizens, being tax payers, should be active participants in framing policies and should monitor the performance of the government. It is necessary to build channels between citizens and governments for decision-making; high standards of accountability and transparency should also be established to improve development outcomes."

Urbanisation in Karnataka

Karnataka's Urban Population



Governed by:



Bengaluru

Bruhat Bengaluru Mahanagara
Palike Act, 2020



City Corporations

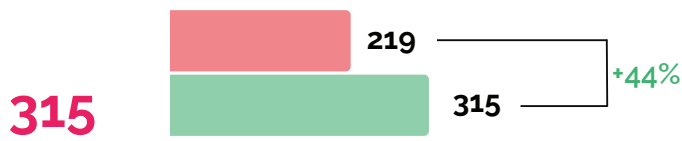
Karnataka Municipal
Corporations Act, 1976



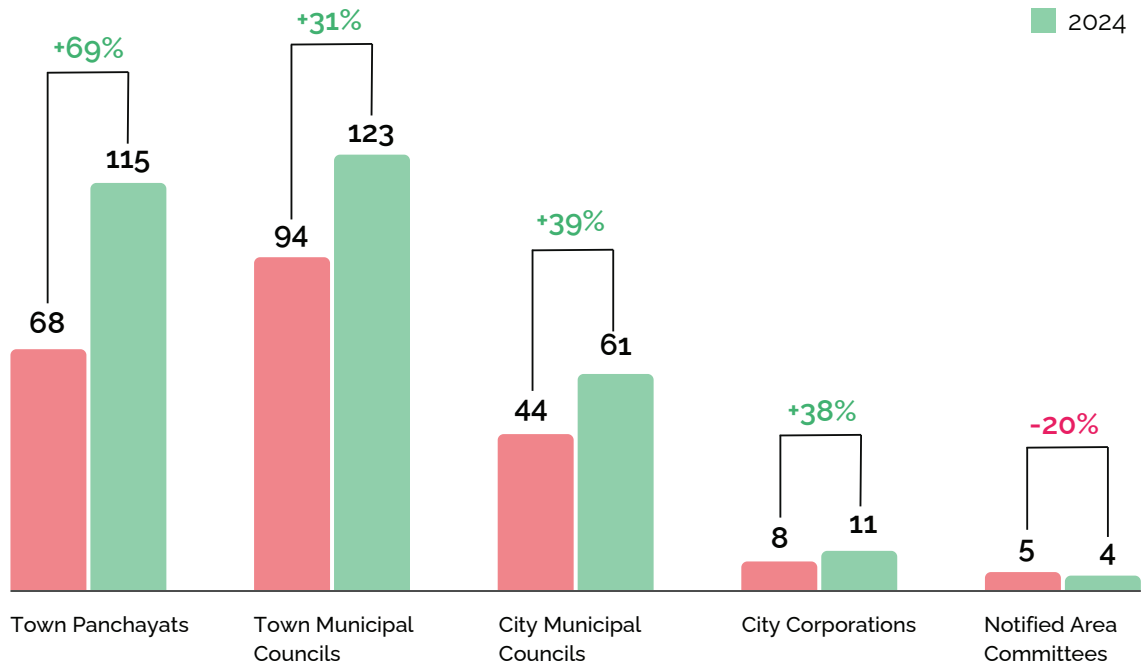
Town Municipal Councils, City Municipal Councils, and Town Panchayats

Karnataka Municipalities Act, 1964

Source: Census 1991, Census 2011, Report of Technical Group on Population Projections, 2019



city governments as of 2024
an increase of **44%** from 219 in 2011



39%

of Karnataka's
population lives
in its cities and towns



Fast Urbanising Districts



Bengaluru



Dharwad



Dakshina
Kannada



Mysuru

Principal Challenges of Karnataka's Urban Local Governance



Only one out of 11 city corporations has ward committees

Ward committees and area sabhas are either not formed or are not operational in the state.



There is **an average delay of 22 months** in elections to municipal corporations

Municipal elections are not conducted in a timely manner and before the conclusion of the five-year term.



There is **an average delay of 11 months** in election of mayors to municipal corporations after general elections.



City governments **do not have a role or control over 15 of the 18 functions** of local governance mandated by the Constitution.



Citizens **do not have access to council debates and proceedings**, development projects, or other key information on local governance.



Recommendations to Strengthen Decentralised Participatory Governance in Karnataka

Effective Devolution and Conduct of Regular Elections

- 1** Effectively devolve all functions necessary (including but not limited to the 18 functions in the 12th Schedule) to city governments and provide necessary staff and resources to them to deliver satisfactorily on these functions.
- 2** Ensure the timely conduct of elections to city councils every five years, before the expiry of the council term.
- 3** Hold mayoral elections /form city councils within 15 days of the declaration of results of municipal elections.
- 4** Empower the State Election Commission to conduct the delimitation of wards and reservation fixation.

Improved and Active Citizen Participation

- 1** Notify and operationalise area 1 sabhas immediately.
- 2** Empower city governments to notify area sabhas.
- 3** Form ward committees within 1 month of formation of the city council/announcement of election results.
- 4** Mandate city governments to provide wide publicity/awareness campaigns to inform and invite citizens to be members of ward committees and participate actively in area sabhas.
- 5** Tie development funds/projects/annual budget to regular functioning of area sabhas and ward committees.
- 6** Publish Model Byelaws for transaction of business of area sabhas and ward committees, for adoption by city corporations and municipalities.

Enhance and Promote Transparency and Accountability

1

Publish key information about municipal institutions and civic services such as proceedings of council meetings and standing committee meetings, city budgets, DPRs of projects, important policy documents (parking, user charges, etc.), and byelaws in the public domain (including websites of city governments).

2

Maintain and publish a live projects dashboard reflecting all ongoing and completed projects in city governments, providing important details of tenders, work orders, bill payments, etc.

3

Webcast council meetings and other important meetings such as standing committee meetings.



Devolution of Functions to Urban Local Governments

Devolution of Functions to Urban Local Governments in Karnataka

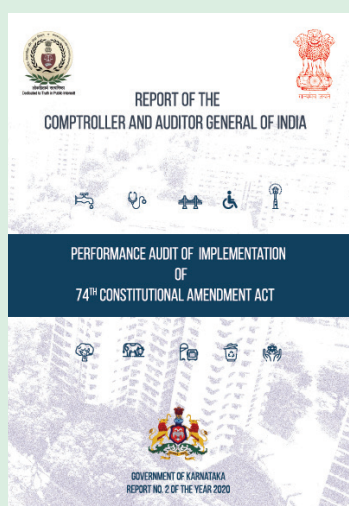
Article 243W (inserted by the 74th Constitutional Amendment Act, 1992) mandates state governments to transfer 18 key urban development functions to city governments.

The CAG Audit* finds:

17 /18 functions** are transferred to city governments in Karnataka by the Karnataka Municipalities (KM) Act, 1964 and Karnataka Municipal Corporations (KMC) Act, 1976

But in reality, **“audit observed several overlaps in discharge of the functions between city governments and parastatals/(state) government departments”**

** The Recommendation of the Performance Audit of Implementation of the 74th Constitutional Amendment Act by the Comptroller and Auditor General (CAG) of India, specifically for Karnataka (2015-2020)*



“The state government needs to take decisive action in order to translate the vision of achieving decentralisation into reality. Steps need to be taken to ensure that the city governments enjoy an adequate degree of autonomy in respect of the functions assigned to them.”

***Note: In practice, state municipal laws in Karnataka transfer the 18 identified functions under the 74th Constitutional Amendment Act, 1993 not in whole but in parts. So, if part of a function was transferred under the KM/KMC Acts, the entire function under the 12th Schedule was taken to be devolved to city governments. In this context, the CAG Audit finds 17 out of 18 functions to be devolved to city governments in Karnataka*

Devolution of Functions to Urban Local Governments in Karnataka

1 BURIAL SERVICES



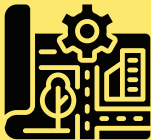
2 ANIMAL WELFARE



3 SLAUGHTER HOUSE REGULATION



4 URBAN PLANNING



5 SLUM UPGRADATION



6 ECONOMIC AND SOCIAL DEVELOPMENT



7 WEAKER SECTIONS



8 POVERTY ALLEVIATION



9 ROADS AND BRIDGES



10 BUILDING REGULATION



11 WATER SUPPLY



12 PUBLIC HEALTH AND SANITATION



13 URBAN FORESTRY



14 URBAN AMENITIES



15 CULTURAL PROMOTION



16 VITAL STATISTICS



17 PUBLIC AMENITIES

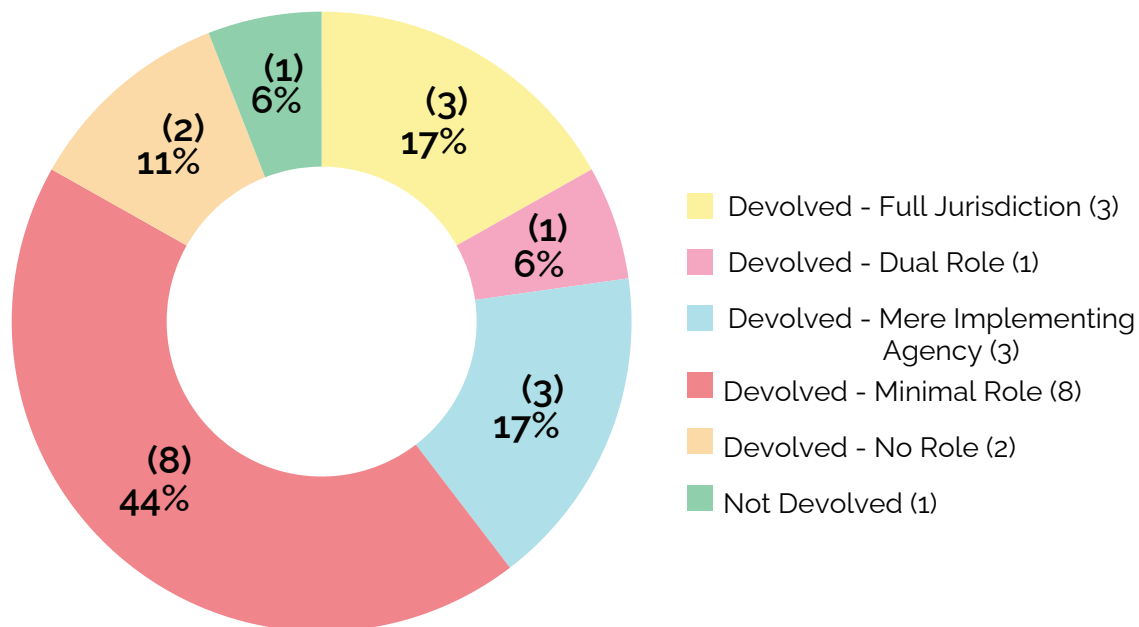


18 FIRE SERVICES



Actual Status of Devolution of Functions to city governments in Karnataka

Only **3*** out of 17 functions devolved to city governments are under their full control. For the remaining 14 functions, city governments have limited or no control, often acting merely as implementation agencies.



**This refers to functions over which city governments have full and complete jurisdiction with no conflicting roles with state government departments*

Source: Comptroller and Auditor General of India. Performance Audit of Implementation of 74th Constitutional Amendment Act. Government of Karnataka, 2020



Actual devolution of functions under Twelfth Schedule (Article 243W) to city governments in Karnataka

1 BURIAL SERVICES



2 ANIMAL WELFARE



3 SLAUGHTER HOUSE REGULATION



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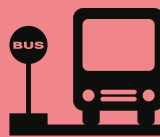
15 CULTURAL PROMOTION



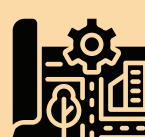
16 VITAL STATISTICS



17 PUBLIC AMENITIES



4 URBAN PLANNING

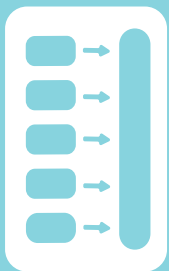


5 SLUM UPGRADATION



18 FIRE SERVICES

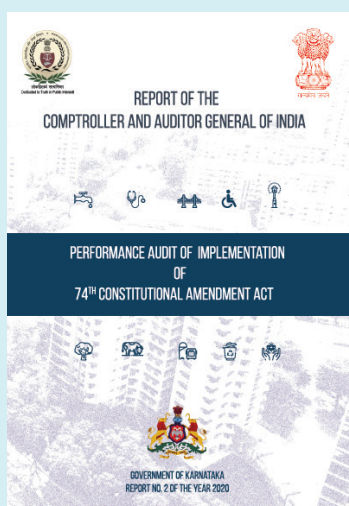
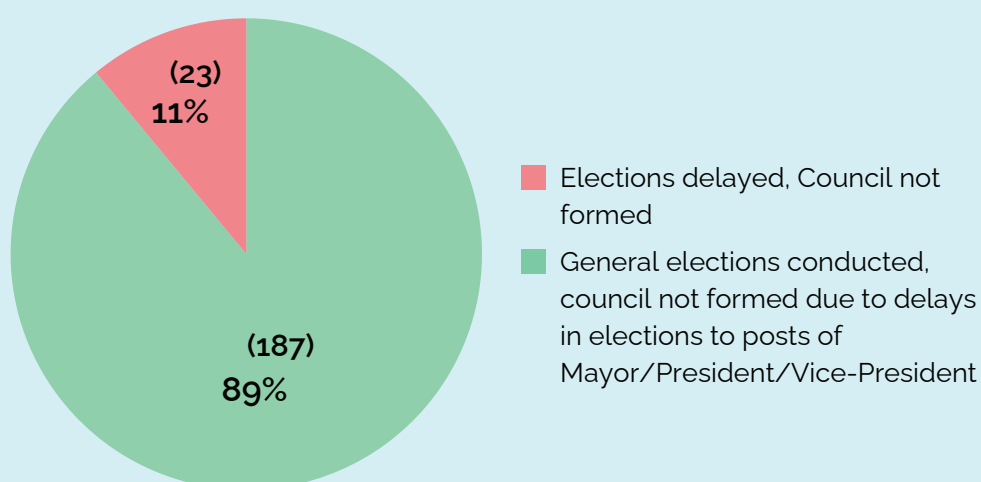




Elections to City Governments

Status of Municipal Elections and Councils of City Governments in Karnataka

Article **243U** (introduced by the 74th Constitutional Amendment Act, 1992) mandates the completion of elections before the expiry of the municipal council's term

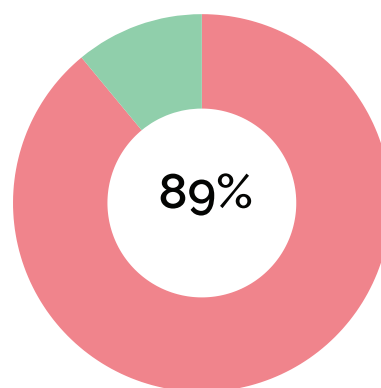
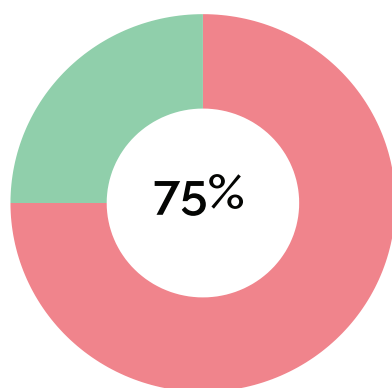


"In view of the fact that the delimitation has been delayed time and again by the state government, the task of delimitation should be entrusted to the State Election Commission in order to ensure timely elections."

The Recommendation of the Performance Audit of Implementation of the 74th Constitutional Amendment Act by the Comptroller and Auditor General (CAG) of India, specifically for Karnataka (2015-2020)

Status of Municipal Elections and Councils of City Governments in Karnataka

The Performance Audit of Implementation of 74th Constitutional Amendment Act in Karnataka conducted by the Comptroller and Auditor General (CAG) of India between 2015-2020 finds:



Significant Delay

210 / **280** city governments failed to form councils within **26 months**



Legal Disputes

89% of ULGs (187) cited "court cases in respect of the procedures adopted by the government for rotation in reservation for the offices of mayor/dy. mayor and president/vice-president"* as a major reason for the non-formation of municipal councils.

Media reports* further confirm that, **for more than 210 Town Municipal Councils and Town Panchayats in Karnataka, the elections to the position of president/vice-president were further delayed by at least 6 months in their second term of 30 months** due to a delay in announcement of reservations by the state government. The smaller municipalities in Karnataka governed by the KM Act, 1964 have two terms of 2.5 years each for presidents and vice-presidents in a five-year council term. These towns together form two-thirds of the ULBs in the state.

*Source: Comptroller and Auditor General of India. Performance Audit of Implementation of 74th Constitutional Amendment Act. Government of Karnataka, 2020 and media reports

*As per media reports: Pujar, Vijaya Karnataka, 9 November 2023, and Menasinakai, Times of India, 20 November 2023

Status of Elections in City Corporations, as of August 2024

Municipal Corporation	Council Term Expired	Election Held	Election Delayed by	Council Formed/Mayor Elected	Council Formation/ Mayor Election Delayed by	Total Delay
Bengaluru	Sep 2020	Not yet conducted	47 months	NA	NA	Nearly 4 years**
Ballari	Mar 2019	Apr 2021	25 months	Mar 2022	11 months	03 years
Belagavi	Mar 2019	Sep 2021	30 months	Feb 2023	17 months	Nearly 4 years
Davangere	Mar 2019	Nov 2019	08 months	Feb 2020	03 months	Nearly 1 year
Hubballi-Dharwad	Mar 2019	Sep 2021	30 months	May 2022	08 months	Over 3 years
Kalaburagi	Apr 2019	Sep 2021	30 months	Mar 2023	18 months	04 years
Mangaluru	Mar 2019	Nov 2019	08 months	Feb 2020	03 months	Nearly 1 year
Mysuru	Nov 2023	Not yet conducted	09 months	NA	NA	09 months**
Shivamogga	Nov 2023	Not yet conducted	09 months	NA	NA	09 months**
Tumakuru	Aug 2023	Not yet conducted	12 months	NA	NA	Nearly 1 year**
Vijayapura	Aug 2019	Oct 2022	38 months	Jan 2024	15 months	Nearly 4.5 years
Average	-	-	22 months	-	11 months	2.5 years (30 months)

NA - Not applicable as the council terms have been completed and elections are yet to be conducted



Institutionalised Citizen Participation through Ward Committees and Area Sabhas

Governance Framework for Ward Committees and Area Sabhas

- Article 243S, introduced through the 74th Constitutional Amendment Act, 1992 mandates ward committees in cities with a population of more than 3 lakh.
- All three municipal acts of Karnataka make citizen engagement an integral part of local governance and provide for ward committees and area sabhas across all municipalities in the state.
- The Karnataka Municipalities Act, 1964 also provides for the constitution of Neighbourhood Groups, which is a group of households within an area.
- However, legal frameworks for the daily transaction of business of these platforms are not defined fully or well:
 - No rules/guidelines are published for the functioning of ward committees and area sabhas in municipalities
 - No rules/guidelines are published for the functioning of area sabhas in municipal corporations
 - Byelaws for ward committees* and area sabhas are not notified in any municipal corporation in Karnataka, u/s 13J of the KMC Act

**As of August 2024, only Mangaluru City Corporation has formed a council committee to examine the by-laws for ward committees and area sabhas.*

Platform	Legislation	Provision in Act	Rules Notified by State Government	Byelaws Notified by City Government
Ward Committee	Karnataka Municipalities Act, 1964	Yes Section 80M	No Section 323(2)(a) Section 80-O(2)	
Area Sabha		Yes Section 80G	No Section 323(2)(a) Section 80J(2)	Not Applicable
Neighbourhood Group		Yes Section 80G	No Section 80E(2)	
Ward Committee	Karnataka Municipal Corporations Act, 1976	Yes Section 13H	Yes Karnataka Municipal Corporations (Ward Committee) Rules, 2016 u/s 13K	No Section 13J
Area Sabha		Yes Section 13C	No Section 13K	No Section 13J
Neighbourhood Group		Not Applicable	Not Applicable	Not Applicable
Ward Committee	Bruhat Bengaluru Mahanagara Palike Act, 2020	Yes Section 82	No Section 85(13) Section 86(2) Section 316(2)(i)	
Area Sabha		Yes Section 90	Not Applicable	Not Applicable
Neighbourhood Group		Not Applicable	Not Applicable	

Chronology of Legislations for Ward Committees and Area Sabhas



1999

The earliest wards committees in Karnataka were notified in the then Bengaluru Mahanagara Palike (BMP)



2011

The Karnataka Municipal Corporations Act, 1976 was amended to provide for the constitution of area sabhas and ward committees in the city corporations, thus taking the first step in institutionalising community participation in the larger cities of the state



2016

Karnataka Municipal Corporations (Ward Committee) Rules, 2016 were notified, further institutionalising ward committees in the larger cities of Karnataka. However, these rules do not cover the area sabhas



2020

The Bruhat Bengaluru Mahanagara Palike Act, 2020 was passed, mandating the formation of ward committees in Bengaluru within 30 days of the completion of elections to the city corporation. No rules have been notified till date



2020

The Karnataka Municipalities Act, 1964 amended mandating formation of ward committees, area sabhas, and neighbourhood groups in the smaller cities and towns of Karnataka. No rules have been notified till date

Stakeholder Efforts and Actions Towards Formation of Ward Committees and Area Sabhas

- Citizens and civil society organisations have played a critical role in compelling the government to institutionalise citizen participation in urban governance by operationalising ward committees and area sabhas
- Speaking orders by the High Court of Karnataka have been instrumental in establishing ward committees in few cities such as Bengaluru and Mangaluru
- Constitutional and statutory authorities such as the Comptroller and Auditor General of India, the Karnataka Administrative Reforms Commission – 2, and the Karnataka State Finance Commission have underlined the importance of citizen participation in urban governance and have recommended the formation of ward committees and area sabhas in city governments

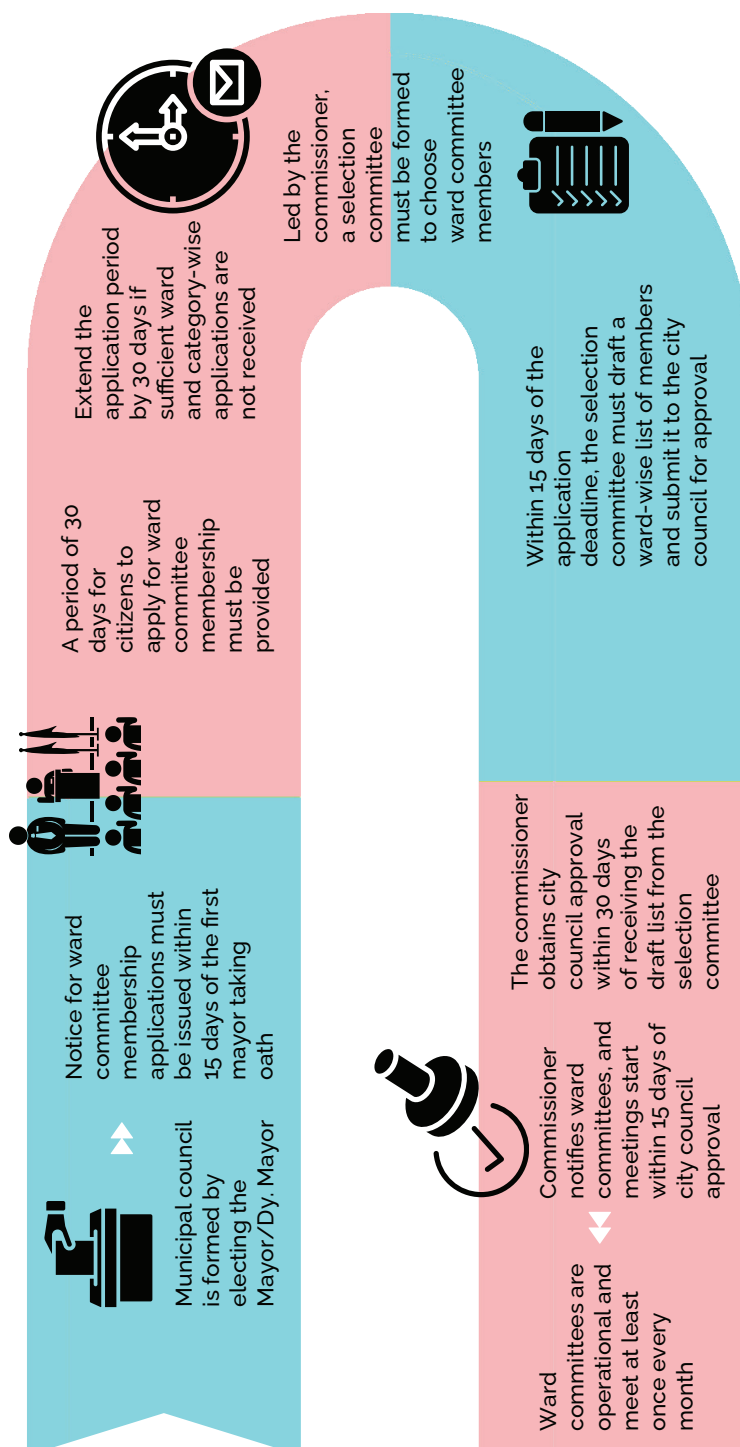
*The UDD Minister noted in the Karnataka Legislative Council session held on 13 February 2024 that 95 area sabhas have been formed in the Davangere City Corporation but, to Janaagraha's knowledge, they are not functional. In Mangaluru City Corporation, area sabhas were notified by the Corporation on 11 December 2019. However, **they are not yet operational***

Please note that the information on the status of ward committees and area sabhas accessible to Janaagraha at this stage pertains only to Karnataka's 11 municipal corporations and has been garnered through a rigorous process of on-ground interface with city corporation offices, given that this data is not publicly available in a comprehensive format

Process of Formation of Ward Committees in Karnataka

No guidelines or SOPs exist for the step-by-step process of forming ward committees in municipalities

A transparent ward committee formation process, based on Janaagraha's work with city governments and citizens, is outlined below and partially followed by different city corporations



There is a need to institutionalise a standard process to constitute ward committees and area sabhas by notifying appropriate rules.

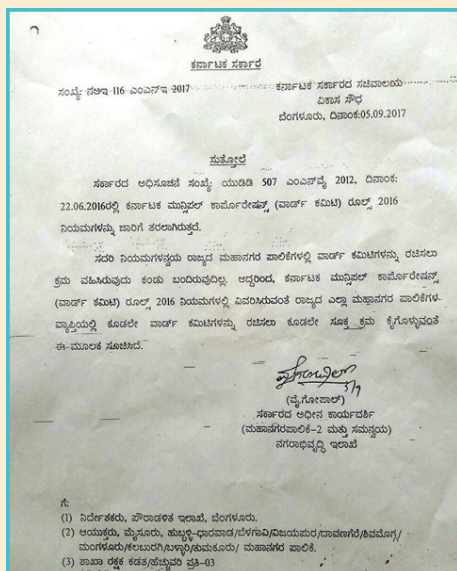
Status of Ward Committees in Karnataka's City Corporations, as of August 2024

Municipal Corporation	Municipal Elections Conducted after Expiry of Council Term	Municipal Council Formed	Applications Invited for Membership to Ward Committees	Selection Committee Formed to Nominate W/C Members	Draft WC Membership List Submitted to the Council by Selection Committee for Approval	Council Approved the Ward Committee Membership List	Ward Committees Notified	Ward Committees Operational
Bengaluru	No	NA	NA	NA	NA	NA	NA	NA
Ballari	Yes	Yes	Yes	No	No	No	No	No
Belagavi	Yes	Yes	Yes	No	No	No	No	No
Davangere	Yes	Yes	No	No	No	No	No	No
Hubballi-Dharwad	Yes	Yes	Yes	Yes	No	No	No	No
Kalaburagi	Yes	Yes	Yes	No	No	No	No	No
Mangaluru	Yes	Yes	Yes	Yes	Yes	Yes	Yes (Feb 2022)	Yes (irregular)
Mysuru	No	NA	NA	NA	NA	NA	NA	NA
Shivamogga	No	NA	NA	NA	NA	NA	NA	NA
Tumakuru	No	NA	NA	NA	NA	NA	NA	NA
Vijayapura	Yes	Yes	No	No	No	No	No	No

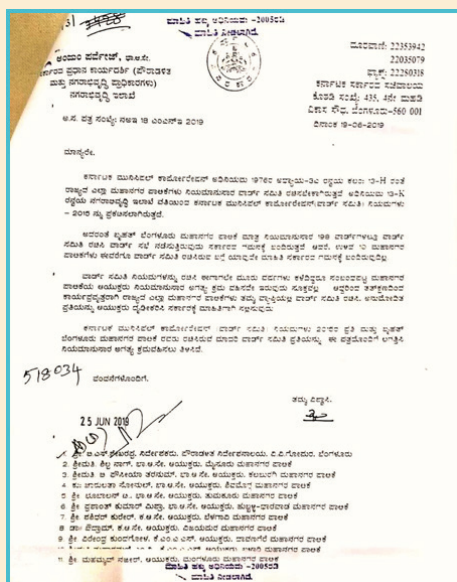
NA - Not applicable as the council terms have been completed and elections are yet to be conducted 24

Government of Karnataka's Orders: Largely Inconsequential (1/2)

In September 2017 and June 2019, the Urban Development Department (UDD) issued circulars to the Directorate of Municipal Administration (DMA) and commissioners of all 10 municipal corporations of Karnataka (other than the BBMP), directing them to form ward committees immediately in accordance with the Karnataka Municipal Corporations (Ward Committee) Rules, 2016



Circular dated 05-09-2017
issued by
Y Gopal
Undersecretary
Urban Development Department
Government of Karnataka

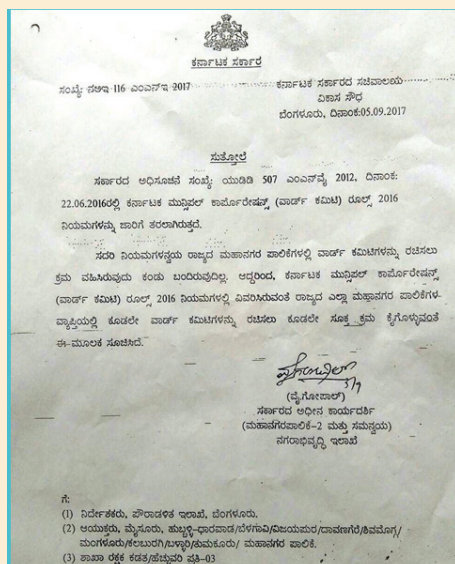


Circular dated 19-06-2019
issued by
Anjum Pervez, I.A.S
Principal Secretary
Urban Development Department
Government of Karnataka

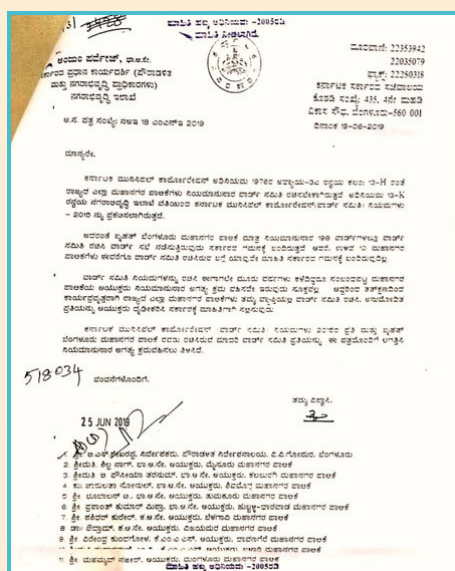
Government of Karnataka's Orders: Largely Inconsequential (2/2)

In February 2021, the DMA directed deputy commissioners of all districts and project directors of District Urban Development Cells to take action to form ward committees, area sabhas, and neighbourhood groups within 15 days of issuance of the circular in all city governments under the Karnataka Municipalities Act, 1964

In July 2022, the UDD issued a strict reminder to the DMA and to commissioners of all municipal corporations to take immediate action to form ward committees and area sabhas, in light of the High Court's orders under different PILs



Circular dated 08-02-2021
issued by
Director, Directorate of Municipal Administration
Government of Karnataka



Circular dated 16-07-2022
issued by
Ajay Nagabhushan, I.A.S.
Secretary
Urban Development Department
Government of Karnataka

High Court Directions in PILs led to WC Formation in Bengaluru and Mangaluru

PILs filed by citizens and CSOs in the High Court of Karnataka played a critical role in operationalising ward committees in Bengaluru and Mangaluru, although after further delays. However, these orders were disobeyed in Mysuru.



2012 Bengaluru

PIL WP24739/2012

- Ward committees were constituted in response to High Court orders on PIL WP24739/2012 to adopt segregation of solid waste at source
- Ward committees started to function from January 2019
- Ward committees started to function Area sabhas are still not operationalised
- Ward committee and area sabha byelaws are not passed by BBMP



2019 Mangaluru

PIL WP53244/2019

- Ward committees were notified in February 2022 in response to a High Court order issued in August 2019 for PIL WP53244/2019
- Ward committees started to function from April 2022
- Area sabhas are still not operationalised
- Ward committee and area sabha byelaws are not passed by Mangaluru City Corporation



2021 Mysuru

PIL WP3506/2021

- The Karnataka High Court directed the corporation to form ward committees and the GoK to establish area sabhas with draft by-laws, in PIL WP3506/2021, However, ward committees remain unconstituted
- Area sabhas are still not operationalised (There is no information available on whether they are notified by the GoK)
- Ward committee and area sabha byelaws are not passed by Mysuru City Corporation



The Karnataka Ward Samiti Balaga and its Efforts to Establish and Strengthen Ward Committees

www.karnataka.gov

Karnataka Ward Samiti Balaga: Convergent Action to Institutionalise Civic Participation



- Coalition of active citizens formed in 2022*, spearheaded by Janaagraha Centre for Citizenship and Democracy
- Work in convergence with city governments to form and strengthen ward committees and area sabhas in city corporations
- Approximately 20% of the urban population in the state reached out through Balaga's activities

The Balaga mobilises citizens towards:

- Forming /strengthening ward committees
- Improving quality of neighbourhood life
- Increasing citizen participation in ward committee meetings
- Increasing citizen applications for ward committee membership
- Deliberating critical local civic issues
- Monitoring ward committee meetings and advising implementation to city corporations

Balaga members are organised at three levels:



Active Citizens

- Citizens from each ward unite to institutionalise participation and improve quality of life



City Coordination Committees

- City Level Committee to galvanise formation of ward committees in respective cities



State Level Convention

- Balaga convenors meet to monitor and discuss the formation of ward committees across the state

The first Karnataka Ward Samiti Balaga Convention was held on 18 September 2022 and the second was held on 4 February 2024 with Balaga convenors from 11 city corporations

Karnataka Ward Samiti Balaga: State-level Advocacy and Action

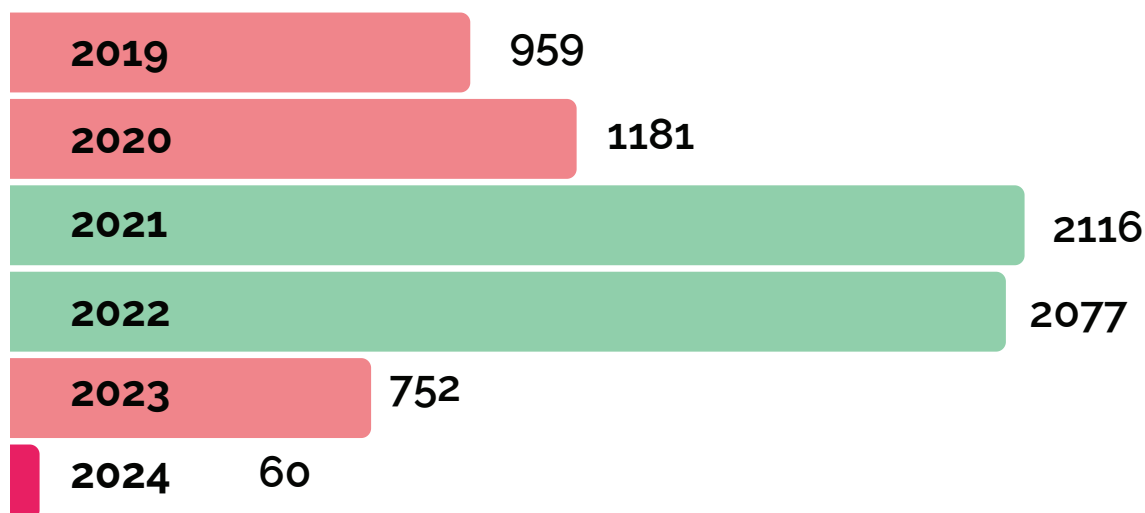


- Citizens from different cities across Karnataka came together to form Ward Samiti Balaga, a federation of active citizens
- Each city convenes regular Balaga meetings that focus on forming and strengthening ward committees
- Letter campaign initiated by Balaga through MLAs, MLCs to persuade city corporations to form WCs
- Balaga met district in-charge ministers during Janata Darshans and urged them to form ward committees
- In Mangaluru City Corporation and Bruhat Bengaluru Mahanagara Palike, Balaga monitors ward committee meetings
- Balaga is also involved in other civic activities such as environment protection through conducting surveys, awareness campaigns, and clean-up drives

Ward Committee Meetings in Bengaluru

7145

ward committee meetings were conducted in total between 2019-2024 across BBMP Wards



BBMP wards were delimited twice, in 2022 with 232 wards and in 2024 with 225 wards, affecting the assessment

The assessment of BBMP ward committee meetings covers January 2019 to July 2024, considering the calendar year (January to December)

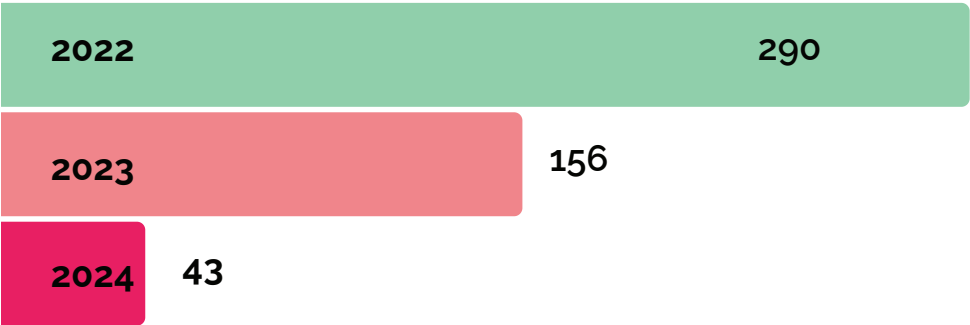
Field observations show BBMP recognised the value of ward committees during COVID-19 for managing public health and delivering essential aid

Year	Wards	Time Period	Total Meetings as per Regulation	No of WC Meetings Conducted	Average Meetings per Month	Percentage of Meetings Held
2019	198	Jan-Dec	2376	959	74	40
2020	198	Jan-Jul	1386	290	41	21
2020	198	Aug-Dec	1980	891	178	45
2021	198	Jan-Dec	4752	2116	176	45
2022	198	Jan-Apr	1584	524	131	33
2022	243	Sep-Dec	1856	1553	388	84
2023	243	Jan-Dec	5568	752	63	14
2024	225	Jan-Jul	3150	60	20	2
Total			22652	7145	1072	32

Ward Committee Meetings in Mangaluru

489

ward committee meetings were conducted in total between April 2022-July 2024 across 60 wards of MCC



Year	Wards	Time Period	Total Meetings as per Regulation	No of WC Meetings Conducted	Average Meetings per Month	Percentage of Meetings Held
2022	60	Apr-Dec	540	290	32	54
2023	60	Jan-Dec	720	156	13	22
2024	60	Jan-Jul	420	43	14	10
Total			1680	489	60	29



Observations of Elected Representatives Regarding Ward Committees and Area Sabhas

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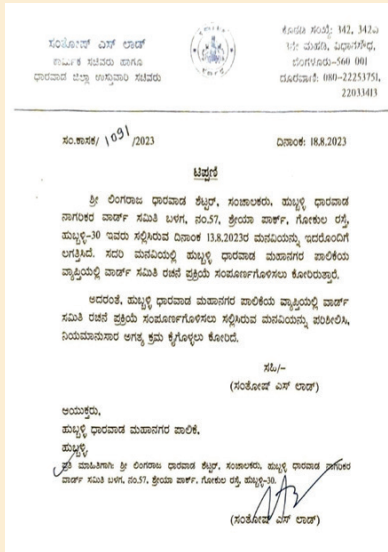


Shri Pralhad Joshi
Minister of Parliamentary
Affairs, Coal and Mines,
Government of India

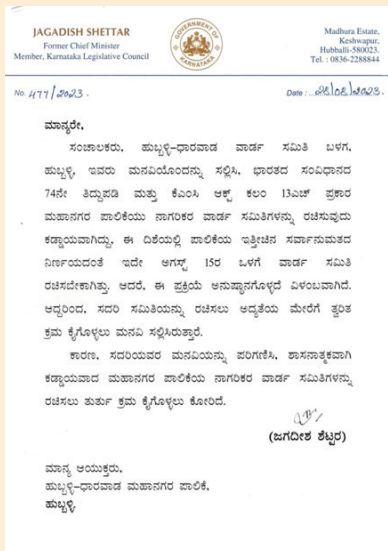


Shri Basavaraja S Horatti

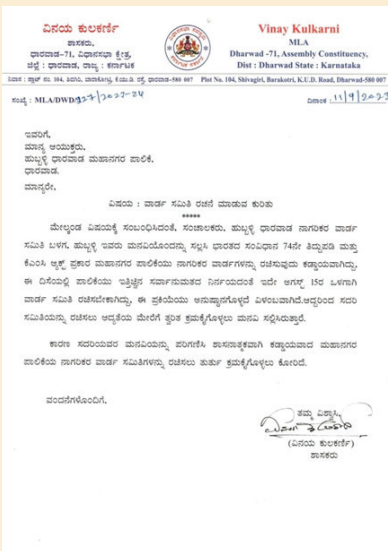
Chairman,
Karnataka Legislative
Council



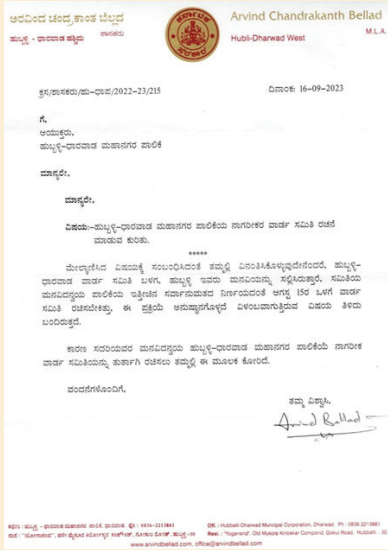
Shri Santosh S Lad
Minister of Labour and
Dharwad District In-charge,
Government of Karnataka



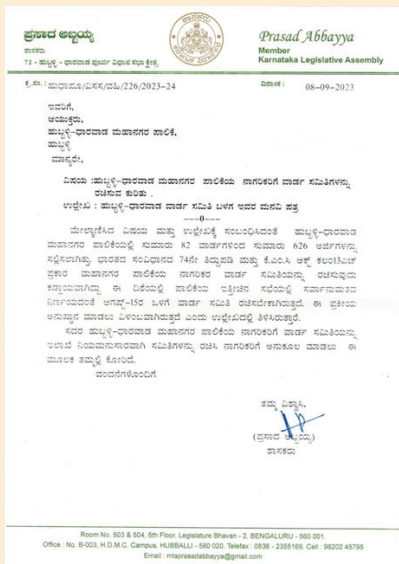
Shri Jagadish Shettar
Chairman,
MLC and Former Chief
Minister of Karnataka



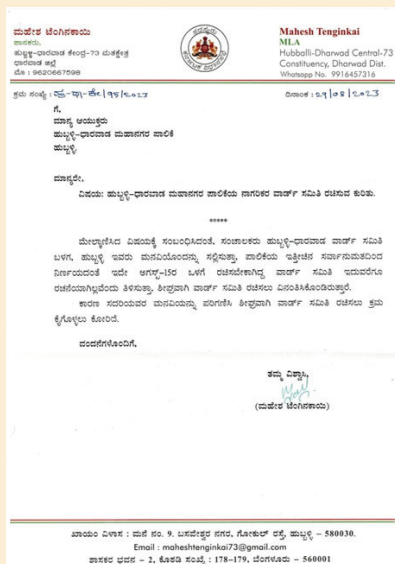
Shri Vinay Kulkarni
MLA,
Dharwad



Shri Aravind C Bellad
MLA,
Hubballi-Dharwad West



Shri Prasad Abbayya
MLA,
Hubballi-Dharwad East



Shri Mahesh Tenginakayi
MLA,
Hubballi-Dharwad Central

Urban Development Minister's Assurance in the Legislative Council Bears No Result

In the budget session of the Karnataka Legislative Council on 13 February 2024, Dr. Talawar Sabanna, MLC, raised a starred question regarding the delay in forming ward committees and area sabhas in Karnataka's city corporations

In response, Urban Development Minister B S Suresha acknowledged the delay but assured that steps would be taken to form these bodies at the earliest

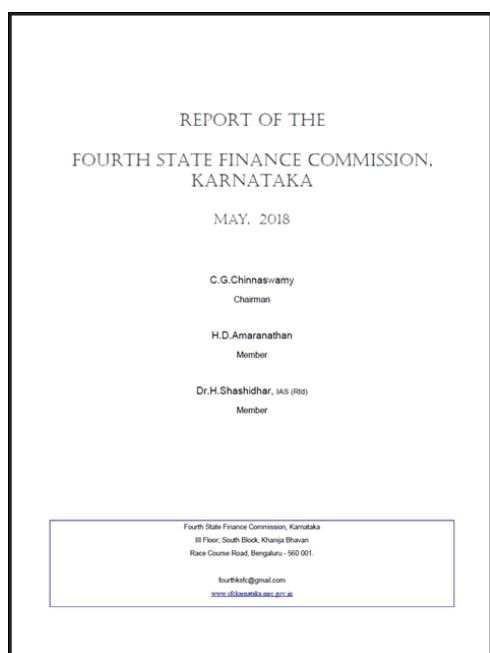
However, **five months** after this assurance, **no concrete action has been taken on the ground**



Annexure



Observations of Constitutional Authorities and Functionaries regarding Ward Committees and Area Sabha



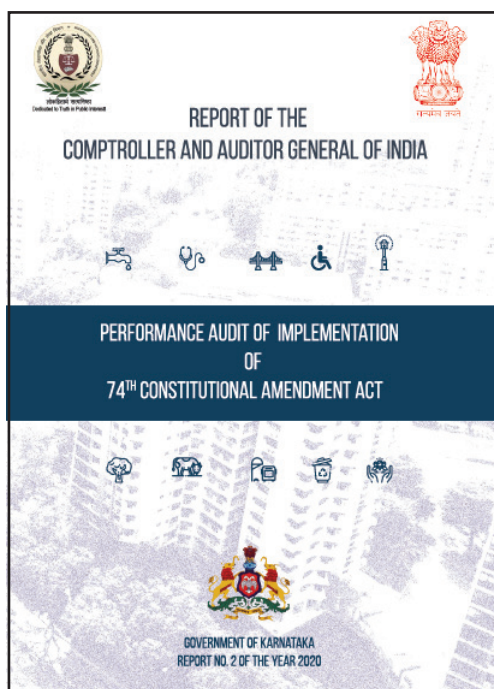
Observations of the Fourth Karnataka State Finance Commission

Transparency and accountability in public spending is corner stone of any administration. Citizen desire that they should be consulted on matters important which affect their lives. Institutionalizing community participation in city governance is a long pending reform. Ward committees have been constituted but they may or may not deliberate on all issues which affect and impact the citizens. The BBMP, before taking important policy decisions, to fulfill the aspirations of its citizens, should outreach for consultations with citizen bodies, private urban experts and involve in dialogue with leading sector specialist institutions. Social audit of work done and amounts spent on health, SWM, forest etc should be conducted as declared in the 2017-18 budget of BBMP¹

It is recommended that ward committees need to be constituted for larger municipal areas i.e., Municipal Corporations (Article 243- S)²

1. Section 9.12(v), pp 156

2. Section 12.3.11, pp 185



Observations of the Comptroller and Auditor General (CAG) of India

Audit observed that the Ward Committees were not constituted in any of the CCs except BBMP. This defeated the objective of facilitating community participation in local governance. The absence of community participation would adversely impact prioritisation of development works, non-monitoring of execution of works, utilisation and maintenance of assets created etc³

Ward Committees should be constituted as per the KMC Act and should be nurtured and encouraged to function effectively so that the priorities of citizens are factored into the decisions of the ULB⁴

The State Government needs to take decisive action in order to translate the vision of achieving decentralisation into reality. Steps need to be taken to ensure that the ULBs enjoy an adequate degree of autonomy in respect of the functions assigned to them⁵

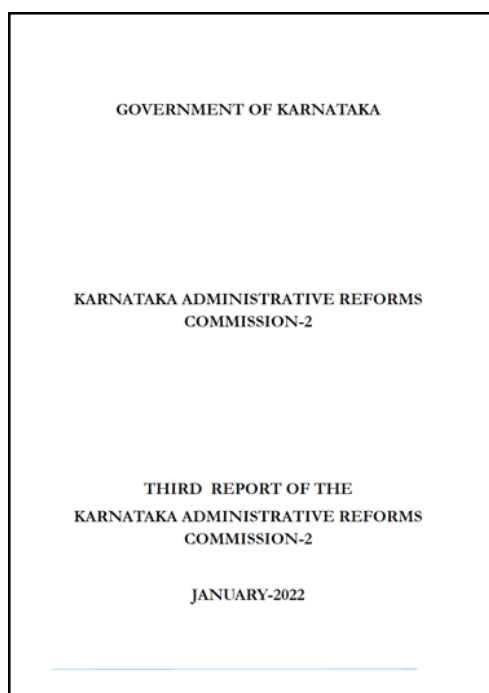
In view of the fact that the delimitation has been delayed time and again by the State Government, the task of delimitation should be entrusted to the State Election Commission in order to ensure timely elections⁶

3. Section: 4.2.3, pp 16

4. Section 4.2.3, pp 16

5. Section: What Audit recommends?, pp viii

6. Section: What Audit recommends?, pp viii



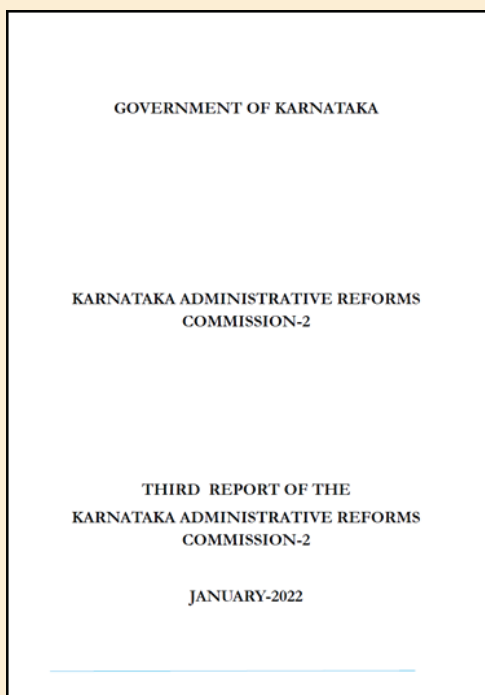
Observations of the Karnataka Administrative Reforms Commission-Two

Ward Samitis are the foundation blocks of urban governance. They have done effective and commendable work during the Covid pandemic in 2020 and thereafter. Ward Samitis have not been legally constituted in all ULBs. Government may issue directions to constitute the Ward Samitis within a given time line in all ULBs. Formation of Ward Committees is proving to be a long drawn out exercise. It may be necessary to guide the ULBs and residents in formation of Ward Committees. NGOs, SIUD and Social Science/Political Science faculty of local colleges may be roped in to hand hold ULBs in implementing this provision⁷

In line with the Rules issued under BBMP Act and KMC Act to enable the functioning of Ward Committees and Area Sabhas, it is recommended that corresponding Rules be notified under the KM Act to enable functioning of Ward Committees and Area Sabhas in Municipalities and Town Panchayats⁸

7. Section 4.3(1), pp 90

8. Section 4.8(62), pp 102



In controlling building plan violations citizens, RWAs and Area Sabhas may be actively involved. The Ward Committees, Area Sabhas and RWAs may be requested to report violations to the Chief Officer/Commissioner of the concerned ULB. Since anonymity would be preferred while reporting violations, there needs to be an online reporting system on the web and mobile portals of the BBMP and ULBs to submit complaints/reports to the relevant authority in the ULB⁹

Sec 9 and 10 of the KTCP Act does not explicitly require participation of Ward Committees and Area Sabhas in preparing the Master Plan. For this purpose, the KTCP Act, 1961 may be amended to mandate participation of Ward Committees and Area Sabhas in preparation of the Master Plan and in giving suggestions on the draft Plan¹⁰

Under the BBMP Act, one of the functions of Ward Committees is to prepare and submit Annual Ward Development Plan. Suitable guidelines may be issued to guide the Ward Committees in preparing this plan, to institutionalize the same and ensure continuity. The BBMP has allocated an untied fund of Rs.60 lakh to each Ward Committee in 2021-22. This is a commendable step. Similar guidelines may be issued and untied funds provided for other ULBs under the KMC Act, 1976 and KM Act, 1964¹¹

9. Section 4.1(22), pp 86

10. Section 4.7(55), pp 101

11. Section 4.8(63), pp 101

Observations of the High Court of Karnataka



Daily orders of the High Court of Karnataka in Writ Petition No. 24739/2012, dated 04.03.2013 (**Kavit Shankar & Ors. Vs. State of Karnataka & Ors.**) for **BBMP**

CASE 1:

The way the garbage is thrown in the streets show the persons who have thrown the garbage have not obeyed the directions issued by the Government. It is for that purpose this Court directed Ward Committees to be constituted. Here afterwards in each ward if the garbage is thrown in the corner of streets and it is not cleared, instead of the citizens approaching the Commissioner of the Bangalore City Corporation or its officials, they should approach the elected representatives of the Corporations, 10 committee members, (the Corporator and the Ward Committees) who are all the residents of the very same wards and bring the same to their notice. If there is no improvement then it is open to such citizens to file an application before this Court giving all particulars and also explaining the inaction on the part of the Corporators and the Ward Committee members so that this Court after hearing all of them would be in a better position to take appropriate action, so that garbage is cleared in terms of the directions issued.

CASE 2:

Order of the High Court of Karnataka in Writ Petition No. 53244/2018 (**Nigel Albuquerque & Ors. Vs. State of Karnataka & Ors.**) for Mangaluru City Corporation

Under Section 13H, there is a mandatory provision that there shall be a Ward Committee for each ward in the Corporation. The constitution of Ward Committee is laid down in Section 13H. As per clause (a) of sub-section (2) of Section 13H, the Councillor of the Corporation representing the concerned Ward shall be the Chairperson of the Ward Committee and as per clause (b), ten other members are required to be nominated by the Corporation. On a conjoint reading of Clause (a) and Clause (b) of sub-section (2) and sub-section (10) of Section 13H, it is apparent that the term of the Ward Committee is co-terminus with the term of the Municipal Corporation¹²

Under Section 13G of the said Act, important functions and duties have been entrusted to Area Sabhas. Under Section 13I, the mandatory functions of the Ward Committees have been laid down¹³

On a plain reading of the provisions of Section 13C and Section 13H, it is apparent that both the provisions are mandatory in nature inasmuch as apart from the use of the word 'shall', important functions and duties have been assigned to the Area Sabhas as well as to the Ward Committees. Article 243S of the Constitution of India mandates that Ward Committees shall be constituted at ward level. In fact, Clause (4) of Article 243S provides that a member representing the concerned ward shall be the Chairperson of the concerned Ward Committee¹⁴

For constituting the Area Sabha, the State Government has to exercise power under Section 13B for determination of areas. If said power is not yet exercised, the Government shall do so immediately so that after the General Ward Elections of the Corporation, the Area Sabhas can be constituted¹⁵

12. Section 4, pp 4

13. Section 5, pp 4

14. Section 6, pp 5

15. Section 7, pp 5

CASE 3:

Order of the High Court of Karnataka at Bengaluru in Writ Petition No. 3506/2021 (**Malavika Gubbivani & Ors. Vs. State of Karnataka & Ors.**) for **Mysuru City Corporation**

We may note here that it is the mandate of Article 243S of the Constitution of India to constitute the Ward Committees. For giving effect to the provisions of Article 243S of the Constitution of India, Section 13H has been added on the statute book. As per sub-section (1) of Section 13H of the said Act of 1976, there shall be a Ward Committee for each ward in the Corporation. In this case, there is no dispute that determination of wards has been made in terms of Section 21 of the said Act of 1976. What is required to be done is the exercise contemplated by sub-section (2) and sub-section (4) of Section 13H of the said Act of 1976. Under clause (b) of sub-section (2) of Section 13H of the said Act of 1976, ten members are required to be nominated by the Corporation. Under sub-section (4) Section 13H of the said Act of 1976, the Commissioner is under an obligation to designate an officer of appropriate rank to act as the Secretary of each Ward Committee¹⁶

Considering the constitutional mandate under Article 243S of the Constitution of India and the provisions of Section 13H of the said Act of 1976, the Corporation cannot postpone the decision of nominating ten members as provided in clause (b) of sub-section (2) of Section 13H of the said Act of 1976. We fail to understand why the Commissioner has not exercised the power under Section 13H of the said Act of 1976 by appointing Secretaries for each of the Ward Committees¹⁷

Under Section 13I of the said Act of 1976, the functions of the Ward Committees have been laid down. One important function is of preparation and submission of Ward Development Scheme to the Corporation for allotment of funds. It is the duty of Ward Committees to ensure proper utilisation of the funds allotted under the Ward Development Scheme. There are several duties assigned to Ward Committees concerning the implementation of the programmes and schemes of the Corporation, maintenance of water supply, maintenance of sewerage system and creation of solid waste management and sanitation work in the ward. In fact, very important duty of ensuring maintenance of parks/open spaces has been entrusted to the Ward Committees. It is the obligation of the Ward Committees to ensure afforestation and implementation of rain water harvesting schemes. By not constituting Ward Committees, there is a complete violation of constitutional mandate under Article 243S of the Constitution of India¹⁸

Section 13J of the said Act of 1976 reads thus:

13J. Bye-laws.- Every Corporation to which this Chapter is made applicable shall notify byelaws for transaction of business and for finance and accounting procedures governing the working of Area Sabhas and Ward Committees, within six months from the date of coming into force of this Chapter in that Corporation. Unless Bye-laws as aforesaid are made by the Corporation, Area Sabhas and Ward Committees will not be able to function effectively. In fact, in the absence of bye-laws, the provisions regarding Area Sabhas and Ward Committees cannot be implemented. Hence, a writ of mandamus will have to be issued to comply with the said obligation of notifying the bye-laws¹⁹

16. Section 12, pp 10

17. Section 13, pp 10

18. Section 14, pp 11

19. Section 15, pp 12



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