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**Suggestions on KMC (Ward Committee) Rules**

**(based on discussions held by CIVIC over the years and also adapted and revised from the Greater Hyderabad Municipal Corporation Rules)**

We were happy that the following two suggestions made by us earlier to the January 2013 draft rules had been accepted and incorporated in the revised draft rules on ward committees and area sabhas published on 27th August 2013. But these have now been removed. We request you to incorporate them again.

1. Each member of the ward committee can be allocated different portfolios depending on his expertise and interest.
2. 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.

**Following are Amendments sought to Section 13A of KMC (Amdt.) Act of January 2011 on Community Participation**

1. 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.
2. 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.
3. 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.
4. Other 10 ward committee members shall be selected by various interest groups themselves.
5. 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.
6. 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.
7. 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.
8. Supervision of poverty alleviation schemes, slum development and rehabilitation schemes, supervision of ration shops, primary health centres, primary schools and anganwadis to be devolved to Ward Committees.
9. 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.
10. 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, for instance on:

## PDS

## Labour, skill training, livelihood and social security

## Water, sewerage and solid waste management

## transport, roads and drains

## health, education, ECCD

## poverty alleviation and housing

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

1. Appointment letters and ID Cards should be given to all ward committee members and Area Sabha representatives.
2. Regular trainings need to be given to all Corporators, Ward Committee and Area Sabha representatives on the letter and spirit of the 74th Constitutional Amdt. (74th CA), Community Participation Law and other emerging issues on local self-government to enable them to function effectively.
3. Orientation about the concept, constitution and functioning of 74th CA and Ward Committees and Area Sabhas should given to all civil society organisations and also to members of the public.
4. Permanent meeting place with appropriate infrastructure and adequate budget should be provided for conducting Ward Committee and Area Sabha meetings
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 for conducting all Area Sabha and Ward Committee meetings and ensure 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. Commissioner municipal corporation shall fill such vacancies immediately following due process from among residents from the respective ward who have displayed service-mindedness and have clean image and reputation.
7. Information on and application forms of all government schemes should be given to Area Sabha and Ward Committee Members to enable them to share them with the people.
8. 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.
9. 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.

##### 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.

1. 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
1. A Ward Finance Committee should look after ward-level finances.
2. There need to be secretariats for each ward committee and area sabha providing computer and secretarial support.

**Constitution of Ward Committee:**

**Persons eligible for selection to ward committees:**

1. All Area Sabha Representatives should be members of the ward committee representing their areas.
2. The following persons representing civil society who are registered as voters in the electoral roll of the ward concerned should be eligible for selection as the other 10 members of the Ward Committee. Each group shall decide amongst themselves who will represent them on the ward committee, unless it is an ex-officio position for President/Secretary of an organisation.

(a) A president / secretary representing a registered Residents’ Welfare Association in the ward;

(b) A member of a registered Tax Payers’ Association / Rate Payers’ Association in the ward;

(c) A president / secretary of a slum-level federation of a slum;

(d) A representative of a women’s self-help group/federation in the ward;

(e) A member of a registered association / institution / institute / body or organization / Non-Governmental Organization (NGO) / Mahila Mandali / Trade Union / Chamber of Commerce / Trade association / Vendors’ association / housing cooperative / apartment-owners’ association / etc. in the ward;

(f) A representative of the Bal Vikas Samitis of anganwadis / the School Development & Monitoring Committees of government schools/ Arogya Raksha Samitis of the PHCs/hospitals in the ward / Neighbourhood Committee or Community Development Society under SJSRY / vigilance committees of ration shops;

(g) Any other distinguished citizens from the ward with a record of service.

Note:- Persons representing the associations, organizations, institutions etc. mentioned in this rule except slum-level federation are eligible for election / nomination as members of a Ward Committee, provided the said bodies are registered one year prior to the date of nomination.

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

1. If election procedure is adopted for Area Sabha Representatives (ASRs) to sit as members of the ward committee, they shall be elected along with the councillor of the ward following the same procedures as for election of the councillor.
2. If nomination procedure is adopted for ASRs, the Commissioner or an officer authorized by the Commissioner shall, within thirty days from the date as may be notified by the Government in the Karnataka Gazette, issue a notice calling for applications from the eligible persons duly furnishing the eligibility criteria, qualifications, disqualifications and method of nomination etc. for nomination as members of the Ward Committee by giving wide publicity in the newspapers, through autorickshaw announcements and notices at ward offices giving fifteen days’ time for submission of applications;
3. After receipt of applications for nomination, they shall be scrutinized by the Commissioner or an officer authorized by the Commissioner within seven days from the last date of receipt of applications, who shall prepare a list of eligible applicants;
4. 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 within seven days.
5. 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.
6. The approved list of nominated members shall be gazetted within next seven days.

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

1. Ward-wise publicity shall be given about the constitution and working of the Area Sabhas and Ward Committees in the following manner within one month of their constitution:
* Mobile audio publicity using autos
* Posters, slides, booklets and handbills in different languages
* Newspaper advertisements and notifications.
* Door-to-door campaigns
* Public meetings & awareness sessions.
* Announcements in masjids, temples and other places of worship
* Wall paintings
* Local TV channels
* Weekly updation of the municipal corporation website
* Monthly newsletter of the municipal coporation giving updates of all meetings conducted, development work initiated and meetings and plans for the coming months.
* List of committee members, duties and functions of Area Sabhas and Ward Committees should be displayed in ward offices and other public places.

**Meetings of ward committees**

1. All ward committee meetings shall be held on the first Saturday of every month barring any holidays that may fall on the first Saturday in which case, they shall be held on the next working day.
2. 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.
3. No business shall be transacted at a meeting unless there be present at least one-half of the total members then on the Ward Committee.
4. If within half an hour after the time appointed for a meeting a quorum is not present, the meeting shall stand adjourned, unless all the members present agree to wait longer.
5. The entire proceedings of the Area Sabhas and Ward Committees should be videographed / photographed to show attendance and resolutions passed.
6. Invitation to media should be extended to cover meetings. TV Channels can be approached to give coverage of meetings.
7. The Secretary of the Ward Committee shall attend all meetings of the Ward Committee.
8. 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. Disciplinary action shall be taken against officials absenting themselves without reasonable excuse.
9. 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.
10. Resolutions of the ward committee should be pasted on notice boards as well as copies given to members who often claim ignorance about minutes and decisions.
11. Date of next meet should be announced before concluding any meeting.

**Requisition for calling ward committee meeting**

1. 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 day, other than a public holiday, the time and the purpose for which the meeting is to be held. The requisition shall be delivered at the office of the Ward Committee during office hours, to the Chairperson, Secretary or any other person who may then be in charge of that office at least seven clear days before the day of the meeting.
2. The Chairperson shall within forty-eight hours from the delivery of such requisition call a meeting on the day specified therein.
3. Where the Chairperson fails within forty-eight hours from the delivery of such requisition to call a meeting on the day specified therein, such meeting may be called by the members who signed the requisition on giving the notice of three clear days to the other members.

**Meetings open to the Public:**

1. All meetings of the Ward Committee shall be open to the public.
2. Provided that the Chairperson may, and at the request of the Ward Committee shall, in any particular case, for reasons to be recorded in minutes book kept under Rule 22 direct that any person shall withdraw from the meeting.

**Minutes of the Meeting:**

1. The minutes of the proceedings at the meeting of the Ward Committee shall be drawn up and entered in a book kept for that purpose and shall be signed by the Chairperson. The said minutes 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.
2. Resolutions of the ward committee should be pasted on notice boards as well as copies given to members who often claim ignorance about minutes and decisions.

**Custody of Records:**

1. The Secretary shall have the custody of the proceedings and records of the Ward Committee and may grant copies of any such proceedings and records on payment of such fees as the Corporation may, by general or special order determine. Copies shall be certified by the Secretary and copies so certified may be used to prove the records of the Ward Committee in the same manner as they may be used to prove the proceedings of that body.

**Modification of Resolution**:

1. No resolution of a Ward Committee shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the Ward Committee supported by not less than one-half of the members then on the Ward Committee.

**Functions of the ward committee**

## 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.

1. Monitoring the functioning of anganwadis, schools, maternity centres, dispensaries and health centres, welfare department activities in improving service delivery of the said Departments.
2. Mapping of the ward infrastructure index.
3. Preparation of inventory of municipal assets.
4. The Ward Committee may associate itself with the activities of education, medical, health and welfare departments and render possible assistance

**Supervision of ward committee and area sabha functioning**

1. Various Deputy Commissioners in each zone shall be appointed as supervisory officers of the ward committees and area sabhas. They shall ensure that the meetings are conducted regularly, that officials attend the meetings, that minutes are recorded precisely in the minutes book, the resolutions passed by the ward committees and area sabhas and the action taken on the resolutions by officials are publicised on the ward and municipal corporation website.
2. All Zonal Commissioners of the municipal corporation should monitor the Deputy Commissioners appointed as supervisory officers of the ward committees and area sabhas and guide them in regulating the proceedings and conduct of business of the ward committees and area sabhas.
3. The Commissioner of the municipal corporation shall conduct surprise inspections every month of at least 10 ward committee meetings to study the mode of regulation of proceedings and conduct of business of the meetings of ward committees and area sabhas.

**No confidence motion**

1. 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.

**Ward committee finances**

1. 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.
2. Allocate adequate budget for publicity and conduct of meetings in each Ward.
3. The Corporation shall allocate forty percent of the amount earmarked in the annual budget as untied funds to the ward committee for works of its choice for urban services namely, sanitation, drainage, water supply, roads, street lighting, parks and markets etc. The Corporation shall allocate funds to the Ward Committees for every quarter to enable them to take up maintenance works in respect of the functions entrusted to them.
4. The Ward Committee will consolidate the works to be taken up as per prioritised plans submitted by Area Sabhas, approve it and forward the list of works to the Commissioner for his information. The works taken up by the Ward Committee shall not exceed the budget allocation made by the Corporation to the ward.

**Monitoring of works**

1. The works sanctioned on the recommendations of the Ward Committee shall be executed by the ward officials as per the existing rules in force. In case of any complaint by the Ward Committee regarding any substandard work, the concerned official shall inspect the work within a week and take up rectification and submit action taken report in the next meeting of the Ward Committee.
2. The Ward Committee shall inspect the works sanctioned from time to time, and review the progress in the execution of the said works.
3. 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.
4. 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.
5. 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**

1. The Municipal Corporation shall notify and give wide publicity to its Citizen’s Charter through its official website, media, printed booklets and prominent displays in the offices concerned and place before the Municipal Corporation Council for its information.
2. Ward committees shall notify and give wide publicity to Municipal Corporation services coming under SAKALA scheme and Municipal Corporation Citizens’ Charter through their official ward website, e-information kiosks, media, booklets to be available at ward offices and prominent displays in the ward offices concerned.
3. Citizens whose applications have not been processed within time-frames and citizens with any other 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.
4. 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.
5. 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.
6. Disciplinary action would be initiated against the defaulting officers who have paid fine at least 3 times in a year by the ward committee. Similar disciplinary action would be initiated against the persons responsible who failed to pay fines imposed.
7. 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.
8. The Zonal Commissioners of the Municipal Corporation shall review the grievances escalated by the Deputy Commissioners on the implementation of the Citizens’ Charter once in a month and submit a report to the Commissioner, Municipal Corporation .
9. The Commissioner of the Municipal Corporation will review the implementation of Citizens’ Charter in zones once in a quarter and submit a report to Government.

**Preparation of Annual Report:**

1. The Ward Committee shall prepare an annual report on the functions, powers and activities performed by it by the end of June of the succeeding year.

**Population criteria for division of ward into areas**

1. The following population criteria is fixed for division of the ward into areas:

Population of the Corporation Population of the Area (with a variation of ten
 percent more or less )

(i) Upto 5 lakhs One area for every 2,000

(ii) Above 5 lakhs and upto10 lakhs One area for every 3,000

(iii) Above 10 lakhs One area for every 5,000

1. After division of every ward into areas based on the sub-rule (3), if the remainder population is less than half of the criteria fixed for each area, it shall be ignored and if the population is one-half or more of the criteria fixed one more area shall be constituted in the ward.
2. An Area Sabha shall be constituted for each area in a ward consisting of all the electors who voted in the jurisdiction of that area within three months from the date of constituting a ward committee.
3. 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:**

1. Area Sabha is entrusted with the following functions:-

(i) To generate proposals and determine the priority of developmental programmes to be implemented in the area and forward the same to the Ward Committee;

(ii) To identify the most eligible persons for beneficiary oriented schemes as per guidelines of the Government and prepare a list of beneficiaries in the order of priority and forward the same to the Ward Committee. Their decisions shall be final.

 (vi) Area sabhas shall plan, prioritise, monitor, and social audit all works.

(vii) The Area Sabha shall have the power to allow/disallow 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, get all encroachments removed from public land; have first right and control over all natural resources in its jurisdiction, such as land, CA sites, water, lakes, etc.

**Meetings of Area Sabha:**-

1. The Area Sabha shall meet once in three months and also at other times as often as a meeting is called by the Area Sabha Representative in a premises identified by the Commissioner or an officer authorized by the Commissioner.
2. No meeting of the Area Sabha shall be held on the day on which a meeting of the Corporation or Ward Committee is scheduled to be held.
3. The Area Sabha Representative shall preside over the meetings of the Area Sabha.
4. The Area Sabha Representative shall fix the date and time of meeting and inform it to all the electors in the area through the Secretary of the Ward Committee .
5. 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, community halls, notice boards / banners at traffic junctions in the ward and mobile publicity through autorickshaws fitted with loudspeakers, etc.
6. At least fifty voters shall be present at the meeting of Area Sabha
7. The agenda for the meeting of Area Sabha shall be prepared by the Secretary of the Ward Committee concerned in consultation with Area Sabha Representative. The discussions in the Area Sabha shall be confined to the functions entrusted to it. After necessary discussions, the Area Sabha shall pass resolutions in respect of the items placed in the agenda.
8. The concerned officials in the Corporation shall furnish information regarding services they render and the list of works proposed to be executed in the area to the Area Sabha after the meeting of the Ward Committee.
9. The Secretary of the Ward Committee shall communicate the minutes of the meeting of the Ward Committee and every decision taken relating to the jurisdiction of the area to the Area Sabha Representative.
10. The Secretary of the Ward Committee shall inform the follow-up action taken on the decisions concerning the area to the Area Sabha Representative.
11. The minutes of the proceedings at the meeting of Area Sabha shall be drawn up and entered in a book to be kept for the purpose and shall be signed by the Area Sabha Representative.
12. The Area Sabha Representative shall forward a copy of the minutes of the meeting of Area Sabha to the Ward Committee for taking further action in the matter.
13. Minutes of meetings of the Area Sabha to be displayed on the website of the ward and available for scrutiny or on notice board of the ward office.
14. Municipal Corporation should recognize one NGO in each ward and authorize it to monitor functioning of the ward. This NGO shall be accountable to give periodical performance reports to the Ward Committee. NGOs should be involved in orienting and supporting the Area Sabha in conducting social audit of works.

Yours sincerely,

Kathyayini Chamaraj

Executive Trustee