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ESG Open Discussion on

Draft of Karnataka Municipal Corporation (Ward Committee) Rules, 2013

Wednesday, 4th September 2013

4.30 pm to 7.00 pm

Venue: Ashirwad, Behind 'Kabab Corner', St. Mark's Road Cross, Bangalore 560001

Background Note:

With the intent of devolving power to the people, as a measure of enhancing accountability and transparency in urban governance, and to decentralise urban administration, the Parliament of India passed the Constitutional 74th Amendment (Nagarpalika) Act in 1992. Twenty one years have since passed, many Governments have come and gone in Karnataka, but not one made it a priority to operationalise Article 243 S of the Constitution relating to: “**Constitution and composition of Wards Committees, etc.**–” the bedrock of decentralisation of urban governance. Citizens, consequently, have been denied their Constitutional guarantee of participation in decision making in urban affairs and suffered widespread mismanagement of urban issues and concerns.

Meanwhile, cities have grown beyond their environmental limits and urban problems have become extraordinarily complex. If the manner in which urban planners and administrators are dealing with the crisis is any indication, it reveals that they simply no clue how to. Not uncommonly, various consultants are flown in and out promising relief and change, all of which are as transient as the proposals themselves, not to forget the frequent foreign junkets key decision makers help themselves to, burdening weary tax payers, and with nothing to report back on. Business and political elites, meanwhile, have opportunisted on this void to leverage and secure benefits. As a method of capturing key decision making spaces, unaccountable and unconstitutional decision making bodies such as *Bangalore Agenda Task Force* and *Agenda for Bangalore Infrastructure Development* have been foisted on the wide public, and which have promoted projects that cost the poor dearly and even displaced them economically and physically as well. The long standing demand to ensure Ward Committees function so that the wide public could legitimately involve in civic administration in a deeply representative manner, and thus influence and shape decisions and change circumstances for the better, has floundered for attention.

When residents of Mavallipura, a village north of Bangalore, resolved not to allow Ramky (a PPP operator) to dump a major chunk of Bangalore's waste in their village commons in July 2012, the metropolis' streets accumulated hillocks of putrefying waste. This brought home to the city's residents an experience that the hapless villagers had been suffering every day for more than a decade. All efforts by the Karnataka Government to promote



Bangalore as a 'world class city' through such shows as Global Investors Meets came to naught. Instead, the city became infamous world-wide as a *garbage* city! Reactions of government agencies and functionaries in attending to this crisis were technocratic at best, and draconian at worst: recall how over 700 police were deployed to forcibly and illegally dump garbage in Mavallipura during August 2012 under the instructions of then Deputy Chief Minister Ashokaa, which failed.

The colossal failure on the part of the Government resulted in the Mr. Justice Vikramjit Sen, then Chief Justice, and Mrs. Justice B. V. Nagarathna of Karnataka High Court intervening in the matter by responding to Public Interest Litigations filed by Mr. G. R. Mohan (WP No. 40450/2012) and Ms. Kavita Shankar (WP 24739/2012). The Court held the State Government and Bruhat Bengaluru Mahanagara Palike (BBMP) accountable for this sorry state of affairs reminding them it was their fundamental duty to provide a clean and healthy city for all and warning such failure to deliver would be punished.

Environment Support Group joined this litigative effort (by way of W.P. No. 46523/2012, accessible at: <http://tinyurl.com/mpde8d9>) and drew the attention of the Court to the fact that garbage mismanagement was essentially a result of misgovernance, lack of transparency and accountability in civic administration, the prevailing resistance in administration to allowing citizen participation in municipal affairs and centralisation of powers that was resulting in massive corruption. On the elevation of Mr. Justice Sen to the Supreme Court in December 2012, the PILs have been regularly heard by the Division Bench of the High Court comprised of Mr. Justice N. Kumar and Mrs. Justice B. V. Nagarathna. This Bench has issued a series of unprecedented and progressive directions with the intent of fundamentally resolving the solid waste *mis-management* problem perpetually (the directions may be accessed here: <http://tinyurl.com/pqwc2rc>). Responding positively to ESG's submission that without establishing Ward Committees to ensure direct involvement of citizens in civic affairs there could not be a solution to the garbage crisis, especially given the lack of a mechanism to honestly and effectively monitor this operation on a day to day basis at the locality levels, Justice Kumar and Justice Nagarathna in January 2013 directed the Karnataka Government to immediately constitute Ward Committees by issuing the following direction on 10th January 2013:

“It is in the absence of this committee functioning in each ward, probably the task of removal of garbage which was not a problem for the last 5 decades has assumed gigantic proportions in the last couple of months. Therefore, in order to fix the responsibility on the persons who should ensure proper solid waste management it is necessary to constitute a Ward Committee forthwith.”

Such intense monitoring by the Karnataka High Court has ensured that Ward Committees were constituted and the Draft Rules on operationalising the Ward Committees were issued on 11th January. But by the time the State got around to formalising these Rules, Assembly elections were declared, and the Draft Rules lapsed. Despite the formation of a new State Government in May, there was considerable delay in reviving the legislative process to make Ward Committees fully functional. The Court once more stepped in and directed the State to get on with this task with due dispatch. As a consequence the Draft of the Karnataka Municipal Corporation (Ward Committee) Rules, 2013 has now been issued on 27th August 2013 by the Karnataka Urban Development Department. The Department has called for comments, suggestions and objections on these Rules over a period of “fifteen or thirty days from the date of publication in the official Gazette”. It is essential that these Draft Rules are shaped with extraordinary care and attention to detail, as they would



influence, inform, shape and determine the manner in which Ward Committees function. This will also have a very strong bearing on the functioning of Area Sabhas (the sub units of Ward Committees), that would have to follow.

This is an historic opportunity for us to collectively work to ensure that decentralisation of urban administration becomes effective and not merely a notional and ritual exercise. It is important to note that the Ward Committees have a whole range of functions, and that it is not limited to monitoring solid waste management alone. The 12th Schedule of the Constitution lists a variety of issues and concerns that Ward Committees could be involved in, and the list of items (which is illustrative) is accessible at: <http://indiacode.nic.in/coiweb/amend/amend74.htm>.

Imagine issues and initiatives that Ward Committees could be directly engaged with: securing water access to all; enhancing greenery and biodiversity; protecting and rehabilitating lakes and *raja kaluves*; preparing ward traffic management maps to promote public transport, walking and cycling; ensure markets are accessible to all; promote livelihoods and housing for the poor; regulate land use, and tackle encroachment of public spaces, and illegal and unmanageable building practices; promote progressive (and inclusive) cultural, aesthetic and educational activities; make each ward fully accessible taking into account the needs of children, elders and of physically and cognitively challenged; developing effective fire and emergency services; preparing disaster management plans; etc. The Draft Ward Committee Rules provide for such roles and even more fundamentally proposed that the Ward Committee will have to:

“prepare five year ward vision plan as per a Performance Development System (PMDS) based on human development and social infrastructure outcomes at ward level. Targets need to be set and outcomes indicators developed for measuring, monitoring and review need to be based on performance of those indicators. The Area Sabhas need to be involved in setting targets and reviewing municipal performance.”

Now is the time to imagine our city, our ward, our neighbourhoods, and streets as inclusive and progressive spaces, providing for social and economic upliftment of the poor, of promoting syncretic cultural processes, of overcoming a range of ills that have dogged our societies and of keeping our *tryst* with that *destiny* which we were promised over six decades ago. In this backdrop, ESG invites you to Open Discussion on the Draft Rules to constitute Ward Committees in Karnataka.

A copy of the Draft Ward Committee Rules may be accessed at: <http://tinyurl.com/prg2gq8>

A copy of the 19th August 2013 amendment to the Karnataka Municipal Corporation Act instituting various penalties for violating Municipal Solid Waste Management Rules, 2000 and other related norms can be accessed at: <http://tinyurl.com/ksdfsxg>

We also request you to assist us in assessing the extent to which BBMP is complying with High Court directives in managing solid waste by participating in a brief and quick survey, which may be accessed at: <http://tinyurl.com/oqtg9r5>.