

W.P. No. 46523/2012

UNDER WRIT ORIGINAL JURISDICTION

Between :

Environment Support Group and others

... Petitioners

And :

Bruhat Bengaluru Mahanagara Palike and others

... Respondents

Memo

The 2nd Petitioner respectfully submits as follows:

1. Consequent to the directions of this Hon'ble Court in the aforesaid and connected matters, Petitioners in this Writ Petition along with various other public interest organisations organised a consultation on 16th January 2013 to discuss, debate and assist the process of Establishment of Ward Committees in 198 Wards of Bangalore, as directed by this Hon'ble Court. Special Commissioner of Bruhat Bengaluru Mahanagara Palike (BBMP), Respondent 1 in the instant Writ Petition, Mr. Niranjana, participated in the proceedings on behalf of the Commissioner, Mr. Siddaiah. A copy of the workshop invitation is annexed at **Annexure A**, and press reports of the same is annexed at **Annexure B**.
2. The Petitioner also respectfully submits to this Hon'ble Court that on 15th January 2013, in obedience with the directions of this Hon'ble Court, BBMP Council met and passed a resolution, and a copy of the same along with its translation is annexed at **Annexure C**.
3. The Petitioner wishes to submit that there is widespread interest and enthusiasm amongst the citizenry to actively participate in Ward Committees, and to help resolve the ongoing crisis in solid waste management. The participation of over 150 Resident Welfare Associations and other public interest groups in the aforesaid consultation organised by the Petitioners is indicative of the enormous faith that the citizenry has reposed in this Hon'ble Court's directions to decentralise municipal governance and devolve powers to the local areas in ensuring fair, transparent, accountable and

efficient administration. Towards this end, various well meaning citizens have stepped forward to work with the BBMP in ensuring Ward Committees function as per the letter and spirit of the law. However, it has been noted with a great deal of trepidation that such genuine enthusiasm and interest is being frustrated by the Councillors who have unilaterally nominated persons of their choice without allowing for the consideration of legitimate claims of various RWAs and other community organisations which ought to have been considered by the BBMP keeping in mind the need for representation of various issues and concern contained in the wards.

4. Keeping this situation in view, the Petitioner respectfully prays this Hon'ble Court to direct the respondents to ensure that the process of nominating members to ward committees is fair and representative of the widest sections of the populations contained in every ward. Such a process, the Petitioner submits, will serve well in fully realising the benefits of the directions of this Hon'ble Court in securing the widest public interest. The Petitioner also respectfully prays this Hon'ble Court to direct the Respondent BBMP to take steps to establish the Area Sabhas so that the due representation and participation of the citizenry in administration of their neighbourhoods and city is fully secured.
5. The Petitioner respectfully prays this Hon'ble Court to issue appropriate direction to remedy this situation.

Date: 21st January 2013

Bangalore



2nd Petitioner

(Party in Person)

Annexure A



ALTERNATIVE
LAW FORUM

in association with *Citizens Action Forum*, the *Fifth Estate* and *CIVIC Bangalore*

cordially invite you to a workshop to discuss, debate and assist in

Establishment of Ward Committees in 198 Wards of Bangalore
in compliance with directions of the Hon'ble High Court of Karnataka

Mr. Siddaiah, IAS, Commissioner, Bruhat Bengaluru Mahanagara Palike, will participate in the discussion

Date/Time: 16th January 2013, Wednesday, 4.30 pm to 7.00 pm

Venue: Student Christian Mission House, 29, 2nd Cross, CSI Compound, Mission Road, Bangalore 560027

Tel: 080 2222 3761 (Directions [Link](#))

(Registration opens: 4 pm)

Kindly confirm your participation in advance by emailing shashi@esgindia.org, or by phone: 080-26713559 ~61

[A note on establishment of Ward Committees will be available for download from [ESG's website](#) on 15th January.]

Environmental, Social Justice and Governance Initiatives

Environment Support Group - Trust, 1572, 36th Cross, Ring Road, Banashankari II Stage, Bangalore 560070.

Tel: 91-80-26713559~61 Voice/Fax: 91-80-26713316 Email: esg@esgindia.org Web: www.esgindia.org

Annexure B

The Hindu

17 January 2013

Citizens discuss ward committees

STAFF REPORTER

Members of the residents' welfare associations (RWAs) who attended the interaction on constitution of ward committees (WCs) have been asked to submit a draft of the bye-laws to the Bruhat Bangalore Mahanagara Palike (BBMP).

The interaction, organised jointly by the Environment Support Group, Alternative Law Forum and Atree here Wednesday, was attended by more than 150 members of various RWAs from across the city.

Several residents sought clarifications and raised concerns regarding the functioning, role and term of the WCs. Arul Selva of the Koramangala Slum Committee warned of the urban poor being marginalised. Geetha Menon from Stree Jagruti Samiti wanted to know how all sections of society can be represented in the WC. Anand Sirur of Malleswaram Swabhimana Initiative pointed out that the association is active in four wards and that none of the councillors had contacted the association seeking members for WCs.

While some residents wanted disabled citizens to also be nominated, there were others who sought to know why the WC were being constituted without the formation of Area Sabhas. Responding to these queries, Special Commissioner K.R. Niranjan said the BBMP was contemplating on whether the bye-laws have to be framed by it or rules, which are more stringent, by the government. The current amendment to the Karnataka Municipal Corporations Act 1976 is very flexible and citizens can pressure their councillors and ensure that social justice is maintained. The BBMP was framing the draft rules and would table them at the next council meeting.

"By establishing WCs first, we are taking the first step in the process of democratic decentralisation of power," he added.

Deccan Herald
16 January 2013

BBMP may accept ward panel byelaws drafted by civil society

The Bruhat Bangalore Mahanagara Palike (BBMP) may consider implementation of byelaws for the ward committees drafted by the civil society, said the BBMP Special Commissioner K R Niranjan.

He was speaking at a workshop on Wednesday on the formation of Area Sabha and Ward Committees (AS/WC) at the Students Christian Committee on Mission Road. The programme was organised by Alternative Law Forum, Environment Support Group, Civic Bangalore and Fifth Estate.

Niranjan said, "Let the civil society and the BBMP frame the draft byelaws for the Ward Committees and the sacrosanct of them will be accepted."

He asked the civil society and the RWA members to frame the draft byelaws by Friday so that it could be discussed in a meeting with the Palike Commissioner at 10 am. "Based on the suggestions, a decision will be taken," said Niranjan.

Advocating the formation of the AS/WC for the decentralisation of democratic process and the public participation in area planning process, Niranjan said the AS/WC can be formed only if people built pressure on the politicians and the bureaucrats. However, he too felt that there were shortcomings in the rules and the byelaws, particularly with regard to reservation.

"The Act says that there should be two members from SC/ST community, two from Residents' Welfare Associations and three women while there is no mention about the Other Backward Castes (OBCs), which is the bone of contention for the elected representatives. The women members could be from the SC/ST Community or the RWA members can either be women or from the SC/ST or the OBCs. So we need more clarity on it," said Niranjan.

Earlier, the organisers and the participants discussed the issue threadbare. They said the High Court has directed the BBMP Commissioner to submit the list of AS/WC on January 21. If the corporators fail to give the list, the Commissioner will have to give it to the court.

During the interactive session, Selvaraj from Koramangala demanded provisions for the economically and socially marginalised people in the AS/WC. He said without giving them representation, there was no point in setting up such committees. Hussain from Vidyaranyapura demanded representation to the disabled persons while Geetha Menon wanted to know whether there will be any financial powers to the AS/WCs.

Smruthi, an RWA member, sought to know the strategy to give due representation to women and Hemalatha from Indo Global Social Services Society wanted to know how the urban homeless can be benefited from the AS/WC. Anand Sirur of Malleswaram RWA complained that no corporator approached his organisation to give them representation in the Ward Committees.

DNA

17 January 2013

Citizens will help BBMP draft ward panel bye-laws

Resident welfare associations (RWAs), civic activists and NGOs across the city will help the BBMP draft the bye-laws for the functioning of ward committees.

The draft bye laws will be placed before the council in the next council meeting, KR Niranjan, special Commissioner, BBMP, told a workshop on ward committees organised by various civic groups in the city on Wednesday.

The decision to collaborate with the residents to draft the bye-laws comes at a time when the Karnataka High Court has set the BBMP January 21 as the deadline for setting up ward committees in all the 198 wards. The BBMP held a special meeting on Tuesday to discuss the issue and urged the state government to provide them with the rules that will explain the functioning, roles and work of the ward committees (especially financial).

Wednesday's workshop, organised by CIVIC, ESG, Alternative Law Forum among others, saw residents raising concerns with regard to who would be the members of the ward committees, as well as how the members can be held accountable. Over 200 members of various RWAs and civic groups attended the workshop.

The participants asked the special commissioner to ensure that the physically challenged were also represented in the ward committees, a fixed criteria for selection of people for the committees, the expertise they needed to possess. They also wanted more representation from RWAs on the committees.

Vijayan Menon of Koramangala Initiative pointed out that while the discussion revolved around who will form ward committees, there also had to be rules on how the members of the ward committee would be held accountable and how to ensure transparency in meetings.

The fact that area sabha members would not be represented in ward committee meetings was brought up by a participant who questioned the efficiency of ward committees without area sabha representatives.

"Considering that the whole point of ward committees and area sabhas is to bridge the gap between the people and the elected corporates, without area sabha members, will this be possible," asked one participant.

BBMP already has list ready, but no RWAs nominated Leo Saldanha of ESG clarified that the BBMP corporators had already made a list of people who would be nominated as ward committee members ready.

"What the BBMP has not been able to do since 2011, they have managed to do within days of the High Court directive," said Saldanha. He said that while this essentially means that the corporators have put in their 'assistants' in ward committees, people should continue to send names of people to the Commissioner as well as the Special Commissioner, even if it was only to place on record that these names were rejected. He added that it was sad that although over 200 people who attended the workshop were actively participating in civic affairs for many years, none of them was nominated to ward committees.

During the discussions, it was suggested that RWAs and civic groups stay out of the ward committees and act as watchdogs and scrutinise members of ward committees as well as their activities.

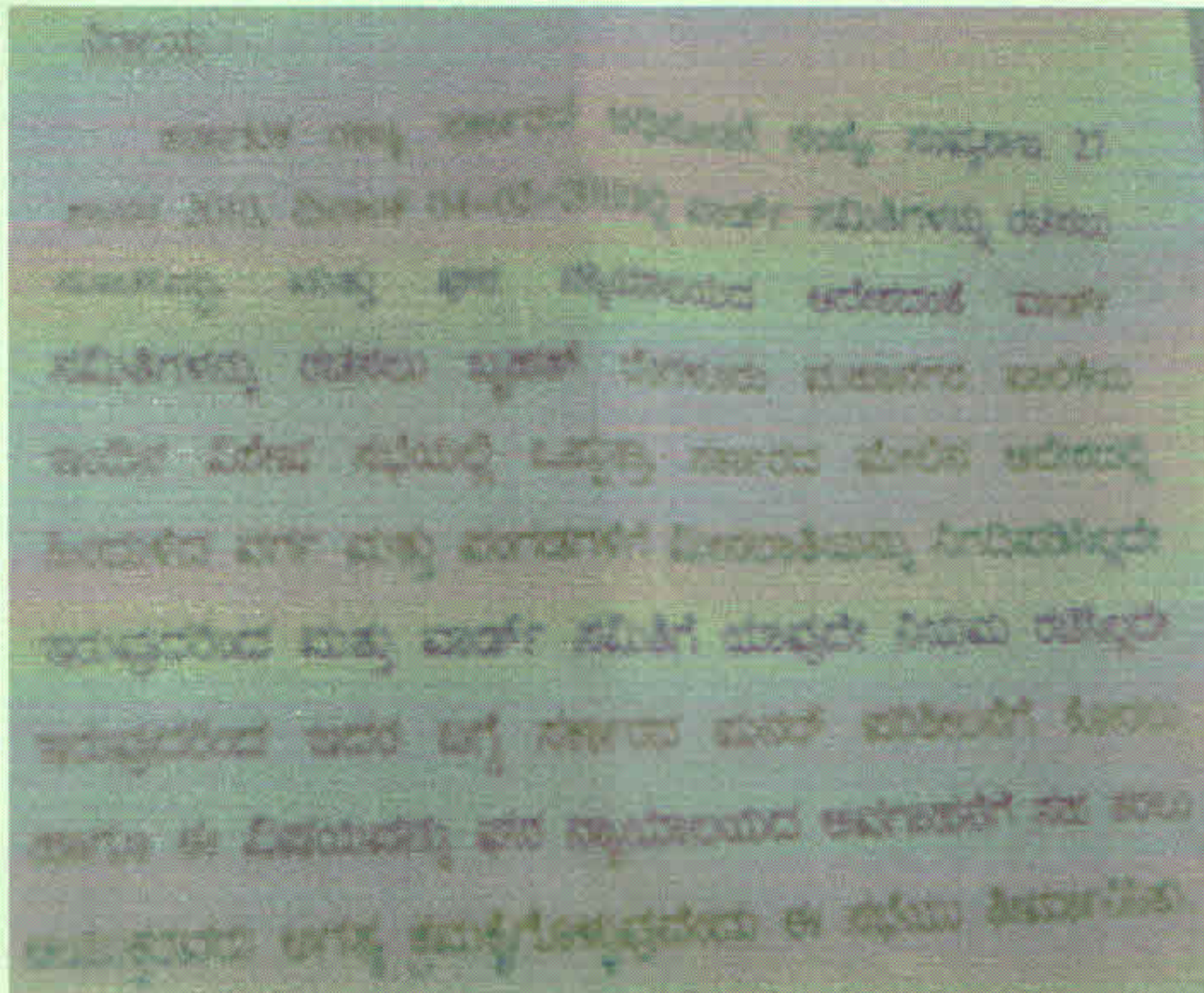
"Our main agenda over the next two years is to set right the system by scrutinising every member's actions. The members of the ward committee are public servants and considering that they occupy statutory status, they can be sued for not doing their job right," said Saldhana, reiterating a suggestion by Ajesh Kumar, a lawyer.

Rajeev Chandrashekar on ward committees:

Member of the Rajya Sabha Rajeev Chandrashekar on Wednesday stated that he supported the demand from various citizen groups, RWAs for transparency in nominations to ward committees. "The demands of the citizens to constitute ward committees is a long standing one and the BBMP must ensure transparent criteria in appointments of members of the committee and ensure that the ward committees have true neighbourhood representation, including RWAs from different parts of the ward," he said.

"I understand there are some suggestions to dilute the citizen involvement by adopting non transparent and ad-hoc methods to nominate members. I would urge the BBMP leadership to refrain from this - this will be unforgivable and against the spirit of High Court Order that was a consequence of a PIL, which will predictably lead to further anger and dissatisfaction among the citizens, who are already highly dissatisfied with the current state of affairs in our city," he said.

Annexure C



Translation: "**Resolution:** BBMP while accepting the government's and Court's directive to form ward committees, requests BBMP Commissioner to ask the State government to review its KMC Amdt. Act since it provides no reservation for the OBCs on ward committees and since no Rules/bye-laws have been framed for ward committees. It also requests him to bring these matters to the attention of the Hon'ble High Court."