



(Regd., Public Charitable Trust No 599 / 94--95 IV)  
3/2A Basappa Cross Road, Shanthi Nagar, Bangalore 560027  
Tel: 080-41144126, Mob: 9731817177 ; E-mail: [info@civicspace.in](mailto:info@civicspace.in) ; [kchamaraj@gmail.com](mailto:kchamaraj@gmail.com) ;  
Website: [www.civicspace.in](http://www.civicspace.in)

20<sup>th</sup> April 2021

Trustees:

1. Prof. D. Jeevan Kumar  
Chairperson &  
Former Professor of  
Political Science  
Bengaluru University
2. Dr. Anjula Gurtoo  
Professor of Management  
Studies  
Indian Institute of Science
3. Ms Asha Kilaru  
Health Researcher &  
Activist
4. Ms Kathyayini Chamaraj  
Freelance Journalist  
& Executive Trustee
5. Dr. Manjulika Vaz  
Researcher  
Dept. of Health &  
Humanities, St. John's  
Research Institute
6. Dr. T. R. Raghunandan,  
IAS (Retd.)  
Consultant, Decentralised  
Public Governance and Anti-  
Corruption
7. Dr. Supriya  
RoyChowdhury  
Visiting Professor,  
Urban & Mobility Studies  
Programme, NIAS
8. Mr. Vasudeva Sharma  
Executive Director  
Child Rights Trust

Sri Rakesh Singh, IAS  
Addnl. Chief Secretary  
Urban Development  
Vikasa Soudha  
Bengaluru 560001

Dear Sir,

**Subject: Additional concerns and suggestions on framing Guidelines for selecting ASRs and Ward Committee members**

Greetings! We wish to add the following points to our mail sent yesterday:

1. **Clarity required on qualifications of Ward Committee members:** A clarification that we seek is regarding the Qualifications needed to become a Ward Committee member. While the KMC (Amdt.) Act 3 of 2011 clearly specifies that "The Area Sabha Representative shall be a member of that Area Sabha" meaning that he has to be a resident of that Area which he seeks to represent, there is no stipulation that a Ward Committee member should be a resident of that particular ward.

The KMC (Amdt.) Act 3 of 2011 merely says that "Any person disqualified from being elected as a Councillor shall not be nominated as member of the Ward Committee". But there is no explicit statement that the Qualifications prescribed for a councillor also apply to Ward Committee members. Qualification prescribed for a Councillor in Section 25 of the KMC Act says

that “No person shall be qualified for election as a councillor unless his name is included in the electoral roll of **any** ward of the city”.

It is not clear whether the same Qualification applies to a Ward Committee member. That is, whether he can become a Ward Committee member of **any** ward as long as his name is there in the electoral roll of any ward of the city.

We seek clarification on this issue as 1,200 persons have applied to be Ward Committee members in Mangaluru City Corporation which has only 600 positions for ward committee members in its 60 wards. The question is whether the excess applicants in a particular ward (more than ten) can be accommodated as Ward Committee members in a neighbouring or different ward. This clarification needs to be provided through an Amendment to the KMC Act or Rules.

2. **Criteria for being selected as ASRs and Ward Committee members:** The recent Amendment to the Karnataka Municipalities Act (Act 39 of 2020) prescribes the following criteria within the law itself for becoming an Area Sabha Representative who also automatically sits on the Ward Committee as a member.
  - Section 80D(4) says, the representative of a Neighbourhood Group (for every 100 voters of the Area) shall be a member of the Area Sabha. He shall be a non-political person, neither a sympathizer nor member of any political party outfit.
  - Section 80(I)(1) says ASR shall be chosen by the members of the Area Sabha.
  - Section 80I(3) says the ASR shall be a non-political person.
  - Section 80M(iii) says the 5 members to be nominated to the Ward Committee “from residents of the municipal area” shall not be political party members.

There is a need to make similar criteria for the ASRs and Ward Committee members of municipal corporations also, including in the new BBMP Act, in order to remove “Inequality before Law” between citizens of small cities and municipal corporations.

3. **Clarity needed regarding meaning of “Nomination by the Corporation”:**

Given that currently nominations are being continued as per the KMC Act (Amdt.) Act of 2011, a matter exercising us since long is: What is meant by the term “nominated by the Corporation”? Section 13H(2)(b) of the KMC (Amdt.) Act says, “The Ward Committee shall consist of “ten other members to be nominated by the Corporation”. It has been our experience in the BBMP that, through a circular issued by the BBMP Commissioner dated 15.01.2016, nodal officers of each ward were asked to get the names of the ward committee members from the councillors. The same procedure may be adopted by other municipal corporations also which are currently going through the process of forming Ward Committees now as per HC order.

Also, as per Section 70 of the KMC Act, **councillors have no executive powers.** And nowhere does the KMC Amdt. Act of 2011 or Ward Committee Rules of June 2016 give councillors executive powers to nominate the ward committee members. Since the ward committee members are expected to monitor the functioning of the councillor at ward level, and ensure that he functions in a transparent and accountable manner, it would be counter-productive to make councillors themselves nominate the members. Hence, the Guidelines to be issued should clearly mention that the councillors should not have a role in the process of selecting the Ward Committee members.

**4. Need for Uniform Guidelines:** I am attaching herewith the dissimilar application forms issued by the Commissioners of Mangaluru and Davangere municipal corporations inviting applications from the public, which have differing or no criteria, pointing to the need to issue uniform guidelines and Application Formats.

Hoping you will take above concerns and suggestions into consideration and issue uniform Guidelines for selecting ASRs and Ward Committee members across Karnataka.

Kathyayini Chamaraj

Executive Trustee

9731817177