

CHAPTER V: BANGALORE METROPOLITAN GOVERNANCE FRAMEWORK AND VARIOUS GOVERNANCE MODELS

5.0. Overview of the Chapter

This chapter discuss existing Bangalore Metropolitan Governance framework and various governance models. The governance framework mainly focuses on constitutional and legal framework such as local self governments, planning authorities, statutory authorities and land laws etc. Overlapping and conflict between public stakeholders Acts within the Bangalore Metropolitan Region. Followed by review of existing governance model of international and national level, urban reforms and e-governance initiatives on governance in Bangalore.

5.1. Existing Governance Framework - Constitutional and Legal Framework

5.1.1. Constitutional Framework

The 73rd and 74th Constitutional Amendments Acts were introduced in the early 1990's in a bid to achieve democratic decentralization and provide constitutional endorsement of local self governance authorities. These amendments confer authority on legislatures of States to endow respectively Panchayats and Municipalities with such powers and functions as may be necessary to enable them to act as institutions of self – government. For the purpose, the Panchayats and Municipalities have been charged with the responsibility of preparing and implementing plans for economic development and social justice including those in relation to matters listed in the Eleventh and Twelfth Schedules of the Constitution. The central objective of these amendments is the decentralization of planning and decision making procedures. It also has the implicit intention of removing centralized notions of control and monopoly over development of resources.

The Constitution provides that the legislature of any State may, by law, endow the Panchayats and the Municipalities, with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayat at the appropriate level.

The Panchayats have been entrusted with the implementation of schemes for economic development and social justice including those in relation to the matters listed in the Eleventh schedule. The Municipalities have been entrusted with the implementation of schemes for economic development and social justice including those in relation to the matters listed in the Twelfth schedule. These being, among others,

- Urban Planning and town planning
- Regulation of land-use and construction of buildings
- Planning for social and economic development
- Slum improvement and up gradation
- Provision of urban amenities and facilities such as parks, gardens, playgrounds
- Public amenities including street lighting, parking lots, bus stops and public conveniences etc.

The Constitution has also provides for the creation of District Level Planning Committees for the preparation of the District Development Plan. The District Planning Committee has been placed with the powers to prepare a draft district development plan to consolidate the plans prepared by the panchayats and municipalities, having regard to matters of common interest including spatial planning, sharing of water and other natural and physical resources, the integrated development of infrastructure and environmental considerations. Further, the district development plans should be prepared to consolidate the plans prepared by the panchayats and municipalities.

For metropolitan areas, the Constitution provides that a Metropolitan Planning Committee shall be elected by and from amongst the elected members of the municipalities and chairpersons of the panchayats within the metropolitan area in proportion to the ratio between the population of the municipalities and panchayats in the metropolitan areas having the same mandate as mentioned above for the District Planning Committee.

Article 243N and Article 243ZF provides that, provision of any law relating to Panchayats and Municipalities respectively, in force at the time of the amendments, which are

inconsistent with the provisions of this amendment, shall continue to be in force until amended or repealed by a competent legislature or other competent authority or until one year from such commencement, whichever is earlier.

5.1.2. Legal Framework

5.1.2.1. Local Governments

5.1.2.1.a. Karnataka Panchayati Raj Act, 1993

Section 58 (1) of the Act offers that the Gram Panchayat shall perform the various functions, including,

- Preparation annual plans for the development of the Panchayat area
- Preparation of annual budget
- Promotion and development of agriculture and horticulture
- Development and maintenance of grazing lands and preventing their unauthorized alienation and use
- Promotion of rural and cottage industries
- Distribution of house sites within Gramthana limits

According to Section 309 of the Karnataka Panchayati Raj Act, 1993, the Gram panchayat, Taluk panchayat and Zilla panchayat are empowered to prepare yearly development plans. The Zilla panchayat would forward the development plan for the district to the District Planning Committee. Section 310 provides for the constitution of the District Planning Committee.

5.1.2.1.b. Karnataka Municipal Corporations Act, 1976

Post the 74th amendment the government of Karnataka introduced amendments to the above mentioned Act inserting Section 503A and 503B. While Section 503B provides for the constitution of Metropolitan Planning Committee for metropolitan areas, Section 503A provides for the preparation of the development plan every year by every Corporation and forwarding the same to the Metropolitan Planning Committee or the District Planning Committee as the case may be.

5.1.2.1. c. Karnataka Municipalities Act, 1964

Through similar amendments to the Karnataka Municipalities Act, 1964 Section 302A has been inserted in the Act that provides for the preparation of yearly development plans by every Municipal Council to be submitted to the Metropolitan Planning Committee or the District Planning Committee as the case may be. The municipalities have been entrusted with the powers and responsibilities in most matters relating to entries 2 to 18 in the Twelfth schedule except in relation to the first entry “urban planning including town planning”.

5.1.2.2. Planning

5.1.2.2. a. Karnataka Town and Country Planning Act, 1961

Urban planning in Bangalore is largely governed by the Karnataka Town and Country Planning Act, 1961. The Karnataka Town and Country Planning Act aims to provide for the regulation of land use development and for the making and execution of town planning schemes in the State of Karnataka. In order to insure that town-planning schemes are made in a proper manner and their execution is made effective, the Act provides for declaration of “local planning areas” and a “local authority” to prepare a development plan for the entire local planning area falling within its jurisdiction. The Bangalore Development Authority is the Planning Authority for the local planning area comprising the city of Bangalore. Every Planning Authority is a body corporate having perpetual succession on a common seal having power to acquire hold and dispose property, enter into contracts and sue and be sued in its own name.

The extent of the Local Planning Area of Bangalore comprises the Bangalore city and the surrounding Towns and Villages as listed in Notification No. HDP 496 TTP 83(1) dated 06-04-1984 an area of 1279 sq.km.

The Karnataka Town and Country Planning (amendment) Act, 2004 mandates every Planning Authority to prepare a Master Plan for the area falling under its jurisdiction. The words ‘Outline Development Plan’ and Comprehensive Development Plan the heading "MASTER PLAN" shall be substituted as per the amendment. Every planning authority

shall, as soon as may be, carry out a survey of the area within its jurisdiction and shall, not later than two years from the date of declaration of the local planning area, prepare and publish in the prescribed manner a Master Plan for such area and submit it to the State Government, through the Director, for provisional approval.

5.1.2.3. Statutory Authorities / Corporations

5.1.2.3.a. Bangalore Development Authority Act, 1976

Just as the Planning Authority, the Bangalore Development Authority (which is the Planning Authority for the Bangalore Metropolitan Area) is also a body corporate having perpetual succession on a common seal with power to acquire hold and dispose property, enter into contracts and sue and be sued in its own name.

The objects of the Bangalore Development Authority are to promote and secure the Development of the Bangalore Metropolitan Area comprising the city of Bangalore and other areas adjacent to it as the Government may notify. For the purpose of development of the Bangalore Metropolitan Area, the BDA has the power to acquire, hold, manage and dispose of movable and immovable property, to carryout building, engineering and other operations and generally to do all things necessary or expedient for the purpose of Development.

The Bangalore Development Authority has the authority to draw up detailed development schemes. The Bangalore Development Authority is also empowered to levy a tax on lands or buildings or both situated within its jurisdiction at the same rate at which the Corporation levies taxes within its jurisdiction.

The Bangalore Development Authority came into existence in 1976 as a successor to the erstwhile City Improvement Trust Board (CITB). In the 1960s and 1970s, the erstwhile City Improvement Trust Board (CITB) planned new layouts including the Jayanagar layout, etc. The CITB distributed about 64,656 sites between 1945 and 1976, and the BDA distributed about 63,062 sites between 1976 and 1988, and a total of 71, 483 by 1991.

According to official sources, the BDA, since its inception, it has allotted about 107389 sites.

The Karnataka Housing Board built 5506 houses in Yelahanka and 15,000 on the outskirts. The Karnataka Slum Clearance Board built a mere 2125 houses until 1989. The delivery on the part of the BDA kept on waning until the late 1980s coming to a near standstill between 1991 and 1999. In fact about 40,000 plots have been developed by the BDA since 1991; however 80% of the plots have been produced in the last 3 years. Though there is no official data on the number of allotted plots that lie vacant a conservative estimate would be about 15% including quite a large percentage of the plots that have been allotted in the past year or so lie vacant as well.

Overall, one sees quite a limited role of the BDA in providing housing access since its inception and that it was not really relevant as a land development agency from 1991 until the year 1999. Coinciding with the diminishing housing delivery performance of the BDA has been the emergence of the “revenue layout” type of land settlement. This evolution of such an informal settlement pattern can be directly attributable to the fact that the low-income groups could not afford housing plots at the prevailing rates and the totally inadequate supply of legal and affordable land sites.

It was also during this period that the twin processes of globalization and urbanization brought large-scale migration of predominantly poor and led to the spatial growth of the city. Left with no option people made their own arrangements, settling in slums or revenue layouts, depending upon their financial capability.

The contribution of the public sector to housing stock has been minimal - estimates range from 1% to 3% (GHK International, *et al.*, 1997: 11). The formal private sector only fares marginally better with a contribution of nine percentage points (GHK International, *et al.*, 1997: 11).

Formal housing delivery mechanism, including public agencies, private sector and cooperatives, have been highly deficient in providing housing solutions to the people in Bangalore. The housing interventions by public agencies, Bangalore Development

Authority (BDA), Karnataka Housing Board (KHB) and Bangalore Mahanagara Palike (BMP), have been in the form of developed sites and built up units. These account for 12.0 percent of the dwellings of the sample households. The interventions by the other actors in the formal sector, private builders/developers, cooperative housing societies and employers, have also been limited and account for 10.6 percent of the housing units.

This is not a very startling revelation. Studies across the world have found that the “official” government agencies have indeed been rather limited in bridging the gap between housing needs and supply. What follows from this argument then is that a majority of the people living in and on the fringes of cities, already access and still are, accessing housing settlements being established supposedly outside the purview of the dominant understanding of law. If one is to consider land tenure, infrastructure requirements and building standards, it is found that more than 40 – 70 percent of the populations of major cities are living in illegal conditions.

Presently the BDA has just completed development of the Anjanapura layout and the Visheswaraiyah layout and is in the process of acquiring 3300 acres of land in 16 villages in Byatarayanpura Municipal Council for the formation of the Arkavathy layout. It has further notified the acquisition of 1522 acres for the formation of Hi-Tech City and road between Sarjapur Road and Hosur Road. The notified lands fall under the jurisdiction of about 12 villages.

5.1.2.3.b. Karnataka Industrial Areas Development Act, 1966

The Karnataka Industrial Areas Development Board (KIADB) was set up under the Karnataka Industrial Areas Development Act (KIAD ACT) of 1966 for the speedy development of Industry in Karnataka by acquiring land and forming industrial areas complete with all infrastructure facilities like roads, water, power, communication etc.

KIADB acquires land and forms Industrial Areas with all infrastructure facilities including roads, water and power. The Board also acquires land in favour of Single Unit Complexes and public sector organizations. Since its inception, the KIADB has acquired nearly 57,000 acres of land all over Karnataka. It has developed 93 industrial areas over

approximately 27,500 acres, while the remaining land has been given to single unit complexes. In Bangalore the KIADB has acquired about 8493 acres of which it has developed about 8314 acres for the formation of 19 industrial areas. Of this about 6016 acres has been allotted to 2684 industrial units.

Presently the KIADB is involved in the formation of Electronic City Phase III (113 acres), Export Oriented Industrial Zone (EOIZ)/EPIP I and II Phase (540 acres), Devanahalli International Airport (about 4276 acres) and IT Corridor (overall 18,290 acres though till now about 700 acres have been notified). There is also information that the KIADB is proposing a self-contained residential township near Electronic City over 750 acres of land.

5.1.2.3.c. Bangalore Metropolitan Region Development Act, 1985

As the State Government felt that there is no proper coordination among the parastatal bodies like the Bangalore Development Authority, the Bangalore Water Supply and Sewerage Board, the BESCOM, BMTC etc. within the Bangalore Metropolitan Area. It decided to set up the Bangalore Metropolitan Region Development Authority under a separate legislation. The Bangalore Metropolitan Region Development Authority is set up for the purpose of planning, coordinating and supervising the proper and orderly development of the area falling within the Bangalore Metropolitan Region.

Consequent of the setting up of the Bangalore Metropolitan Region Development Authority all development within the Bangalore Metropolitan Region is to be carried out only with the express permission of the Bangalore Metropolitan Region Development Authority. Further, even the local authorities empowered to grant permission for any development within the Bangalore Metropolitan Region can do so only after the Bangalore Metropolitan Region Development Authority grants permission for such developments. The Bangalore Metropolitan Region Development Authority is also empowered to carry out Development plans and schemes formulated by it and further, is also empowered to issue directions to the BBMP, the Bangalore Development Authority, the Bangalore Water Supply and Sewerage Board, the BESCOM, the BMTC, the

KUWS&DB and the other bodies connected with the development activities within the Bangalore Metropolitan Region.

5.1.2.4. Land Law

5.1.2.4. a. Land Acquisition Act, 1894

The LAA was primarily used by the state to acquire land for large development projects such as dams, mills etc. The ability of the state to acquire land for such projects arose from the doctrine of “Eminent Domain”. The only restriction placed upon the acquisition process was that the project for which the land was being acquired should have been for some “public purpose”.

The Land Acquisition Act (LAA), 1894 was brought into being for the purpose of compulsorily acquiring land as and when required for public purposes. The laws for acquisition were brought in the Colonial times for various purposes and adopted by the republic of India on gaining its independence. Post Independence, the history of the LAA is intrinsically tied to the development paradigm fashioned by the dominant ideologies in India. The LAA was primarily used by the state to acquire land for large development projects such as irrigations and hydro-electric projects such as large dams, highways, nuclear plants, mines, industrial estates, etc.

Key Principles:

Eminent Domain: The ability of the state to acquire land for such projects arose from the doctrine of “Eminent Domain”. The only restriction placed upon the acquisition process was that the project for which the land was being acquired should have been for some “public purpose”. Under the doctrine of *Eminent domain* every state reserves the authority to appropriate or confiscate or deprive the owner of the lands situate within the limits of its jurisdiction for purposes of public utility. In India, appropriation must be for public utility or public purpose. The doctrine inherited from colonial legislations was adapted to the needs of the modern development list state.

Public necessity: Public necessity is seen to be the cornerstone and is the paramount law as public necessity is greater than that of private interest, which may therefore be justly subordinated. Thus the basic principles that would be the rationale behind the Land Acquisition Act are:

Solus populi est supreme Necessitas publica major est quam privata, i.e., public necessity is greater than private necessity.

Compensation: It is defined as the full value to be paid for property taken by the government for public purposes as guaranteed by the Fifth Amendment to the US Constitution, which states “nor shall private property be taken for public use without just compensation.” As per the principles of land acquisition, the state indeed has power to take away the property of an individual; however the standing principle therein is that the individual has to be compensated appropriately. Essentially, the land is valued and the compensation is given in tandem with this valuation. The problem of valuation is the determination of the present market value in relation to lands and buildings. Market value is said to be the price at which a property can be expected to sell as between a willing vendor and a willing purchaser both of whom are fully informed regarding the property in question, who are neither forced to buy nor sell and who are free to deal elsewhere if they choose.

Public Purpose: A law made for the purpose of securing an aim declared in the Constitution to be a matter of the Directive Principles of State Policy is for a public purpose. If, therefore, the acquisition of property sought to be effected by the impugned Act is for the purpose of implementing one or more of the Directive Principles of State Policy it will be for a public purpose within the meaning of the Constitution of India, and it will be unnecessary to consider whether for other purposes it comes within the meaning which the law has given to that expression. A certificate of “existence of public purpose” by the government is not required if the property is acquired under some Special Act which does not provide for such certificate directly or by implication.

Public purpose is not defined in the Constitution of India. The definition of public purpose under sec 3(f) of the Act is an inclusive one, and does not define it exclusively. The

question that often arises in one's mind is that whether public purpose should be defined or not; not defining 'public purpose' would lead to the serious abuse of this provision – in the name of public purpose.

In the case of *Sri Ramtanu Co-operative Housing Society Ltd. v. State of Maharashtra*, it has been held that acquisition of land for industrial area development is public purpose. Within an urban context it is used by the authorities for the establishment of civic structures and housing purposes mainly. In Bangalore the LAA (along with the Karnataka Industrial Areas Development Act – KIADA) has been used by the state for similar purposes, however, with increasing global connections there has been a focused promotion of large mega urban development projects. This includes the IT corridor, the Bangalore Mysore Infrastructure Corridor (BMIC), the Golf Course, the Software Technology Park, the International Airport, and also several infrastructure projects like the METRO, ELRTS, various flyovers.

However, the increased activity of the BDA has seen the resurgence of the LAA usage within and on the fringes of Bangalore. Within the last few years it has used the Act to notify 3340 acres of land in 16 villages for the formation of the Arkavathy Layout and another 1522 acres in 12 villages for the formation of a Hi-Tech City and road between Hosur Road (Electronic City) and Sarjapur road.

5.1.2.4.b. Karnataka Land Revenue Act, 1964

The main purpose of the Act is to create a comprehensive/ consolidated law on land and land revenue administration in Karnataka. Provisions under the Act cover the following areas broadly the powers and functions of revenue officers- divisional commissioners, deputy commissioners, tahsildars etc., the procedures to be followed by revenue officers- in enquiring into cases (quasi judicial authority), functioning of the Revenue Appellate Tribunal, use of land for public purposes, conversion of land from agricultural land to use for other purposes, collection of land revenue, revenue survey, grants of land, etc. More specific provisions of the Act deals with the notifications regarding the creation of the Green Belt to avoid the haphazard growth of village limits and the conversion of agricultural land for purposes other than agriculture. However, section 95 (3B) clearly

states that no permission for conversion of agricultural lands lying the Green Belt Area should be given for any other purpose.

Core Problem: The conflict that appears to emerge is between the bodies of local self – governance and the statutory authorities, and it revolves around the core issue relating to control over land and it's planning.

The Constitution has clearly laid down the norms and procedures for facilitating the decentralization of policy and decision making and the shift to local self – governance bodies on various levels. These are in regard to the powers, functions and responsibilities that need to be devolved to increase the capacity of the bodies of self-governance. Within this lies the process of bolstering of capacities of the local self bodies to plan the annual development of their regions.

At another level it was imperative that the State analyzed the existing laws and legislations and brought in the necessary amendments to make these laws in consonance with the constitutional amendments.

One would imagine that such clear directives in the Constitution provide an unambiguous account on the intentions, procedure and scope of devolution of powers to the local governance bodies. However, despite this the State governments have played truant in the application of these decentralization processes on the most important fronts. The incomplete devolution of powers has resulted in a rather murky situation where there is much ambiguity regarding the mandate of the constitutionally endorsed panchayats, municipalities and district / metropolitan planning committees. Resultantly, on the planning front it is seen that the State is still pursuing the policy of envisaging and implementing projects in a centralized manner with no participation of the local bodies of self-governance. These projects include the International Airport, Arkavathy Layout (BDA), Bangalore – Mysore Infrastructure Corridor (BMIC), IT Corridor, etc. All this, while the local bodies are even denied the power to sanction simple housing projects or introduce any other developmental projects.

This is a direct result of the apparent failure on the part of the government of withholding devolution the control over revenue land and its usage.

Further, the introduction of the 73rd and 74th amendments bestowed certain powers on the local bodies that were hitherto held by other parastatal authorities. This sets the context for the conflicts arising out of overlapping provisions in different Acts and their statutory agencies, with specific regard to revenue land control, regulation, usage, management and collection of revenue. i.e. at the level of the authorities, a direct conflict between the Panchayats / Municipalities and various authorities such as the BDA, KIADB, BMRDA, Revenue Department, etc, and at another level, the conflicts and contradictions in overlapping provisions of the Constitution and various Acts such as the Karnataka Panchayati Raj Act, Karnataka Municipal Corporations Act, Karnataka Municipalities Act, Land Acquisition Act, Karnataka Industrial Areas Development Act, Karnataka Land Revenue Act, Bangalore Metropolitan Region Development Authority Act, BDA Act, Karnataka Town and Country Planning Act, etc.

As seen from above there is a direct conflict over the authority placed with the necessary legal sanction to plan for areas that fall in the jurisdiction of the Panchayats and Municipalities. There are various situations of conflict that emerge ranging from the conflict between authorities placed with similar mandates such as the BDA and the City Municipal Councils, to conflicts between the authorities such as the KIADB and the Panchayats / City Municipal Councils regarding their mandate itself.

This throws up several rather critical issues pertaining to the mandate, powers and functions of these committees besides the crucial question as to who should prepare the development plan of a Metropolitan area like Bangalore.

These issues have to be resolved immediately keeping the constitutional necessity to maintain the autonomy of the local bodies and their powers in decision making. Therefore, the conceptual issues that emerge for being resolved are:

1. Constitutional status of local government.
2. Relationship between local / state / central government.
3. Local government as a democratic institution of self government.

These issues have been raised from time to time and the state government is very clear of the same. To quote from the report of the Committee on Urban Management of Bangalore City; “The Constitutional Amendment envisages that the municipalities may be endowed with “such powers and authority as may be necessary to enable them to function as institutions of self-Government and such law may contain provision for devolution of powers and responsibilities upon Municipalities.” The Constitution has empowered the State Legislature to determine the functions, resources and structure of the municipal bodies. It must be pointed out that the conforming legislation in Karnataka, as elsewhere, has remained largely incomplete. As a result the objectives of decentralization envisaged in the Constitutional Amendment are yet to be fulfilled.”

The report on “Urbanisation Policy, Amendments to the Town & Country Planning Act, Town Planning Manual and Urban Development Authorities” by the Expert Committee constituted by the Government of Karnataka has submitted to the government explicit recommendations to comply with the 73rd and 74th Constitutional Amendments. The list of the report suggests that:

- The devolution of powers envisaged by the amendments has not been fulfilled.
- Therefore it has expressly recommended that the performance of functions and implementation of schemes in relation to “urban planning including town planning” (first item in the Twelfth Schedule of the Constitution) should be entrusted to the Corporations, Municipal Councils and Town Panchayats.
- It has also recommended that the Corporations, Municipal Councils and Town Panchayats should function as Planning Authorities.
- To enable the above functions of the Corporations, Municipal Councils and Town Panchayats, it has further recommended amendments to the Karnataka Town and Country Planning Act, Karnataka Urban Development Authorities Act, Bangalore Development Authority Act, Karnataka Housing Board Act among others.

It is obvious that the act of planning necessarily needs to undergo fundamental changes along with revision of the powers and functions of authorities such as the BDA among others. However, despite this knowledge of incomplete fulfillment of the 73rd and 74th

Constitutional Amendments and available recommendations to overcome them, there has been no move to factor these into the present endeavor of preparing the plans for Bangalore. The detail of functional responsibilities of various agencies within BMR is given Appendix IV.

5.2. Overlapping and conflict between public stakeholders Acts

The Corporation and Municipal Councils are empowered to levy property tax on all lands and buildings within the city or municipal area. Section 28B of the Bangalore Development Authority (BDA) Act, 1976 empowers Bangalore Development Authority to levy property tax in respect of lands within Bangalore city and other municipal areas around Bangalore. Section 28A, 28B and 28C are inconsistent with constitution and municipal laws. In order to implement the provisions of the 74th Constitutional Amendment Act, 1992 the Karnataka Town & Country Planning Act, 1961 should be amended to enable the Corporations, Municipal Councils and Town Panchayat to function as planning authorities. The following sections overlapping & conflict between Public Stakeholders in Bangalore Metropolitan Region.

- ◆ Section 29 of the Bangalore Development Authority Act empowers the BDA to exercise the powers and functions of the Corporation and Standing committee under the Karnataka Municipal Corporation Act, 1976. After the 74th Constitutional Amendment Act, the exercise such functions by the BDA is unconstitutional. Hence, the section 29 may be omitted by an Amendment Act.
- ◆ Section 47 of the Karnataka Industrial Area Development Act, 1966 overrides other laws. Under section 3 the industrial area are notified and lands acquired are allotted for establishing industry. The Master Plan prepared without considering the established industrial area becomes inconsistent with statutory provisions of the KIADB Act. The provisions of the KIADB Act prevail over the KTCP Act.
- ◆ Section 10 of the Bangalore Metropolitan Region Development Authority Act states that notwithstanding anything contained in any other law no authority or person shall undertake any development within the Bangalore Metropolitan Region except with the permission of BMRDA.

A glance at the functions of the Development Authorities and comparison with the functions of the municipalities specified in Chapter VIII of the Karnataka Municipalities Act, 1964 reveal the overlapping and conflicting functions. The Statutory functions of the Municipalities and Authorities are compared in the following table:

Sl. No.	Functions	Karnataka Municipalities Act	Karnataka Urban Development Authority Act	Bangalore Development Authority Act
1.	Undertaking works for development	Section 155	Section 15	Section 15
2.	Particulars of the scheme	Section 156	Section 16	Section 16
3.	Procedure for completion	Section 157	Section 17	Section 17
4.	Sanction of scheme	Section 158	Section 18	Section 18
5.	Publication	Section 159	Section 19	Section 19
6.	Betterment fess/tax	Section 160 to 169	Section 20 to 26	Section 20 to 26
7.	Private Layouts	Section 170 to 172	Section 32 to 34	Section 32 to 34

The detail of laws governing within Bangalore Metropolitan Region is given in Appendix-V.

5.3. Present Governance Model

5.3.1. International Models of Governance Structure

A partial categorisation based on Webster, Cai, Maneepong (2006) is attempted below.

5.3.1.1. Unicities or one-tier governments

A single local government is responsible for providing the full range of local services and has a geographic boundary that covers the entire urban area. Large single-tier governments have generally been formed by *amalgamation* (merger of two or more lower-tier municipalities within an existing region) or by *annexation* (appropriation of a portion of a municipality by an adjacent municipality). For example earlier versions of the Greater

London Council, Bangkok Metropolitan Area, Toronto, and more recently Shanghai, Beijing etc.

5.3.1.2. Two-Tier Governments

The two-tier model consists of an upper-tier governing body (usually region, district, metropolitan area) encompassing a fairly large geographic area and lower-tier or area municipalities (including cities, towns, villages, townships etc.). For example, the present London Metropolitan Area, Seoul, Greater Toronto, Istanbul etc.

5.3.1.3. Special metropolitan wide districts or special purpose districts

Special purpose districts to deliver services that spill over municipal boundaries provide another alternative to altering municipal boundaries. These Special Districts are a much favoured approach in the United States. For example, Chicago Metropolitan region, Los Angeles, San Francisco Bay Area, New York Metropolitan Region etc.

5.3.1.4. City regions

A new and emerging category is that of City Regions where a limited amount of consolidation is attempted at the municipal level but either the province or special bodies created take the responsibility for stronger integration of strategies, coordinated spatial development and delivery of metropolitan level services. In this arrangement, existing municipalities are expanded to some extent but maintained to perform many of the municipal tasks. For example, the Gauteng City Region in which Johannesburg and Pretoria are located.

5.3.2. National Models of Governance Structure

It is held in literature that four major types of administration structures could be found in the context of cities with respect to the division of responsibilities (Pinto 2000) which are discussed briefly hereunder⁸³:

(a) The Weak Mayor-Council Structure

(b) The Strong Mayor Council Structure

⁸³ A detailed discussion on each of them can be found in the above source

(c) *The Commission System* - type of administrative structure that was borne out of the experience of city of Galveston, Texas, USA. A commission is made in charge of city affairs with the Commissioners acting as full time paid administrators and legislators. It works efficiently in a small city, but is not considered suitable to large cities, given the weaknesses of inability to cope with pressures as well as complexities in development and administration

(d) *The Council – Manager System* Under this system, the elected Council is responsible for policy making as well as administration, under a professional manager, who is responsible to the council. The Manager is appointed by the Council and serves during his tenure with the elected body being the deliberative, reviewing, annulling and monitoring body.

The High Powered Expert Committee (HPEC) for estimating the Investment Requirements for Urban Infrastructure Services believes that governance is the weakest and most crucial link which needs to be repaired to bring about the urban transformation so urgently needed in India⁸⁴.

The three major metropolitan cities of India – Mumbai, Delhi and Chennai – have adopted a Commissioner led administrative system with the Council as political wing, which has also been followed by many cities in India; only Kolkata has adopted Mayor in Council administration system. Three cities have been chosen including Bangalore, for discussing the Governance structure.

5.3.2.1. Municipal Corporation of Greater Mumbai: Commissioner led City Administration

The Union Government is headed by Prime Minister and Council of Minister called as Cabinet Minister followed by the Ministers of State with Independent Charges and Ministers of State for various departments. Only few departments are taken having direct linkages in context with Municipal Governance. In the State Level, each State is headed by the Chief Minister. The Chief Minister of the State is directly elected by the Members of State Assembly, followed by the Council of Minister. In case of all the States various

⁸⁴ Report on Indian Urban Infrastructure and Services March 2011

departments are headed by the Council of Ministers, but only few departments is considered which has direct linkages in municipal governance.

The Municipal Corporation of Greater Mumbai is one of the oldest and largest civic bodies in India administering a city. It is entrusted with the task to provide basic civic amenities, health, sanitation, solid waste management, education and city transport, while planning and maintaining roads and other civic facilities. The Mayor who heads the deliberative wing also heads the house of elected municipal councilors totaling 227; one each for electoral ward of the city representing the Municipal Corporation of Greater Mumbai. The Municipal Commissioner is the Chief Executive of the Corporation, who has to perform all the duties and exercise all the powers conferred upon him by the Act. The Act provided separation of powers for deliberative and executive wing coupled with proper check and balances. The Municipal Commissioner (appointed by the State Government) is assisted by four Additional Municipal Commissioner, exercise all or any of his powers and perform all duties and functions. The General Manger of BEST Undertaking (appointed by the Corporation with the approval of the State Government), heads the administration of the BEST. The executive powers are vested with the Municipal Commissioner, who is assisted by Additional Deputy Commissioners and Assistant Municipal Commissioners (flow chart 10).

5.3.2.2. Kolkata Municipal Corporation: Mayor-In Council System

This approach has a long history, even in the days of British rule; the popular representative system was so powerful. After independence, the Local Self Government of Kolkata has remained very strong. This model was introduced in 1984 and is known as the Mayor-in-Council form of city governance that can be described as a cabinet government replicating the formula operating at the state and national levels. This system is composed of a Mayor and a ten-member cabinet with individual portfolios chosen from among the elected councillors (in the context of Kolkata there are 141 wards in a single member ward system, rather than a multiple member ward system). It is in essence a hybrid between a Mayor -in –Council & CAO system to integrated federated framework. The Municipal Commissioner serves as the Principal Executive Officer subject to the control and supervision of the Mayor as the Chief Executive Officer in this model. The Municipal

Corporation group's wards into boroughs with each one having a committee consisting of the councillors elected from the respective wards of the borough. The councillors elect one among themselves as the chairperson of the borough. The borough committees are subject to general supervision of the Mayor-in-Council, and look after sub local functions such as water supply, drainage, collection and removal of solid waste, disinfection and health services, housing services, lighting, repairs of certain categories of roads, maintenance of parks, and drains (flow chart 11)

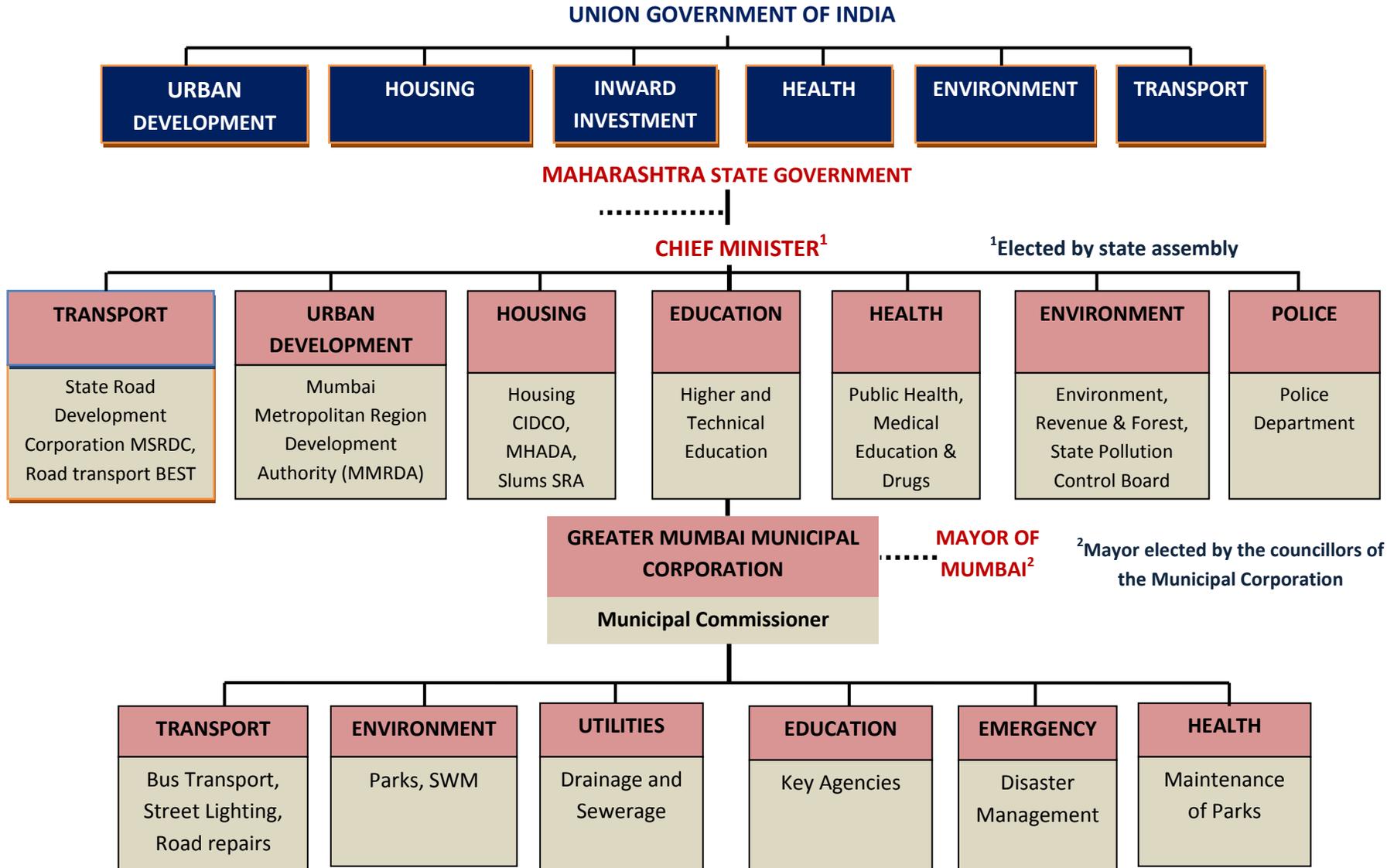
The weaknesses of this model in practice have been that the borough and ward committees have been too dependent on the mayor-in-council arm of the system. There has been inadequate operational autonomy in the selection and execution of schemes and lack of involvement with revenue-raising and tax collection. Another variant of this approach is known as the chairman-in-council system, where the Mayor is the Chairman of the Council.

5.3.2.3. Bruhat Bangalore Mahanagara Palike: Commissioner led City Administration

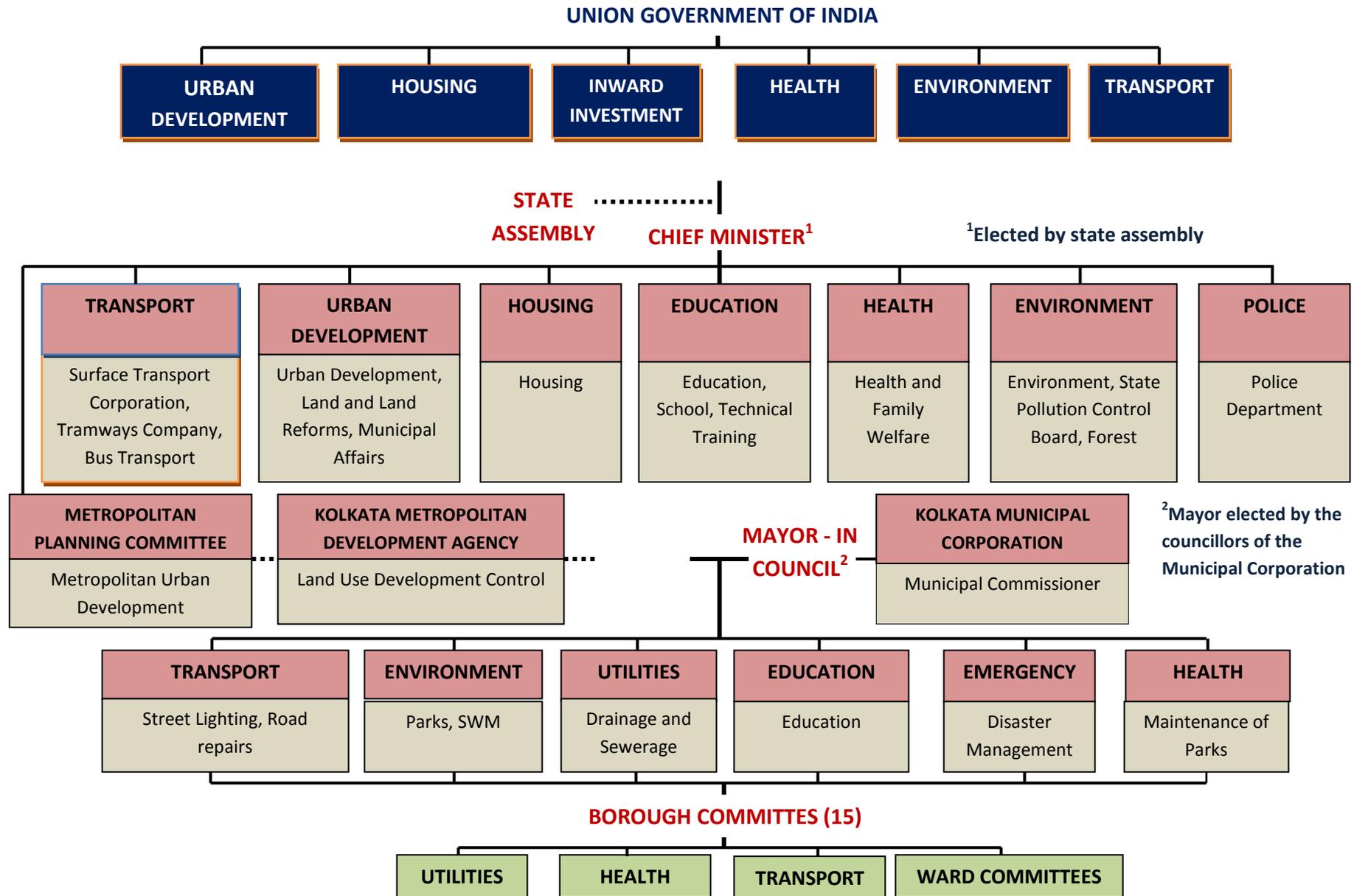
In Bangalore Municipal Governance, Bruhat Bangalore Mahanagara Palike is only one urban local body within the Metropolitan Center. The BBMP headed by the Mayor, the mayor is elected by the Councilors of Municipal Corporation. The Municipal Commissioner is the Executive head appointed by the Government (flow chart 12).

Flow Chart 10: Municipal Governance Structure of Mumbai Municipal Corporation

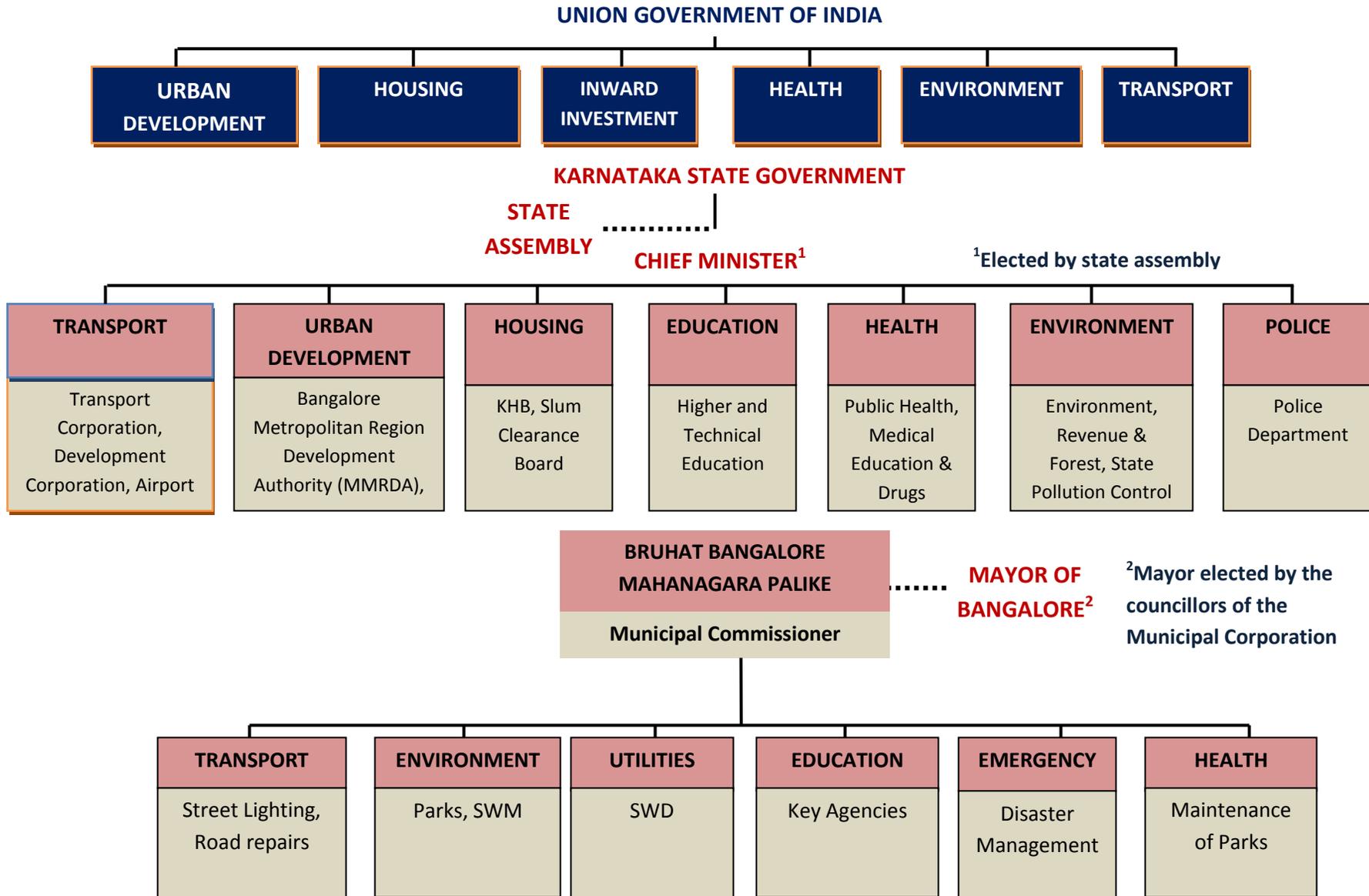
Source: Reproduced (Urban Age, London School of Economics www.urban-age.net)



Flow Chart 11: Municipal Governance Structure of Kolkata Municipal Corporation



Flow Chart 12: Municipal Governance Structure of Bruhat Bangalore Mahanagara Palike



Most Indian cities follow structure that has the features of Weak Mayor-in-Council System fabricated with Commissioner-led Administration. This has cast a weak Mayor playing marginal role in shaping the city development, planning and operations. On the other hand, the commissioner, who is a civil servant appointed by the State Govt. can wield much greater power and control over city's planning, resources, development and operations. This inevitably results in a power tussle between the two, especially when the party ruling State Govt. is different from the one that is ruling the city, as experienced for a long time in Mumbai, Chennai and Delhi. Kolkata's mayor-in-council model is an exception that has been working well so far, but it is yet to withstand the political antagonism between the tiers. The parastatals on which the Delhi Government heavily relies have been fairly responsive.

5.4. Urban Reforms and e-Governance and Initiatives

KMC Act introduced property tax assessment under Unit Area Value (UAV) system. The assessment and design of the property tax system under UAV is exactly similar to the old optional SAS under the Annual Rental Value (ARV) system and is applicable only to properties within the Bruhat Bangalore Mahanagara Palike jurisdiction.

Under the earlier SAS (ARV) system property was assessed on the basis its location, quality of construction, usage, occupancy and the age of the building. All these physical and usage features of the property were taken together and the annual rental value per square foot per month was determined. The Ministry of Urban Development, Government of India, has converted such method of property tax assessment as Unit Area Value.

In the KMC Act a new Section 108A has been inserted with corresponding Rules for property tax assessment on the basis of Unit Area Value. The Unit Area Value under this section is defined as: "an average rate of expected returns from the property per sq. ft., per month determined by the Commissioner, Bruhat Bangalore Mahanagara Palike on the basis of the average market rate determined through mass appraisal method or real estate market information or any other reliable source or combination of these sources that he

may consider it as sufficient and reasonable having regard to the location, type of construction of the building, parking area of vehicles in non-residential building where it is charged and such other criteria as may be prescribed. Different rates may be determined for different area or street by classifying into zones, different nature of use to which the vacant land or building is put and for different class of buildings and vacant lands” In keeping with the suggestions of the property taxpayers of Bruhat Bangalore Mahanagara Palike the Government has further amended the KMC Act to introduce property tax assessment under Unit Area Value (UAV) system from February 2009. Most of the cities introduced the area-based system during the year 1999 and 2002. However, after this first revision of property tax none of the urban local bodies have been successful in revising the property tax assessment except Bangalore.

5.4.1. BangaloreOne

The Karnataka Government has launched ‘Bangalore One ‘project on 02.04.2005 and is successfully running on PPP Model.

- BangaloreOne Integrated Citizen Service Centers are established under the e-Governance project across the city of Bangalore
- The main objective of this project is to provide integrated services of various Government departments and Private organizations to the citizens through the concept of ‘One-Stop-Shop’ facility.
- The citizens can avail various services of Government and Private organization under a single roof.
- The overwhelming response of Bangalore citizens towards BangaloreOne has kept the popularity of BangaloreOne growing day by day with more than 5.50 million citizens benefiting from 2008 onwards.

At present 46 BangaloreOne centers are operational. Presently, BangaloreOne offers 29 services of 24 departments and has plans to add many more services in the future

- The unique features of BangaloreOne are as listed below:

- Non-Stop Services: services available 24x7, all 365 days
- All Services at One Stop: Multiple services of Government and Business available under one roof and at a single counter (One stop)
- Jurisdiction free services: Services available on any time any where basis.
- Choice of Pay Modes: Cash/Cheque/DD and Credit card are accepted
- Quality Service: For each service time limits for waiting and transaction time are defined and queue management is managed electronically by issuing tokens
- Citizen-friendly Ambience: Air-conditioned, elegant, comfortable with citizen friendly executives. BangaloreOne also provides other facilities like drinking water, newspapers etc. to bring in the feel of at home atmosphere.
- No Service Charges: Citizens need not pay service charges for availing BangaloreOne services.
- Services through Internet: Citizens can also avail the bill payment services through BangaloreOne portal www.bangaloreone.gov.in

Services Offered

Sl. No.	Participating Departments	Services Offered
	Government to Citizens	
1.	BBMP	Payment of property tax Issue of Birth and Death Certificate
2.	BWSSB	Viewing and payments of bills, statements of accounts
3.	BMTC	Renewal of monthly passes
4.	BESCOM	Viewing and payments of bills, statements of accounts
5.	KSRTC	Advance Bus ticket booking
6.	BSNL	Viewing and payment of bills
7.	RTO	Collection of road tax for Transport vehicles
8.	Police (Traffic) Department	Collection of Parking and Traffic fines
9.	Regional Passport Office	Issue of submission of Passport Applications Acceptance of applications for Fresh

		Passport Renewal of Passport for major and minors
10.	IRCTC	Railway ticketing booking
	Business to Citizens	
1.	Tata Tele Services	Viewing and payment of bills
2.	Spice Telecom	Viewing and payment of bills
3.	Airtel	Viewing and payment of bills
4.	Reliance	Viewing and payment of bills
5.	Flight Raja	Domestic Flight ticket booking
6.	ING Vysya	Acceptance of Life Insurance Policy Premium payments
7.	Red Bus	Private bus ticket booking
8.	i-Tickets	Movie ticket booking

Source: BangaloreOne project, Directorate of EDCS, Department of e-Governance, GoK

5.4.2. Urban Reforms under JNNURM⁸⁵

JNNURM is a reform oriented initiative of the Government of India. As a prerequisite a Memorandum of Agreement was signed with Government of India for implementation of reforms. A total of 35 reforms have to be implemented under JNNURM scheme in Karnataka. Bangalore city has to implement 17 reforms, out of which 13 reforms have been implemented as on date.

⁸⁵ International Professional Enterprises, JNNURM Project Implementation Unit, Unity Annex Building, Bangalore

A. Mandatory reforms – BBMP

Mandatory Reforms –ULB level	Current Status	Task to be done
<p>e-Governance</p> <ol style="list-style-type: none"> 1. Accounting 2. Payment of Property tax 3. Registration and Issue of Births and Deaths certificate 4. Citizens Grievance Monitoring 5. Personnel Management System 6. Procurement and Monitoring of Projects 7. Health Programs - Solid Waste Management 8. Trade license, 9. Building Plan Approval GIS based Property Tax Module 	<ul style="list-style-type: none"> • 8 out of 9 e-governance modules have been implemented. • Accounting, Payment of Property Tax, Registration and Issue of Births/ Deaths Certificate, Citizens Grievance Monitoring, Personnel Management System, Procurement and Monitoring of Projects, Health Programs - Solid Waste Management & Trade license, Building Plan Approval. • The physical verification of data collected is being taken up by the personnel from BBMP’s Revenue Department in order to introduce GIS based Property Tax System. • BBMP (as on August 30, 2011) has reported that PIDs have been assigned to the properties of all 198 wards. • The total PIDs generated is 1,364,264. • For sub sites and apartments, single PID has been issued. <p>Manual verification of PID number is ongoing and as on August 30, 3 lakhs PID’s have been verified. In the Reform Review Meeting (held on August 10, 2011), BBMP has been instructed to complete PID verification process within two months time i.e. by October 10, 2011.</p>	<p>Property Tax module is pending:</p> <ul style="list-style-type: none"> • Unique id has to be allocated to every property. • MIS & GIS data has to be updated based on physical verification.

B. Optional reforms –BBMP

Optional reforms	Current Status
1. Introduction of property title certification system	Ongoing March 2011
2. Revision of Building Byelaws to streamline the approval process	Achieved
3. Revision of Building Byelaws to make rainwater harvesting mandatory in all buildings	Achieved
4. Ear marking of at least 20-25 percent of developed land in all housing projects (both public and private agencies) for EWS/LIG category with a system of cross subsidization	Ongoing June 2011
5. Simplification of legal and procedural framework for conversion of agricultural land for non-agricultural purpose	Achieved
6. Introduction of Computerized process of Registration of Land and Property	Achieved
7. Byelaws on reuse of recycled water	Achieved
8. Administrative Reforms	Achieved
9. Structural Reforms	Achieved
10. Encouraging Public Private Partnership	Achieved

C. Implementation of 74th CAA - BBMP

Mandatory Reforms- State Level	Reform Milestones (as per MoA/ NIUA appraisal)	Current Status	Task to be done
Implementation of 74th CAA	A. Transfer of 18 functions under 12th Schedule to ULBs	<p>16 out of 18 functions under 12th schedule were incorporated in the KMC Act, 1976, prior to JNNURM.</p> <ul style="list-style-type: none"> • Fire services were not proposed to be transferred. • A GO is issued for providing role of ULBs in urban planning. 	Achieved
	a) Constitution of DPCs and MPC	<p>DPCs are constituted in all districts. Guidelines on the role and the functions of the DPCs are issued.</p> <ul style="list-style-type: none"> • Section 503B of KMC Act provides for constitution of Metropolitan Planning Committee in Bangalore. • GoK is also in the process of establishing Bangalore 	<p>There are 3 key tasks pending to implement this reform:</p> <ol style="list-style-type: none"> 1. Declaration of MPC Region; 2. Notification of Area; and 3. Formulation of Election Procedures. <p>Notification for constitution of MPC as per Section 503B of KMC. This involves :</p> <p>a) Notification of BMR by Governor. The description of</p>

		<p>Metropolitan Planning Council for the Bangalore Metropolitan Region.</p> <p>In this regard a Bill – Bangalore Metropolitan Region Governance (BMRG) Bill, 2010 was be tabled in the State Legislature.</p> <ul style="list-style-type: none"> • Due to delay in the enactment of BMRG Bill, the process for amendment of Karnataka Municipal Corporation Act (Section 503 B) has started. • UDD is contemplating changes in the aforementioned legislations. 	<p>the Bangalore Metropolitan Area to be co-terminus with the jurisdiction of "BMR" as defined under the Bangalore Metropolitan Region Development Authority Act, 1985</p> <p>b) Amendment to KMC (Amendment) Act 1994 to delete section 45 relating to "consequences of constitution of Metropolitan Planning Committee"</p> <p>c) Amendment to subsection (4) of Section 503-B as follows: For the words "the Commissioner, BDA' the words 'the Metropolitan Commissioner, Bangalore Metropolitan Region Development Authority' shall be substituted."</p>
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5.5. Summary

This chapter gives outline of Bangalore Metropolitan Governance Framework with respect to constitutional & legal, various governance models of National & International level and urban reforms & e-governance initiatives. The problem of governance in Bangalore Metropolitan Center and Metropolitan Region is due to multiplicity of Rules and Acts in key stakeholders are overlapping and conflicts. The review of various models of governance structure concludes that neither or nor followed common legal framework for governing the metropolitan cities.