

CHAPTER – II

EVOLUTION OF THE BANGALORE MUNICIPAL CORPORATION

2.1 INTRODUCTION

Municipal Corporation is the highest institution in the hierarchy of urban local government and enjoys greater measure of autonomy than other forms of local government. The present state of municipal corporation cannot be understood, without its historical background. It is essential to familiarise with the significant details of the Bangalore city in order to trace the early history, growth, development and working of the Bangalore Municipal Corporation.

A. Origin and Growth of Bangalore City

Bangalore the capital of Karnataka, is the fifth biggest city in India with a population of about 5.7 million. It was the 16th biggest in the country in 1941, and grew rapidly to become the 8th largest in 1951. Its geographical location in the heart of South India and its climate has contributed to its growth and importance. The city is 3115 feet above the sea level and at a latitude of 12°58 North and longitude 77°36 East.¹

This rapid growth of Bangalore during the last 130 years, since 1871 can be inferred from Table 2. It is observed that the population of the city which was about 1.4 lakh in 1871 has increased to 56.86 lakhs in 2001, accounting for 38.36% of

¹ Census of India, Karnataka State, 2001.

growth over the period of 130 years or an arithmetical decadal growth rate of 29.5%. The reason for this is the increase in area of the city due to urbanisation of rural units around the city and further growth of the core city itself owing to the incorporation of the surrounding areas on a continuous basis over the years. The industrialisation of Bangalore City was rapid since 1951, whereby the employment opportunities increased largescale construction activities, educational and employment opportunities, medical facilities, business and industrial activities, all available in Bangalore attracted large number of migrants.

In Karnataka since 1871, Bangalore city had a population of over one lakh. Since 1961, Bangalore city is the one and only place which has crossed the one million mark. The only decade during which population declined were in the decade 1881-1901 which may be due to plague and partly to the absence of troops in 1901, owing to their deployment in South Africa and China. In 2001, Bangalore urban agglomeration with 56.86 lakh has the highest population among the 237 towns and urban agglomerations in the state. The decadal variation in population has shown downward trend since last two decades. This is indicated in the table given below.

Table 2: Growth of Bangalore city during the last 130 years (1871-2001)

Name of the city	Census year	Area	Persons	Males	Females	Sex ratio	Density	0-6 population	Literacy	Decadal variation in %
Bangalore Urban Area	1871	NA	144,479	NA	NA	NA	NA	NA	NA	-
	1881	NA	155,857	77,927	87,930	1,128	NA	NA	NA	7.88
	1891	NA	180,366	91,062	89,304	981	NA	NA	NA	15.73
	1901	NA	163,091	83,117	79,974	962	NA	NA	NA	-9.58
	1911	60.35	189,485	97,749	91,736	938	NA	NA	NA	16.18
	1921	NA	240,054	126,784	113,270	893	NA	NA	NA	26.69
	1931	NA	309,785	162,767	147,018	903	NA	NA	52,509	29.05
	1941	NA	410,967	216,340	194,627	900	NA	NA	156,212	32.66
	1951	NA	786,343	417,706	368,637	883	NA	8,979*	335,597	91.34
	1961	501.21	1,206,961	644,047	562,914	874	2,408	NA	597,525	53.49
	1971	177.30	1,664,208	887,782	776,426	875	9,386	NA	908,143	37.88
	1981	365.65	2,921,751	1,541,397	1,380,354	896	7,991	NA	1,856,322	75.56
	1991	445.91	4,130,288	2,170,985	1,959,303	902	9,263	578,560	2,820,323	41.36
2001	531.00 ^a	5,686,844	2,983,926	2,702,918	906	10,710 ^a	624,799	4,340,364	37.69	

* Population in the age group of 0-6; a = Approximate

Note: The concept of urban agglomeration was introduced in 1971. For comparative purpose the aggregated population of the towns in the urban area are given for the various census even before 1971.

Source²

² Census of India 2001, pp. 20-22.

The density of population was 9,263 per sq km in 1991. As per the 2001 census it rose approximately 10,710 per sq km. The sex ratio in the Bangalore population which had come down in 1961 has shown an upward trend. It is 906 as per 2001 census. The concept of urban agglomeration was introduced in 1971 census. Out of the population of 56.86 lakhs in Bangalore, urban agglomeration 624,799 are in the age group of 0-6 years.

Romulus founding the city of Rome at the palatine is the incident that led to the erection of the historic fort of Bangalore. In the vicinity of Bangalore a legend called Kempe Gowda I, founder of Bangalore and ancestor of the Yelahanka *Nada Prabhus*, when he was out on a hunt, saw the strange sight of a hare chasing his dog and was convinced that the place of this incident indicated *Gandhu Bhumi* or 'Heroic land'. He raised a mud fort there and founded a township within it, in 1537 AD, with the permission of the emperor of Vijayanagar, suzerain of the Yelahanka *nada prabhu*.

Kempe Gowda called the new fort, *Bengaluru*, a name which fascinated the people who inhabited this part of the country in earlier times. The name *Bengaluru* is found in an inscription of the 9th century A.D. discovered at Begur village, which is situated 9 miles South-East of Bangalore. Nevertheless, the place which probably lent Bangalore its name when it entered history was a small hamlet called "Hale *Bengaluru*" or "Old Bangalore". This village once existed at the spot, where now stands the village of Kodagihalli, above five miles from Hebbal, a place which is well known for its agricultural college and civil aerodrome. Apart from these historical facts, Bangalore's name is associated with a story according to which Bangalore, first

came to be known as *Bengal-uru* or the ‘village of boiled beans’, in commemoration of the hospitality which Veera Ballala Raya, the great Hoysala king received, at this place, from an old woman, while he was on his way home, alone and hungry, after a most disappointing hunt. The old woman who was a lonely inhabitant, when approached by the royal visitor for food, served him with boiled beans.³

The fort, which Kempe Gowda built at this place consisted of eight gates, the most prominent of which were the Yelahanka gate in the North, the Halsoor gate in the East, the Anekal gate in the South and the Kengeri gate in the West. By the end of the 15th century, India saw the arrival of Portuguese by sea in the South, followed by other European nations such as England, Holland, Denmark and France.

After the defeat of the Vijayanagara Empire at Talikota (*Rakkasa Tangadi*) in 1564, the Bijapur Sultans sent expeditions to the South. Exactly a hundred years after the founding of Bangalore, when Kempe Gowda II was its ruler, a powerful Bijapur army under the command of Ranadulla Khan invaded the fort and succeeded in capturing it, after a struggle lasting three days. Bangalore with a large tract of territory around it was bestowed as a *jahgir* on Shahji, the father of Shivaji, in recognition of the services rendered by him as the second in command. Mohamad Adil Shah was the Bijapur Sultan who bestowed the *jahgir*.

Previously, the *jahgir* of Poona had been conferred on Shahji by the Sultan of Ahmednagar for services rendered to the latter. When Shahji Bhonsle died in 1664, the Bangalore *jahgir* fell to his son Venkaji (son by his second wife Tuka Bai) while his illustrious brother Shivaji (son of Shahji’s first wife Jija Bai) inherited the Poona

³ M. Fazlul Hassan, *Bangalore Through Centuries*, Historical Publications, New Delhi, 1970, pp. 1-2.

Jahgir. On the death of Shivaji, his son Sambaji succeeded to the empire built by his father. After succeeding, the first thing he did was to send a strong expeditionary force to Karnataka with a desire to capture the ancestral *jahgir* of Bangalore. Anticipating his move, Aurangzeb, who had by then succeeded to the Delhi throne, ordered a detachment of Mughal troops under general Khasim Khan to capture Bangalore at any cost. When the expeditionary force dispatched by Sambaji arrived it found Bangalore was already in the hands of the Mughals.

Almost for three years, Bangalore was captured by Mughals and remained part of the newly formed *suba* of the Mughal empire. Being preoccupied elsewhere and unable to keep an eye on it, the Mughal *Subedar* sold Bangalore to his ally Chikka Deva Raja Wodeyar for a sum of Rs 3 lakhs. After its acquisition by Chikka Deva Raja Wodeyar, he strengthened its fortification with another and larger fort, to the South of the Kempa Gowda fort. The main object of building the second fort was to ensure the security of the principle town situated within the first fort. Chikka Deva Raja Wodeyar was succeeded by weak rulers. As a result, royal authority was usurped first by the *Dalvoys* of the Mysore army and later by Hyder Ali who was successful in driving away the Marathas. Krishnaraja Wodeyar II conferred on him Bangalore and the surrounding areas as a personal *jahgir* in 1761.

After getting the *jahgir*, Hyder Ali replaced the mud fort with stone which Chikka Deva Raja had built. On account of its strategic importance Bangalore played a vital role in the four Mysore wars, remaining infact the main target of British attack. In March 1771, Lord Cornwallis, the English Governor-General in India captured Bangalore after a great struggle. After its fall, it was in the possession of the British

for about a year. With the treaty of Srirangapatna, it was handed back to Tippu Sultan who had succeeded Hyder Ali after his death.

After the fall of Tipu Sultan in 1799, Bangalore was returned to the Wodeyar Dynasty and became part of the newly carved out Mysore state. Krishna Raja Wodeyar the III was installed as the Maharaja but found himself caught in a pool of intrigue and insurrection. When the situation got out of control of the Maharaja, a British Commissioner took over the administration of the state in 1831. Bangalore then became the administrative centre of the state and continued as such even after the rendition of the state to the Maharaja in 1881.

Many factors are responsible to make Bangalore a prominent city. On account of its adaptable climatic conditions the British garrison stationed at Srirangapatna, after the fall of Tipu was shifted to barracks built near Ulsoor, about 4 miles North-East of the old town of Bangalore. Employment opportunities provided by the stationing of the garrison, attracted people from the surrounding areas, particularly from the Presidency of Madras. In no time, Bangalore Cantonment developed almost into a city state with its population exceeding that of the adjoining old city.⁴

B. The Civic History of Bangalore

The civic history of Bangalore started with the Municipal Act of 1850. On 27th March a few leading citizens of the old town of Bangalore constituted themselves into a Municipal Board under the provision of the Municipal Act of 1850 (Act XXVI of 1850). The *Amaldar* of Bangalore *Taluk* was appointed as the Chief Executive of the Municipal board, under the Superintendent of the Bangalore division. In the initial

⁴ Ibid., p. 2.

stages, the Superintendent functioned as the President of the board. Almost simultaneously, a similar board was constituted for the Civic Administration of the Cantonment area. This marked the beginning of the civic history of Bangalore.

The two municipal boards were constituted as an experimental measure. The municipal board of the old town consisted of 9 persons of whom 6 were Indians and non-officials who were considered as persons interested in municipal matters. The executive engineer, an European Assistant and an European gentlemen possessing local knowledge were the other three members. They elected a President and a Vice-President from among themselves. They met once or twice a week and transacted business. For the most part, their discussions centred around the civic needs of the town. The official members of the board assisted the nominated members to confirm to rules and regulations.

The Act of 1850 was replaced by the Town Improvement Act XIV of 1856 and this was also replaced by the Act of 1864. A change was effected in the composition of the two municipal boards by the promulgation of the Bangalore Municipal Regulation of 1871 which came into force on 1st April, 1871. Under that regulation, the area comprising the Cantonment Municipality was divided into six wards or divisions and the local limits of the old town were constituted into three divisions. From each divisions, two persons were nominated by Government to be Municipal Commissioners, along with six ex-officio members for each of the boards. The powers of the municipal boards were enlarged to make better provision for police, conservancy and improvement of the respective local areas.

A notable feature of the new regulation was the provision for the appointment of a full time president for the control and direction of both the municipal boards. J.H. OrrcB was appointed as the full time president on a salary of Rs 700/- per annum, cost being defrayed by the cantonment and old town municipalities in the proportion of 2/3 and 1/3 respectively. Having a common president ensured harmony in the administration of municipal boards and ushered in an era of great municipal activity.

The total built-up area of the old town at that time was 665 acres. It was surrounded by a deep ditch and a thorny hedge. Narrow roads were widened and irregular streets were straightened. Congested houses were demolished as they were insanitary houses. Even the Cantonment Municipality did not lag behind. The boundaries of cantonment were enlarged at the cost of 15 villages. Many fine extensions were laid out, such as MacIver Town, Cox Town, Richmond Town, Langford Town and Arab lines. In these layouts, spacious bungalows were built, parks were formed and markets and playgrounds were built.⁵

This rendition brought about a separation of the two municipal boards, the old town municipal board assuming the name of 'Bangalore City Municipality' and the Cantonment Board assuming the name of 'Bangalore Civil and Military Station Municipality' respectively. The Deputy Commissioner of Bangalore district was made ex-officio president of the city municipality, while the Collector-District Magistrate became the ex-officio president of civil station municipality. The period that followed witnessed substantial broadening of the powers of the Bangalore

⁵ *Year Book Corporation of the City of Bangalore*, 1991, p. 43.

Municipality by a series of amendments to the Municipal Regulation of 1871. In 1892, the city municipality was given the right of electing half of the number of its municipal councillors. The Municipal Regulation of 1906 was the next important landmark in the civic history of Bangalore. In 1913 provision was made for the appointment of the Honorary President. Seven years later, in 1920 the right of electing the president was granted.

By an amendment to the Municipal Regulation of 1906, affected in 1923, provision was made for the first time for the appointment of a Municipal Commissioner. The Commissioner became the Chief Executive Authority of the City Municipality. In the civil and military station municipality, the Collector-District Magistrate continued to be the ex-officio president and Chief Executive Officer. The municipality consisted of ex-officio members and non-official 'Municipal Commissioner', the latter being so elected or appointed as to represent European Christians, Hindus, Mohammedans and other communities on an equitable basis.

The Municipal Regulation of 1906, was further amended in 1926, to provide for the number of elected councillors in city municipalities being not less than two-thirds the total number, excluding the president.

On the attainment of independence, the civil and military station was retroceded to the state jurisdiction. The two municipalities were merged to form a city corporation under the Bangalore City Corporation Act 1949. The act instituted the offices of Mayor and Deputy Mayor, for the first time. Under the Act, the Corporation Council, the Standing Committee and the Municipal Commissioner were the

municipal authorities in whom were vested the responsibility of implementing the provisions of the Act.

Pending elections under the new Act, members of the two erstwhile municipal councils constituted the corporation council, the president of the city council becoming the first mayor and the president of the civil and military station municipality becoming the Deputy Mayor. In December 1950 elections to the corporation were duly held and the elected council took over from the transitional council in January 1951.⁶

The population of Bangalore during that time was only about 0.75 million and the municipal corporation started with only 7 divisions. The area of the city was expanded to include 87 wards in 1991 and 100 wards in 1995. After the Bangalore Municipal Corporation became *Bruhat Bangalore Mahanagara Palike* (BBMP), it has planned to have 147 wards.⁷ At present, the 226 sq km of the city area is organized into 100 wards each represented by a councillor in the city corporation. The total population of the city is estimated at about 4.74 million (4.29 million in 2001). In the urban area of state administration there are six corporations, 41 city municipalities, 82 town municipalities and 93 town *panchayats* in the state.

Of the six corporations in Karnataka, Bangalore Corporation has experienced the highest decadal growth rate of 61.36% followed by Mysore 54.42%, Hubli-Dharwad and Belgaum have registered a decadal growth rate of 21.24 and 22.43% respectively. Apart from 100 elected councillors representing the wards, the council

⁶ Ibid., pp. 44-48.

⁷ *Deccan Herald*, 29th April 2009.

of the city corporation also includes members of parliament and members of state legislature representing different areas of the city. The number of such ex-officio members is 40. In addition, the Karnataka Municipal Corporation Act 1976, makes a provision for the nomination of 10 members to the council. The elected members of the council representing the wards elect from among them a mayor and a deputy mayor for a tenure of one year at a time.⁸

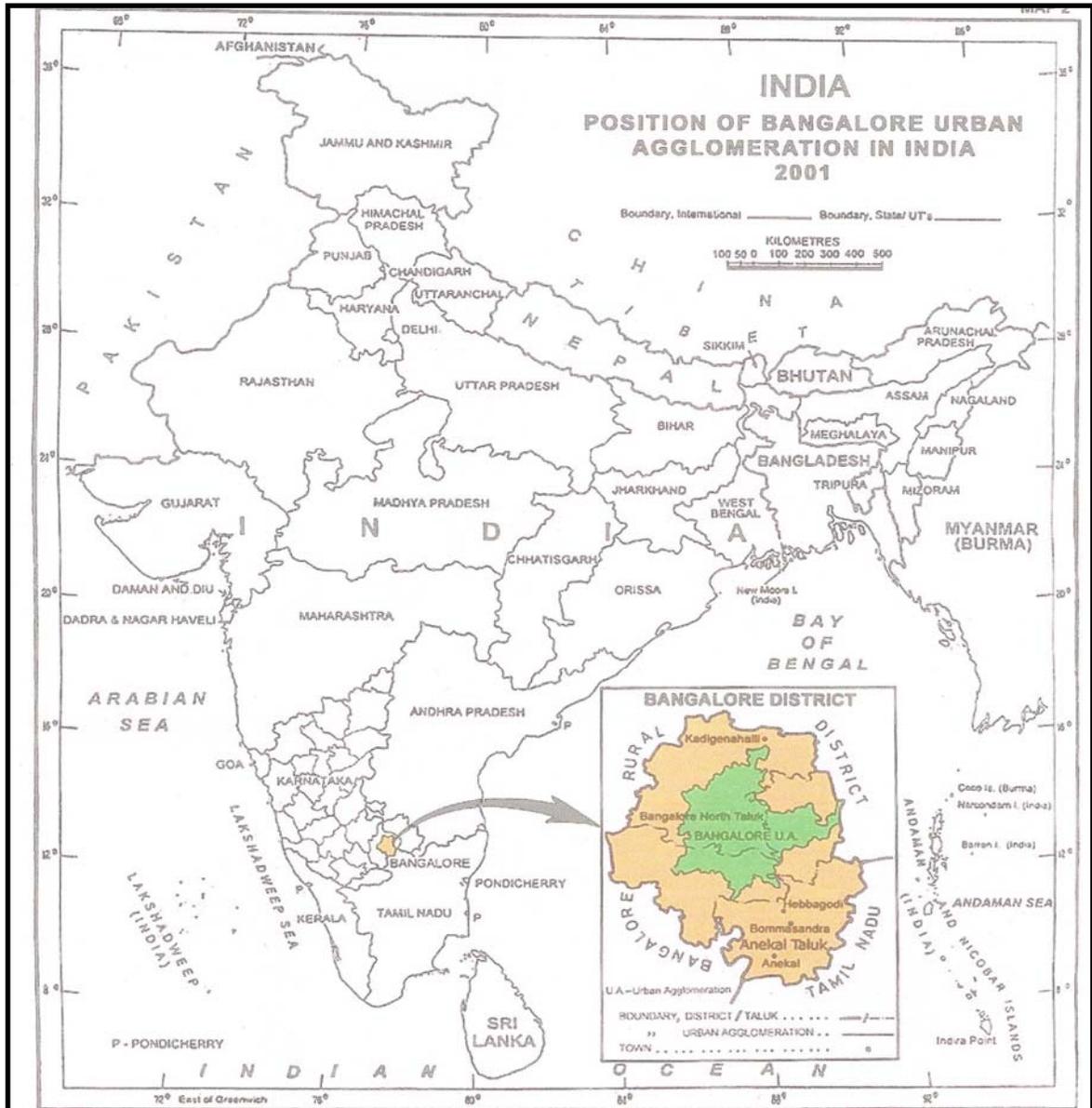
The Bangalore Corporation though gives a broad representation to a great extent, final authority still vests with the government in all important affairs. For in all important matters, the decision arrived at by the Corporation have to receive the approval of the state government. The lack of complete local autonomy in the local self governing institutions, in India is a legacy of the past. In spite of the best efforts of the local bodies to gainful autonomy and in spite of endeavour of many enlightened statesman to bestow them with real powers, complete local autonomy has eluded the group of local self-governments in this country. Even as far back as 1870, Lord Mayo in his famous Resolution on municipal bodies enunciated: “Beyond all this, time is a greater and wider object in view. The operation of this Resolution in its full meaning and integrity will afford opportunities for the development of self government and strengthening municipal institutions”.⁹ Apart from this, many commissioners specially instituted by Government of India were also inclined towards granting a large measure of autonomy to local bodies.

⁸ *Approach Paper – Planned Development of Bruhat Bangalore Mahanagara Palike*, 2006, pp. 3-7.

⁹ M. Fazal Hassan, *Bangalore Through Centuries*, Historical Publications, New Delhi, 1970, pp. 181-182.

Indeed a steady enlargement of the functions of the local self government and enjoyment of complete autonomy by them is inevitable in a democratic set up. The growth of Bangalore and Bangalore Municipal Corporation are illustrated in the maps.

MAP 1
INDIA – POSITION OF BANGALORE URBAN AGGLOMERATION
IN INDIA, 2001

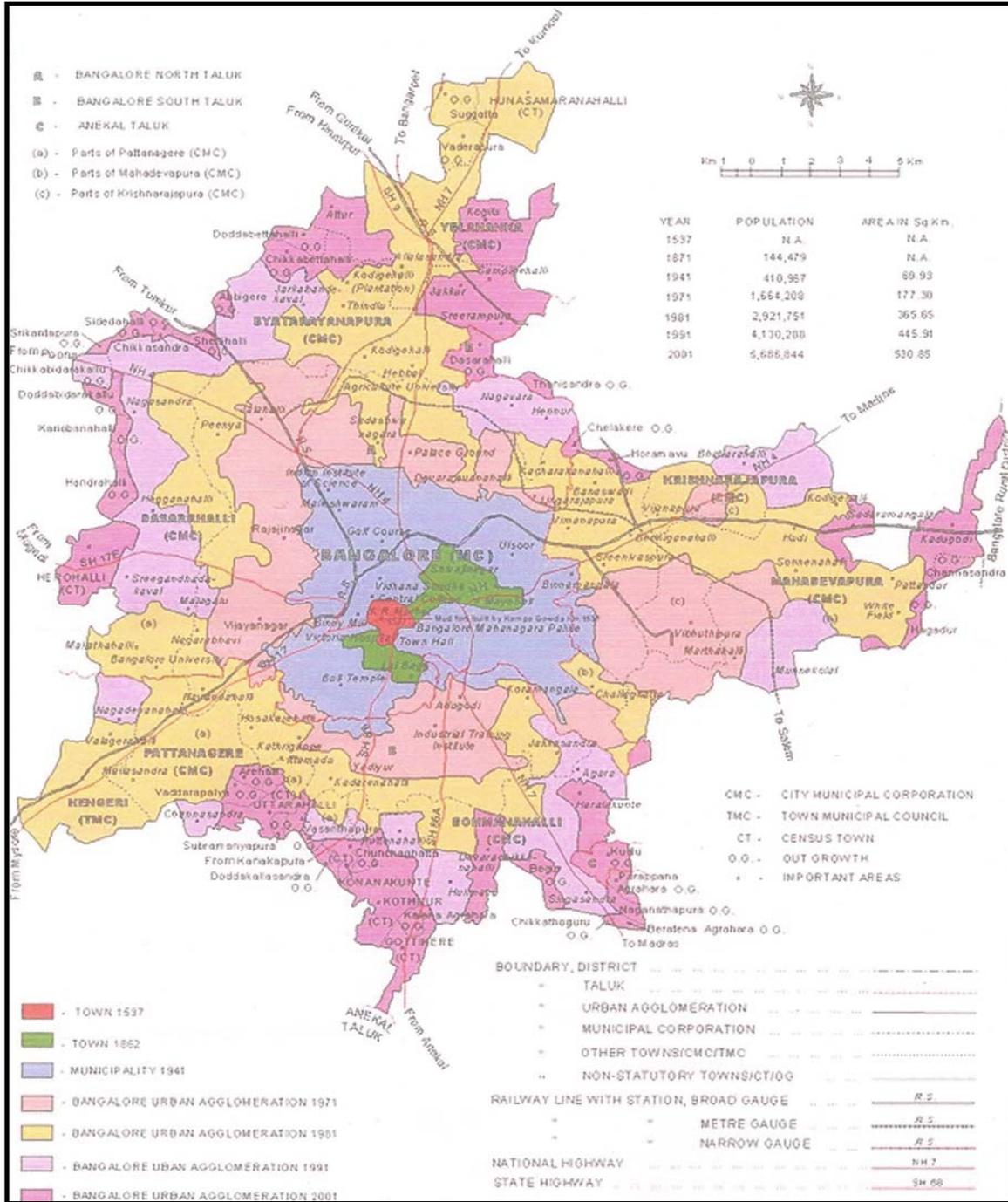


Source¹⁰

¹⁰ Census of India, 2001.

MAP 2

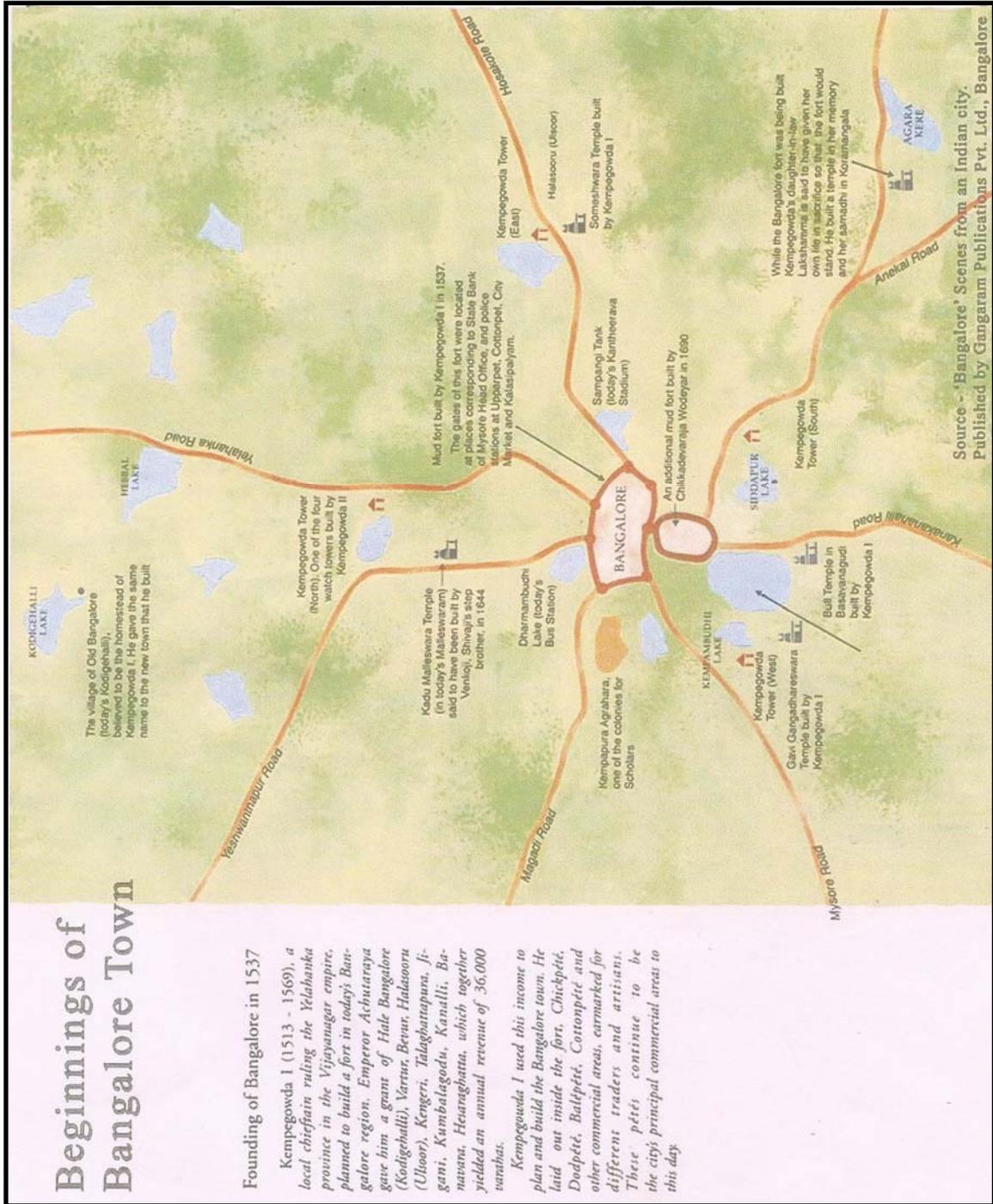
MAJOR CONSTITUENT UNITS OF BANGALORE URBAN AGGLOMERATION IN 2001 AND GROWTH OF BANGALORE FROM 1537-2001



Source¹¹

¹¹ Census of India, 2001.

MAP 4 BEGINNING OF BANGALORE TOWN



Source¹³

¹³ Census of India, Karnataka State, 2001.

MAP 5
BANGALORE MUNICIPAL CORPORATION 2001



Source¹⁴

¹⁴ Census of India, Karnataka State, 2001.

2.2 EVOLUTION OF LOCAL SELF GOVERNMENT IN KARNATAKA

In India, local government is widely known as local self government. This term originated when the country was under the British administration and did not enjoy any self government either at the central or state levels. When a decision was taken by the British government to associate Indians with administering local affairs, it meant a slice of self government for the people. Local self government is a system under which the people of a locality process certain responsibility of public local affairs, and the raising of money to meet their own expenses. Thus, the goal of this system is the betterment or welfare of every citizen.

The evolution of local self Government in Karnataka is divided into three periods – (A) The Ancient Period, (B) The British Period and (C) Post-Independence Period.

A. Ancient Period

Historically, Karnataka had evolved admirable local self government institutions right since the ancient period. In the olden days, these institutions were traditionally formulated by common consent of the local people without any superior imposition from the higher authority or government which by convention safeguarded the rights and privileges of these institutions. They enjoyed considerable autonomy in their structure and functioning even during the rule of centralised monarchy, having jurisdiction over local administration, covering socio-economic and judicial issues within the region.

The basic or nucleus element of local body was denoted by its number of *Muligaru* or *Okkalu* (founding fathers) who were basically husbandmen in

agricultural settlements. The congregation of village assembly, the *grama sabha* was called *urahandinentu jaati* or *hadinentu samaya* (the 18 castes of a village). In many inscriptions of the *Ganga* period of the 6th century AD references of these assemblies are made which consisted mostly of the heads of families drawn from all castes who used to assemble periodically to review all local public issues. The executives of village assemblies were known as *gavundas* whose number varied according to the extent of jurisdiction and they were entrusted with all responsibilities of governing villages and they continued doing so under the Hoysalas and Vijayanagar Empire.

By about the 10th century *nadu* assemblies covering the larger area of operation comparable to the modern institutions like the *Taluk* Development Boards and the *mandal panchayats* vested with the responsibility of providing irrigation facilities, administration of justice and imposition of taxes came into being and were headed by *nadagowda* or *nadaprabhu*. These larger assemblies used to serve as a liaison between the provincial and central government and were capable of influencing the administration and enactment of regulation in the interest of the people of the region. The inscriptions of the 11th, 12th and 13th centuries also indicate the existence of local bodies on a much wider perspective of the time mentioned as *mahanadus* which were guild assemblies of federal character comparable to *zilla parishads* of modern times.

Inscriptional evidences show that the initiative of converting village settlements into towns was sometimes taken by villagers and their leaders

collectively. Such town assemblies had representation from all sections of the town. Some town assemblies were also called *halaru*, *nagara* or *mahanagara*.¹⁵

The golden age of local self government in Karnataka region was between 10th and 14th centuries AD. This was the period of Chalukyas of Kalyana and Hoysalas, contemporary to the Cholas local self governing assemblies.

B. British Period

The Commissioner's Rule (1831-1881) in Princely Mysore brought about several changes in administration. The period saw the beginning of local self governing institutions in Mysore state in accordance with the Government of India Act XXVI of 1850. For the first time municipal boards were constituted in 1862 on an experimental basis for chief towns like Bangalore and Mysore.

Two municipal boards were constituted for Bangalore, one for the Cantonment area and another for the old Bangalore city. To house the British army the Cantonment was formed in 1809. It was officially known as the civil and military station. Municipal committees were first constituted in the year 1870 in the then district which included Channapatna, Doddaballapura, Devanahalli, Kankanhalli (Kanakpura), Closepet (Ramanagara), Hoskote, Magadi, Nelmangala, Sarjapura, Anekal, Yelhanka, Bommasandra and Kengeri. Bangalore town municipal regulation was enacted in March 1871, and came into force on 1st April 1871, which enabled the municipal authority to levy certain taxes and tolls and impose certain obligatory duties like conservancy and improvement of towns and provisions for maintaining police. Later in 1881, municipal boards were reconstituted as Bangalore City

¹⁵ *Karnataka State Gazetteer*, Part II, Government of Karnataka, Bangalore, pp. 637-640.

Municipality for old Bangalore town and Bangalore civil and military station municipality for the Cantonment areas and this was governed under the provision of the Madras Municipal Act 1887. The Cantonment area was a 'state' within 'the state' because it was a British administered area in the Mysore state and the British resident was its head.

The experiment in civil administration through these bodies proved successful for nearly four decades. However it was only in 1902 and in 1906 that these civil bodies were placed on statutory footings by enacting two comprehensive regulations called the Mysore Local Boards Regulation II of 1902, applicable to rural areas (initiated by able *Diwans* like Rangacharlu and Seshadri Iyer) based on the local boards Act of central provinces and the Mysore Regulation VI of 1906, for municipalities based on the Bombay district municipalities Act of 1901. The Municipal Acts of 1906 was further amended in 1911, 1918 and in 1923 embodying several changes to make them effective institutions to cater to the civic needs.

To improve the working of local self governing bodies, two committees were constituted in the year 1914 by the government. They included local self government committee with M. Kantharaj Urs as chairman and local finance committee headed by C. Srinivas Iyengar in order to streamline the functioning of these bodies. The Act of 1906 was repealed in 1933 and the three separate acts namely, the Mysore City Municipality Act, the Mysore Town Municipalities Act and the Mysore Minor Municipalities Act were substituted and came into force from 1st August 1933. Under the above acts, municipalities were classified into three categories on the basis of population of the area and its importance. Under the Act of 1933, there was provision

authorising the municipal council to constitute a committee styled as the city improvement committee. Accordingly, in 1915, the Bangalore City Improvement Trust Act (Act V of 1915) was passed in order to make a provision for the improvement and further expansion of the city of Bangalore.

C. Post-Independence Period

During the post-independence period, concerted efforts were made to revitalize the *panchayatiraj* system by adopting several changes in the structure, Constitution and the modus operandi of these institutions were also modified so as to enable them to cater to the basic needs of the people of the area. In July 1947, the jurisdiction over the civil station area out of Bangalore civil and military station and the railway lands and the areas of the Indian Institute of Science were transferred to the Maharaja of Mysore and appropriate amendments were made in Bangalore municipal laws of 1897. Subject to those amendments, the law of 1897 continued to be in force in the civil station area till it was repealed in 1949.

In 1949, the City of Bangalore Municipal Corporation Act (Act LXIX of 1949) was passed, the Bangalore city and the civil station, the area retroceded out of the civil and military station, was formed into a single corporation for the purpose of municipal administration on 8th Dec 1949. The Mysore Town Municipalities Act was enacted in the year 1951 in place of 1933 Act, which was in force in old Mysore area before the states recognition. Till the 1964 Act was passed the 1951 Act was in force in old Mysore area. After the reorganisation of state there was a need for a more comprehensive, codified and uniform legislation to govern municipal bodies in the state replacing all other earlier statutes of integrated area and of Mysore. The

Karnataka Municipalities Act of 1964 came into force on 1st April 1964. The Bangalore Municipal Corporation Act of 1949 was repealed, and for the first time, a unified and comprehensive legislation was made applicable to all municipal corporations. This was enacted in the state in 1976 called the Karnataka Municipal Corporation Act of 1976.¹⁶

2.3 74TH CONSTITUTIONAL AMENDMENT ACT AND ITS IMPLICATIONS IN KARNATAKA

A. Impact of the Act on Karnataka

Karnataka has amended the municipal acts to meet the requirements of the 74th Constitution Amendment Act. The Urban Local Bodies (ULBs) in Karnataka are governed by the Karnataka Municipal Corporation Act, 1976 and the Karnataka Municipalities Act, 1964 and the Amended Act of 1994. The ULBs have now been reconstituted into a four tier system: city corporation with a population of more than 3 lakh, city municipal council with a population of 50,000 and above and town municipal councils with a population of 20,000 and above and town *Panchayats* with not less than 10,000 population. There are 218 urban local bodies in the state comprising 6 city corporations, 40 city municipal councils, 81 town municipal councils and 91 town *panchayats*. Additional functions have been assigned to urban local bodies by the Amendment Act, 1994. Many of the functions assigned to the municipalities are being discharged by sectoral agencies; important among them are town planning and land use regulation, water supply and slum clearance. The state

¹⁶ Ibid., p. 645.

finance commission has expressed the view that all the functions of the 12th Schedule should be performed by municipal bodies and not by other agencies.

The functional domain prescribed under the 12th Schedule in the Constitution Amendment is of discretionary nature. This has led to the perpetuation of the present position and patchwork amendments. The role of parastatals and fragmentation of responsibility thus continue in the state. The parastatals are controlled more or less directly by the state government and cannot be considered to be autonomous. It is necessary to clarify the functions to be performed by municipalities of different sizes and do away with overlapping discharge of same functions by state departments/ parastatals and the municipal bodies.¹⁷

At the state level, the municipality dealing with urban services and planning has posed a constraint to an effective management. In Bangalore, municipal related functions are spread across a multiplicity of agencies. These include: The Bangalore City Corporation (BCC), the Bangalore Development Authority (BDA), Karnataka Housing Board (KHB), Bangalore Water Supply and Sewerage Board, Karnataka Water Supply and Sewerage Board for the peripheral areas, and city municipal councils under the BDA, the Bangalore Metropolitan Region Development Authority (BMRDA) and the Karnataka Union Infrastructure Finance and Development Corporation. The continued fragmentation and duplication of municipal functions by multiple agencies, not accountable to public undermine effective urban service delivery, overlapping jurisdiction and conflicts. There is a need to review the

¹⁷ *The Future of Urbanisation – Spreads and Shapes in Selected States*, Centre for Policy Research, New Delhi, 2001, pp. 192-193.

functions of these agencies and streamline their functions with due regard to the status of local bodies as units of local self government. The State Finance Commission (SFC) has recommended in 1996 that, “all functions of urban development boards constituted in the state should be brought under the jurisdiction of the respective municipal bodies”. Even the functions of the Bangalore Development Authority and Town Planning Organisation have to be transferred to the Bangalore City Corporation.¹⁸

The 74th Constitutional Amendment Act is meant to bring in genuine urban local self governance through decentralisation of powers from the state to local levels and also transparency, accountability and people’s participation in urban governance.

The foremost function under the ‘powers, authority and responsibilities’ of both panchayats and *nagarpalikas*, spelt out under Article 243G (a)(i) and 243W(a)(i) responsibility of the Constitutional Amendments is “the preparation of plans for economic development and social justice”.¹⁹ The additional requirement under 243G(a)(ii), 243W(a)(ii) is that these bodies ‘may’ also perform the indicative list of function given in the XI and XII schedules respectively, annexed to the Constitution, which are however only discretionary and not mandatory lists of functions. Given that the lists are only discretionary, states like Karnataka, while picking and choosing the functions to be developed have not even included ‘planning for economic development and social justice’ as task to be performed by their municipalities.

¹⁸ Ibid., p. 193.

¹⁹ Kathyayani Chamaraj, Common Minimum Programme and Urban Governance, Social Action, Vol. 56, July-September 2006, p. 238.

B. Legislation and Urban Governance in Karnataka

The Union Government enacted the 74th Constitution Amendment act (CAA) in 1992, and this is considered to be a historic landmark in the history of urban governance in the post-independence era. The act has finally aimed at improving the municipal governance through a systematic change mechanism with the ultimate aim of making the municipal government more responsive and responsible. Secondly, it has opened up new opportunities for the empowerment of municipal institutions.

In the post 74th Constitution Amendment Act scenario, the state government have enacted conformity legislation to amend their respective municipal acts. In most of the states elections to the grassroot units have been conducted through their respective State Election Commissions. The Government of Karnataka has amended the Karnataka Municipalities Act and the Municipal Corporation Act to bring them in conformity with the constitutional provisions and the Act is known as ‘Karnataka Municipal Corporations (Amendment) Act, 1994’.

Reservations for women have been introduced through this amendment. However, though this reservation was introduced even before the Constitution Amendment Act, the extent of reservation has now been raised from 20% to 33%. Similarly, the State Election Commission had already been set up in Karnataka much earlier. The State Finance Commission was set up in the year 1995. Reservations for backward classes has now been provided to the extent of 30%. Reservations has also been provided to the post of mayor and deputy mayor, president and vice-president and chairman of the standing committee. However Karnataka is yet to implement

certain important provisions of the 74th Amendment Act like ward committees, metropolitan planning committees, etc.

Legislations in Karnataka

1. Constitution and Composition

While constituting the municipal corporation, Karnataka have taken into consideration density of population, revenue of the local bodies, percentage of employment in non-agricultural activities and the economic importance of the town or city. Municipal corporations are to be established in large urban areas consisting of not less than 3 lakh population.

Regarding the composition of municipalities, the KMC Act, 1976 says that the councillors will be elected directly and the number of elected councillors should not be less than 30 and not more than 100. As far as provisions regarding the number of nominated and co-opted members to urban local bodies are concerned the Karnataka Municipal Corporation Act provides for nomination of not more than ten persons in case of Bangalore Municipal Corporation and not more than five persons in case of other city corporations, having special knowledge or experience in the municipal administration. In addition, members of Lok Sabha, members of legislative assembly and legislative council representing constituency, which comprises wholly or partly the municipal area are represented. However, the nominated members do not enjoy the voting rights.

(a) Elections

Elections to the Bangalore Municipal Corporation was held in the year 1991, 1996 and 2001. During these three elections reservations were provided for women,

scheduled castes and scheduled tribes. Karnataka provided reservations even for the backward classes apart from scheduled castes and scheduled tribes. The municipal act of Karnataka provided for a term of one year for the mayor and chairperson.

(b) Constitution of Ward Committees

As per the 74th Constitution Amendment Act or *Nagarpalika Act*, ward committees were supposed to be formed in all municipal corporations with more than three lakh population. In Karnataka, ward committees have not been formed in any of the municipal corporation other than Bangalore, even after more than 10 years of legislation in Karnataka. In Bangalore, ward committee were functional for a short period from April 1999 and November 2001. After November 2001 elections to the Bangalore Municipal Corporation, fresh ward committees were formed only in July 2004, after a delay of more than two-and-half-years.

(c) Planning at the District and Metropolitan Level

The 74th Constitution Amendment Act (CAA) is probably the first attempt to incorporate the planning in the constitution. For the purpose of planning, a district planning committee had to be constituted. In addition, in every metropolitan area, with more than a million population, a metropolitan planning committee had to be formed. Among the ten states, Karnataka has taken steps to constitute them. The remaining nine states are Haryana, Kerala, Madhya Pradesh, Maharashtra, Rajasthan, Sikkim, Tamil Nadu, Tripura, West Bengal and the two union territories of Andaman and Nicobar Islands, and Daman and Diu. As regards to the metropolitan planning committee, though Karnataka has incorporated provisions to constitute metropolitan planning committee (MPC), no further progress has been made and in its absence,

state-level agencies such as the parastatal development authorities are performing the planning functions.

The most important aspect relating to decentralization and improving of institutional capabilities of the local government institutions in Karnataka is that it has to get the support from central and state government to initiate and sustain the process of decentralisation and empowerment.

2. Municipal Functional Domain and Devolution of Financial Powers in Karnataka

The foremost function under the ‘powers, authority and responsibilities’ of both *Panchayats* and *nagarapalikas*, spelt out under Article 243G(a)(i) and 243W(a)(i) respectively of the Constitutional Amendment, is ‘the preparation of plans for economic development and social justice’. The additional requirement under 243G(a)(ii) and 243W(a)(ii) is that these bodies ‘may’ also perform the indicative list of functions given in the XI and XII schedules respectively, annexed to the constitution, which are however, only discretionary and not mandatory list of functions. Most states have been chosen to pick and choose the functions to be devolved to the local bodies from this indicative list and have forgotten, in both letter and spirit, the basic function envisaged for the local bodies in Article 243G(a)(i) and 243W(a)(i) namely of ‘planning for economic development and social justice’. Given that lists are only discretionary, Karnataka while picking and choosing the functions to be devolved, have not even included ‘planning for economic and social development’ as task to be performed by their municipalities.

Therefore, in the context of 74th Constitution Amendment Act, the functional responsibilities of the grassroot institutions need to be clearly redefined:

- (a) To fix accountability on the part of municipalities and officials for their acts of commission and omission.
- (b) To avoid overlapping of functional responsibilities of municipalities with higher levels of government and other agencies
- (c) If the capability of urban local bodies are to be seriously enhanced municipal councils are yet to become institutions of genuine local self-governance, as envisioned in the 74th Constitutional Amendment Act, since the state government is unwilling to part with its powers. Thus the State Finance Commission is yet to address the issue of financial autonomy of local government satisfactorily, which in turn will have to address the financial autonomy of wards.

3. Capacity Building in Karnataka Urban Local Bodies

The Municipal Corporation Act of Karnataka still carry many remnants of colonial laws wherein the bureaucrats, in the form of city commissioners have greater powers than the elected council, and elected mayors are mere figure-heads without decision-making powers. Mayors have a tenure of one year though the tenure of the municipal council is five years, which prevents them from actualizing whatever vision and plans they may have for the city. The state review of the implementation of the 74th Constitution Amendment Act shows that expectations are yet to be fully realised. At the same time the complexity of civic functions and responsibilities at the municipal level are greatly increasing. Responsiveness, accountability and stakeholders participation in urban governance have become critical issues at the city

level. Enhancing the capacities of municipal bodies has to be the principal instrument for improved urban management and good governance. However, sustainable municipal efficiency in Karnataka needs capacities not only within the municipal ranks of elected representatives and officials, but also outside among civil society stakeholders at the local level.

4. Urban Infrastructure and Service Delivery in Karnataka

With the growth of cities, the capacity of the municipal bodies to deliver services have come under severe pressure. The government, therefore, has set up, statutory bodies independent of the municipalities for specific services. However in view of the key role envisaged by the constitution for the municipal government, it would now be necessary to redefine the role of parastatal agencies like the planning and development authorities, the water supply boards, etc. Urban management essentially involves delivery of civic services to the people. Till now, the functions has been the monopoly of governmental and civic agencies. Liberalisation of the economy has opened the doors to the private sector to participate in the process of managing and developing cities, especially in infrastructure. In Karnataka, and especially in Bangalore few areas have been considered for private participation like contracting out solid waste management-services like cleaning of streets and drains, garbage collection and disposal, etc. There are still a few areas which can be considered for private participation like billing of water, power charges and collection of revenue from public transport – allow private sector to complete with the public sector, road transport corporation, capital investment projects like water supply system, waste water treatment plants, etc.

The need to augment the financial resources of the local government cannot be over emphasised. This calls for bold fiscal reforms which could include rethinking of provisions of subsidised services. The pricing policy should recognise the need to recover the cost of providing services like water, power and public transport. Urban development policies should aim at achieving a balance between the goals of efficiency and equity.

Dealing with the changed context invites suitable legal and institutional reforms. Legislations relating to urban administration will have to be amended with a view to enabling the urban authorities to function more effectively, free from excessive controls of government. Institutional capacity building is of crucial importance for effective service delivery and the success of plans and schemes. Finally, it is necessary to stress the importance of citizen's participation in civic affairs.²⁰

C. Agencies Involved in Urban Management

In Bangalore, municipal related functions are spread across a multiplicity of agencies. These include: The Bangalore City Corporation, Bangalore Development Authority, Karnataka Housing Board, Karnataka Slum Clearance Board, Bangalore Water Supply and Sewerage Board and the Bangalore Metropolitan Regional Development Authority (BMRDA).

(i) Bangalore Water Supply and Sewerage Board (BWSSB)

Bangalore Water Supply and Sewerage Board was constituted in 1964 by the state government under the state legislation. Among other things, the main functional

²⁰ S. Ramanathan, *Landmarks in Karnataka Administration*, Uppal Publishers, New Delhi, 1998, pp. 65-79.

activities of the board are to provide water supply and to make arrangements for the sewerage and disposal of sewage in the existing and developing regions of the Bangalore Metropolitan area. The board is expected to function on the principles of no profit no loss basis.

Before the formation of the board, the city corporation was responsible for the supply of water. In the cantonment area, water supply was maintained by the corporation and in the city area by the Public Works Department (PWD). However the cost of maintenance was charged to the corporation which was purchasing water in bulk from the PWD. The headwork was under the control of government. Since August 1961, the entire system of distribution excepting the headwork was transferred to the Bangalore City Corporation and this was handed over to the BWSSB in 1964.

(ii) Bangalore Metropolitan Regional Development Authority (BMRDA)

With a view to planning, co-ordinating and supervising the orderly development of the areas within the Bangalore Metropolitan Region, Bangalore Metropolitan Regional Development Authority, a high power advisory authority was legally constituted in December 1987, in accordance with the provisions of BMRDA Act, 1985.

Among other things, the main functional activities of the authority as mentioned in Sections 9 and 10 of the act, include carrying out the survey of the area, preparation of structure plan and its implementation and coordinating the activities among different agencies like BDA, BCC, BWSSB, KSCB, KEB, KSRTC, etc. All these were the constituents of the authority who were expected to streamline and coordinate the various urban development schemes.

(iii) Bangalore Development Authority (BDA)

The erstwhile City Improvement Trust Board constituted for Bangalore city in accordance with the provisions of the city of Bangalore Improvement Act, 1945 was reconstituted and re-organised as the Bangalore Development Authority on the models of Delhi Development Authority (DDA) under the BDA Act 1976, with effect from 17-1-1976 with the twin objective of proper planning and development of Bangalore Metropolitan Area.

The BDA is also a planning authority for the Bangalore metropolitan area and the town planning section of the BDA is entrusted with the main functions like preparation of BDA extension or schemes for residential, commercial and industrial uses, allotment of common amenities sites, allotment of bulk lands, conversion of agricultural land for non-agricultural purpose, etc. in addition to approval of private layouts, issue of trade licence, etc.

(iv) Bangalore Agenda Task Force (BATF)

The Bangalore Agenda Task Force is one of the most exciting and fruitful experiments in public-private partnership initiated in our country. It was constituted by way of issuing a government order in 1999, identifying key individuals from the corporate sector who, it was felt would contribute to the city's progress.

The Bangalore Agenda is meant to be a partnership between the citizens, corporates and the seven identified administrative agencies. The Bangalore *Mahanagara Palike* (BMP), Bangalore Development Authority (BDA), Bangalore Metropolitan Transport Corporation (BMTC), Bangalore Water Supply and Sewerage

Board (BWSSB), Bangalore Electricity Supply Company (BESCOM), Bangalore Telephones (BT) and Bangalore City Police.

BATF has tried to bring together the key players in a ‘private-public partnership’ (PPP) to enable the visibility of result. An accountability platform was created where the above stakeholders would set targets and report on their progress regularly at periodic day long ‘summits’.

The partnership between the BATF and the Bangalore Municipal Corporation has resulted in defining a new approach to health and sanitation issues in the city. It has successfully advocated several citizen friendly initiatives like the Self Assessment Schemes (SAS) of property tax. It has also resulted in the internal processes of the BMP being streamlined for greater efficiency through introduction of the Fund Based Accounting System (FBAS) and extensive computerisation. Finally, the BMP-BATF partnership has given a fillip to more public-private partnership being spawned in improving the services provided by the BMP.²¹

The State Finance Commission (SFC) 1996, has recommended that ‘all functions of urban development boards constituted in the state should be brought under the jurisdiction of the respective municipal bodies. Even the functions of Bangalore Development Authority (BDA) and Town Planning Organization have to be transferred to Bangalore City Corporation. They cannot function independently hereafter’.

²¹ *Karnataka State Gazetteer*, Part II, Government of Karnataka, Bangalore, pp. 661-663.

2.4 SUMMARY

In India, local government is widely known as local self-government. This term originated when the country was ruled by the British. The emergence of local government as a distinct governmental unit is a result of the interplay of several factors – historical, ideological and administrative.

Karnataka which has a written history of more than 2000 years was subject to the rule of various dynasties. It also came under the rule of Britishers. Freedom movement was followed by the movement for the unification of Karnataka. After independence, the new united Mysore state was created in 1956, and was renamed Karnataka in 1973. Bangalore the capital of Karnataka is the fifth biggest city in India. The city of Bangalore was founded by Kempe Gowda, who was also its first ruler. The city was first known as ‘Bengal-uru’ or the ‘village of boiled beans’ in commemoration of the hospitality received by Veera Ballala Raya from an old woman. Bangalore was subject to the rule of Britishers as it was ruled earlier by weak rulers.

The civic history of Bangalore began with the municipal act of 1850. Various acts were experimented and replaced for the establishment of municipal corporation. The rendition paved the way for the establishment of two municipal boards – one for the old town known as ‘Bangalore City Municipality’ and the other for the cantonment area known as ‘Bangalore Civil and Military Station Municipality’ respectively. After independence the two boards were merged as was known as ‘Bangalore City Corporation Act of 1949’. The area of the city was expanded to include 87 wards and grew to accommodate 100 wards in 1995. There are 100 elected

councillors apart from members of Parliament, and members of state legislature. In spite of the elected councillors, the lack of autonomy in the local self-governing institutions is a legacy of the past.

With the advent of democracy in 1947, local self-government institutions attained remarkable status and importance. The 74th CAA is a landmark in the history of urban local government. Karnataka amended its municipal acts to meet the requirement of the 74th Constitution Amendment Act.