CHAPTER – III

STRUCTURE AND FUNCTIONS OF BANGALORE MUNICIPAL CORPORATION

3.1 INTRODUCTION

Municipal corporation is the top most unit in the structure of urban local Governments in India. Unlike, rural local government, urban local government in India, is not hierarchical. The municipal corporation is respectable and enjoys a greater measure of autonomy than other forms of local governments.

A municipal corporation is set up under a special statute which is passed by the state legislature. Such a legislation may be enacted specially for a particular corporation or for all corporations in a state. Bombay, Madras and Calcutta corporations owe their existence to a special legislation whereas municipal corporations in Uttar Pradesh, Karnataka and Madhya Pradesh have been established under the Uttar Pradesh Mahapalika Adiniyam, 1959, the Madhya Pradesh Municipal Corporation Act 1956, and the Karnataka Municipal Corporation Act, 1976 respectively.

As the corporation is set up under a statute, the different states apply different criteria in the setting up of corporations. The Bangalore City Corporation has three authorities for the governance of the city. They are: (i) The council (ii) The standing committee and (iii) The Commissioner. These are co-ordinate authorities, each deriving its powers and responsibilities directly from the statute.
3.2 THE POLITICAL STRUCTURE AND FUNCTIONS OF BANGALORE MUNICIPAL CORPORATION

The political structure of Bangalore Municipal Corporation consists of the municipal council and standing committee. Under the municipal council there are directly elected councillors, the mayor and the deputy mayor. The standing committee consist of councilors and it is headed by one chairman.

A. The Municipal Council

The Municipal Council of Bangalore City is the deliberative body with a minimum of 50 and a maximum of 100 councillors directly elected for a period of five years. The municipal corporation started with only 7 divisions or wards with as many elected councilors. In the 1971 census, Bangalore city was divided into 63 wards which remained the same in the 1981 census. The area of the city was expanded to include 87 wards in 1991 and 100 wards in 1995. Apart from the 100 elected councillors representing the wards, the council 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.¹ Seats are reserved Scheduled Castes (SCs) and Scheduled Tribes (STs) and for women. The new Municipal law of 1994, provides for reservation of seats in the

¹ Report of the Committee on establishing organizational structure and staff requirement in Bruhat Bangalore Mahanagara Palike, Bangalore, 2006, p. 3.
municipal corporation for SCs and STs in proportion to their population in the corporation area. As a result, one-third shall be reserved for SC/ST women. These reserved seats will rotate among the various wards in the corporation. Further one-third of total number of states shall be reserved for women (including the number of seats reserved for SC/ST women) and for election purpose these seats will also rotate among the different wards in the municipal corporation.

(i) Qualifications and Disqualifications of Councillors

Under the Constitution of India, every adult of 18 years of age is given the right to vote. The state assembly electoral rolls are used for municipal elections. A provision is made in the new municipal corporation act that the electoral roll of the corporation should be prepared subject to the superintendence, direction and control of the State Election Commission, established under the provision of 74th Constitutional Amendment Act. A voter must be ordinarily a resident of the city and his name must be included in the list of the registered voters of the ward. No person shall be qualified for election as the councillor unless his name is included in the electoral roll of any division of the City. The person intending to contest in the municipal elections or councillors already elected are disqualified if they are deaf, mutes of unsound mind, or, if they happen to be the municipal contractors or legal practitioners on behalf of the council, or if there are any outstanding arrears of municipal taxes against them. A candidate is also debarred from contesting in the municipal elections if he is less than 25 years of age, if he is convicted of an offence under the provisions of the untouchability Offence Act 1955, or the Prevention of

Food Adulteration Act 1954, or if he has been dismissed from service by the central government, the state government or the corporation for misconduct.\(^3\)

The councillors are also not eligible to attend council meetings if they absent themselves from the meetings of the council for a period of three consecutive months reckoned from the data of the commencement of his term of office. However, if the councillor applies for restoration before the date of its next meeting the council may at its next meeting restore him to the office of the councillor.

**(ii) The Functions and Powers of the Council**

The council of the corporation ordinarily has two meetings in a month. One meeting to consider a structured agenda containing various proposals and resolutions, and another meeting to discuss any matter brought up by the councillors in order to highlight the problems of the city. The meetings normally last 6 to 8 hours and resolutions are passed on the subjects placed before the council. All questions which may come up before the corporation at any meeting shall be divided by a majority of the votes of the councilors present and voting, and in case of equality of votes, the mayor or deputy mayor or presiding member shall exercise a record or casting vote.

The councilors have the powers to draw the attention of the proper authority to any neglect in the execution of corporation work, to any waste of corporation property or to the wants of any locality and can suggest any improvements which they consider desirable. Every councillor has the right to interpellate on matters connected with the corporation administration. For the purpose of election of councilors government will determine the number of division into which the city shall be divided and the extent

\(^3\) Ibid., Section 26, pp. 47-48.
of each division, the number of seats to be allotted to each division, the number of seats reserved for SCs, STs and women. All vacancies in the office of councilors shall be filled by elections within three months, subject to the approval of government, before the occurrence of vacancies. In case of a casual vacancy, it shall be filled by a casual election provided that no casual election shall be held within three months before the ordinary date of retirement of the councilor. The elected councilor will hold office so long as the councillor whom he has replaced, would have held if vacancy had not occurred.4

The BMC is endowed with varied powers. They are legislative, administrative, financial, judicial and punitive. The council is a local legislative body which gives expression and effect to the will of the civil community through its various meeting and resolutions. It implements the provisions of the Act by making resolutions. Besides, it makes bye-laws regarding the time and place of meetings, the conduct of proceedings at meetings, etc. Their violation leads to a fine and even imprisonment, as per the rules of the council. The council is authorised to elect the mayor and deputy mayor and may also remove them from office if they fail to command its confidence. It also elects the councilors to different standing committee. It regulates the conduct of elections, organisation of departments, creation of office, pension and other service matters. It also exercises powers over the public health, housing license and permits, market and so on.

4 Dr. K. Subha, Prof. B.S. Bhargava, Dr. Mangala A. Nayak, Women in Urban Governance: The Law of Bangalore City Corporation, SAJ/OSPS, Jan-June 2006, Vol. 6, pp. 16-17.
The council has controlling power over the administration of the corporation. It has the power to supervise, investigate and inspect the various administrative departments. It can summon any municipal officer and command explanation on any matter with which he is connected. It has the power to enter into contracts, make purchases and sell property.

The financial powers relate to consideration and adoption of budget including passing of appropriation and levying of taxes, license fees and rents. It has the power to raise loans, grants-in-aid and undertake remunerative enterprise.

In the judicial field, the council possesses the power to levy fines on all defaulters and offenders of municipal bye-laws. It also settles electoral disputes. It may instill discipline and expel members for violation of the rules and regulations. The council can remove the mayor either by a vote of no-confidence or by impeachment. The council and its committees serve as court of appeal in disciplinary cases against staff.

The council has punitive powers too. Under this category, it can take action against those who are guilty of causing public nuisance in various ways such as guilty of selling adulterated and unwholesome food stuffs and other consumable goods. It can forbid the use of buildings declared unfit for human habitation, use of manure injurious to public health and also the use of water from polluted sources and construction of walls and roofs out of inflammable materials.\(^5\)

All these powers appear to be wide. However in this exercise the council itself plays into the hands of the executive. The restricted performance of these functions is largely because of increasing state government control. They require the approval of the government before passing the budget.

(iii) The Mayor and Deputy Mayor

The mayor is the first citizen of the city. The office of the mayor is one endowed with considerable dignity. A provision is made by the Act of 1994, to reserve the office of mayor and deputy mayor of the corporation to scheduled castes and scheduled tribes (SCs/STs), women and backward classes. This will be by rotation. The corporation at its first meeting after a general election of councilors and at its first meeting in the same month each year, elects one of its councillors to be the mayor and the other councillors to be the deputy mayor. The mayor and the deputy mayor hold office for one year from the date of their election. They can continue the office till their successors are elected. The retiring mayor or deputy mayor is eligible for re-election. In case of casual vacancy in the office of the mayor or deputy mayor, the corporation chooses one of the councillor to fill the vacancy and every mayor or deputy mayor so elected holds office for the remaining period.

(iv) Powers and Functions of Mayor

The mayor shall preside over every meeting of the corporation. As the head of the deliberative wing, he controls its session and deliberations in consultation with the commissioner and the secretary. The agenda and minutes are framed with his approval. He maintains the dignity, decorum and decency of the council. He is authorised to take disciplinary action while conducting the council meetings. If in his
opinion, the conduct of the councilor is disorderly he can direct and declare that the member must withdraw from the meeting. If the councilor refuses to leave the house, the mayor is authorised to remove him from the meeting place. In case of grave disorder prevailing in any meeting, the mayor can suspend such meetings. His decision is final with regard to points of order raised by the members in the council meeting. The mayor is given a casting vote to exercise when there is an equal division of votes. He makes resolutions to give effect to the provisions of the act.

The mayor is kept in touch with the day-to-day working of the corporation as he is expected to convey to the council how the administrative machinery works. All official correspondence between the council and government must be conducted through the mayor. He is allowed to delegate his administrative functions to the commissioner. He is provided with the powers of appointment, dismissal and removal of certain employees of the corporation.

The mayor enjoys the power of inspection, and may give direction to the commissioner with regard to implementation of any resolution of the corporation. The mayor may call any record of the corporation from the commissioner.

The indirect election of the mayor combined with his short one-year tenure makes him more a ‘figure-head’ than an active functionary. A demand has been made especially by the mayors themselves, as well as councillors, to change the present system and have the mayor elected directly by the people. His tenure is too short to enable him to acquire insight into the problems of municipal administration. It strengthens the bureaucracy headed by municipal commissioner. Since the council

---

has to get its policies implemented by the commissioner, the term of the mayor should be made co-terminous with that of the council. A mayor elected for only one-year finds himself ineffective and weak in his relationship with the commissioner who outstays him.\(^7\)

**(v) Functions of the Deputy Mayor**

a. When the office of the mayor is vacant, his functions shall devolve on the deputy mayor until a new mayor is elected.

b. If the mayor is continuously absent from the city for more than eight days, or is incapacitated for more than eight days his functions shall devolve on the deputy mayor, until the mayor returns to the city or recovers from his incapacity as the case may be.

c. The deputy mayor shall have the power to direct the commissioner to get the administration and audit reports prepared in time.

d. The deputy mayor shall discharge such functions of the mayor as may be delegated to him by the mayor.\(^8\)

**B. The Standing Committees of the Bangalore Municipal Corporation**

The committee system is a part of the municipal corporation. In the municipal corporation, ‘The committees are a contrivance for decentralising various functions of the council, ensuring wider participation in decision-making on the part of the councillors’. Therefore this can be clearly explained as government by committees.

\(^7\) Based on a formal interview with the councillors, ex-Mayor and ex-Deputy Mayor on 3.1.2007-28.2.2007.

Municipal corporation cannot function without the assistance of committees. The committees may deal with matters which are likely to be debated in the council of municipal corporation. The committees of Bangalore City Municipal Corporation are playing a very important role in the functioning of the corporation. There are eight standing committees each consisting of 7 councillors with a tenure of one-year. They are as follows:

1) The Standing Committee on Taxation and Finance
2) Standing Committee for Public Health
3) Standing Committee for Town Planning and Improvement
4) Standing Committee for Public Works
5) Standing Committee for Accounts
6) Standing Committee for Education and Social Justice
7) Standing Committee on Appeals
8) Standing Committee for Markets and Horticulture.9

The distinguishing features of the standing committees are:

a) Their constitution and strength are determined by the legislation.
b) The municipal corporation is compelled to refer certain matters to these committees and act only after the receipt of a report from them.
c) The standing committees are authorised to plan and execute certain works without reference to the corporation.

The standing committees for public health, education and social justice consist of not less than two councillors belonging to scheduled castes and scheduled tribes.

---

Each standing committee shall consist of seven councilors of the corporation elected at its first meeting after the general elections and at the first meeting in the same month in each succeeding year according to the principle of proportional representation by means of single transferable vote. A person ceases to be a member of the standing committee if he ceases to be a councilor or if he remains absent without the permission of the standing committee for three consecutive meetings. Generally, the elected members of the corporation become the members of the standing committee. Outsiders are not eligible to become members of any committee. No councillor shall be a member of more than one standing committee at the same time. The mayor and deputy mayor of the corporation shall be ex-officio members of all the standing committees, but they will not have voting power.

Section 12 of the Karnataka Municipal Corporation Act, 1976, deals with the chairman of the standing committee. Each standing committee elects one of its members as chairman. The chairman of the standing committee is usually elected for a term of one year. He is eligible for re-election. The chairman holds office until his successor is elected. He vacates his office when he ceases to be a member of the standing committee. If the office of the chairman becomes vacant, one of its members shall be elected as the chairman. The person so elected shall continue in office so long only as the person in whose place he is elected.\textsuperscript{10}

The meeting of all the standing committees will be held in the office of the corporation. The notices of such standing committee meetings are issued by the council secretary in consultation with the chairman of the standing committees and

\textsuperscript{10} Karnataka Municipal Corporation Act, 1976, Section 12 (1), pp. 41-42.
the commissioner. Each standing committee meets at least once in a month and conducts business. All the questions which come up before the meeting, shall be decided by the majority of votes of the members present and voting at the meeting. The proceedings of the standing committee are entered in a book and is signed by the chairman after every meeting. The proceedings of each standing committees shall be placed before the council at its next meeting. Every resolution of the standing committee is made available to every member within fifteen days from the date of passing such resolution. The corporation, may on the motion by any member of the corporation, modify or amend or revoke any resolution.\textsuperscript{11}

The standing committees exercise such powers and perform such functions as are conferred upon them by the statute. The powers of the standing committees of the Bangalore Municipal Corporation include;

1) The standing committee for taxation and finance approves the form in which the budget of the corporation is to be prepared and also, recommends the budget to the council for approval. It is empowered to reduce the amount of budget grant or transfer any amount from one head to another in the budget. It has accesses to all municipal accounts, records and correspondence relating to them and may even call for explanation from the commissioner concerning any expenditure. The committee can conduct an examination and audit of the municipal corporation reports and demand explanations on any irregularity which it may at any time notice in expenditure or in municipal accounts. The municipal commissioner

\footnotesize{\textsuperscript{11} U.B. Singh, \textit{Functioning Local Government in South India}, Gyan House, New Delhi, 2000, p. 16.}
submits to the committee an annual report on the entire municipal accounts for the previous year.

2) The public works committee deals with any matter connected with roads, buildings, public works and gardens, lease and acquisition of property. It approves all the contracts of the municipal corporation. The committee may be referred for inquiry and report, or for opinion on the matters mentioned above.

3) The public health committee may be referred for inquiry and report, or for opinion, on any matter connected with public health and safety, sanitation, markets, slaughter house, vaccination, disposal of rubbish and offensive matters, and regulation of dangerous and offensive trades, and any matter relating to hospitals and dispensaries and medical and public health administration in the city.

4) The municipal commissioner has to take prior approval of the standing committee on a wide variety of subjects and in many cases he is to report to them.

Acting as a necessary link between the council and the municipal commissioner, the standing committees are restricted in both influence and effectiveness. The council because of its size, leaves to its standing committees the case of various matters and the oversee of day-to-day civic administration. Although decisions of the standing committees on many subjects need to be approved by the council, they normally speaking, get its acceptance as a matter of course.

The standing committees are the real workshops of local government which make resolutions either for immediate action or for the approval of the council. The committees in the municipal corporation are important components and have an edge
over the other organs viz., the council and the commissioner. In other words, the committees not only offer some leadership and direction in the deliberation of the council but also supervises, review and control administration.

Despite their dominant and useful role, the standing committees suffer from several inadequacies. Their plural character militates against the maintenance of helpful attitude towards administration. This system tends to result in delay, favouritism and nepotism. Further the statutory powers of the commissioner tend to obscure the popular image of committees. Moreover, the commissioner’s direct accessibility to the council by way of attending its meeting and guiding its deliberations, undermines the role of the committees in affording effective political leadership. The method of election to the standing committees being proportional representation, the committees are an image of the council reflecting their political composition. This inhibits homogeneity in outlook and action of the committee. In other words, the standing committees can never hope to emerge as a cabinet controlling the local bureaucracy.\footnote{12 R. Somappa, \textit{The Governance and Politics of Municipal Government}, pp. 58-59.}

It may be mentioned that the municipal government in Bangalore is not independent in composition like the English and French local bodies. There is too much confusion in the municipal government areas and functions, and there is, therefore still much room for structural and functional reorganisation.
3.3 ADMINISTRATIVE STRUCTURE OF BANGALORE MUNICIPAL CORPORATION

The municipal administration today has larger functions, compared to the past and most municipal governments are not strong enough to carry out their functions. One important reason for this failing of municipal governments has been the lack of an effective and scientific personnel system. There is a tendency to look upon municipal services as common place, “a sort of a third estate in the field of administration requiring no particular training or expertise”.

The various state governments and the central government are aware of the problem and have been experimenting with new devices in the direction of improving the personnel of their local bodies. The creation of a state cadre of municipal executive officer in Madhya Pradesh and Uttar Pradesh is one such attempt. In some states, there is a proposal to set up local bodies service commission to recruit municipal personnel.

Thus it can be stated that the municipal government, in addition to an active and intelligent participation of the people and their elected representatives, require an honest and well-trained administrative personnel for its effective performance. An administrative organisation has to be carefully designed in order to enable it to continue to discharge the functions in an efficient manner. Within an administrative organisation, functions have to be correctly spelled out and allocated to the various organs. The various organs are to be equipped with proper powers, and requisite sources to perform the assigned functions. Besides proper allocation of functions, powers and resources, steps have to be taken to ensure that all the organs, functions in
co-ordination with each other and that there is a proper supervision of the lower levels by the higher level in a continuous manner. This means that there should be inbuilt devices for institutionalized co-ordination between the various organs. Besides, there is a need for a proper constructed hierarchy of positions from the top to the bottom which would involve inter-locking of controls by the higher levels and accountability of the lower ones. Piffner has pointed out that hierarchy is established on the basis of duties, activities and task.\textsuperscript{13}

**A. The Municipal Commissioner**

The chief executive of the Bangalore Municipal Corporation is the commissioner appointed by the government for a renewable period of two years. The executive power for the purpose of carrying out the provisions of the act is vested in this single chief executive and not in a board or committee. He gives overall direction and co-ordinates the activities of various branches of municipal administration. He performs all duties conferred upon him under the Act and in times of emergency he takes any action he deems necessary. The administration of municipal policies and of the provisions of the statute has been made the responsibility of the commissioner. The institution of the commissioner is, thus, based on the philosophy of keeping the policy making function separate from its administration. The separation of policy making function and its execution was commanded by the Royal Commission on Decentralisation (1907) which recommended on elective Mayor of the council to be the presiding officer and spokesman of the council and the task of administration to be entreated to a full – time state appointed subject to the control of the council and

its standing committees. Such an arrangement, the commission wrote, would meet the argument that our elected mayor of a large city municipal corporation, who might be a busy professional man, would not have the time or the experience to administer it satisfactorily.\textsuperscript{14}

The commissioner is a high ranking administrator who is appointed by the state government. According to the Karnataka Municipal Corporation Act: “The commissioner shall be appointed by the government after consultation with the mayor. He shall not be a member of the Corporation, and he shall, subject to the pleasure of the government, ordinarily hold office for a period of two years.\textsuperscript{15} Though the statute does not debar non-governmental personnel from being appointed as commissioners, the state government has been invariably appointing only serving civil servants to this post. Normally, they belong to the Indian Administrative service (IAS) or senior state service cadre. He is appointed for a fixed term and his service in the corporation is only a sojourn, a spell of time and by no means a part of career in his cadre. Unlike the city manager of the USA, he is a generalist administrator, inducted for a brief period into the corporation. In Madras Municipal Council, the municipal commissioner is appointed by the state government and is invariably a person equipped with administrative experience.

The commissioners appointment vested in the state government has been the subject of endless heated controversy in the Bangalore Municipal Corporation. A state appointed functionary to administer a self governing community has been considered

\textsuperscript{15} Karnataka Municipal Corporation Act, 1976, Section 14(1), p. 43.
to be an assault on the time honoured principles of democracy and autonomy. The government should not always confine its choice to persons within its machinery. Indeed, it should develop the practise of appointing to this post, persons from the public having a background of public life. Such a person elected is likely to be more in accord with the elected council. When after serving his term as a commissioner, he retires back to public life, the community has the benefit of having in its midst an informed citizen possessing direct experience of civic administration.

(i) Term of Office

The commissioner is normally appointed for a fixed term of two years which is laid down in the statute itself. However, he can be removed earlier. As the Act rules; “Not withstanding anything in sub-section (1) the commissioner shall be removed from office whenever the corporation so resolves by a majority of not less than two-thirds of its members”.16

According to the Karnataka Municipal Corporation Act, 1976 “The commissioner shall be paid out of the corporation fund such monthly salary and allowances”17. The government is authorised to take necessary disciplinary action against the Commissioner for any shortcoming. It has the power to inflict censure, to withhold increments or promotion, to reduce his salary to recover from his salary any loss caused by his neglect of his duty and finally to dismiss him from service for grave misconduct. Thus, the commissioner, who belongs to the state cadre of administrative services, appears more a government servant than a municipal

---

17 Ibid, Section 15 (1) p. 43.
employee though he is paid out of the municipal funds. During the absence of the commissioner the government appoints a person to act as commissioner. Since the year 1949, to the present a number of IAS and KAS officers have served as the commissioners of Bangalore City Corporation. (for details see Appendix I)

(ii) Power and Functions of the Commissioner

The Commissioner as the chief executive officer of the corporation performs many functions. He is required to attend the meetings of the council and its committees. He can speak and take part in the meetings of the council and its committees but he is not entitled to move any resolutions or to vote at any such meetings. In the council meeting, the commissioner is required to answer the questions put to the mayor by the councillors. He answers them with the help of the heads of the various branches of civil administration. As the head of the municipal administration, the commissioner exercises the executive power for the purpose of carrying out the provisions of this act and is held directly responsible for the due fulfillment of the purpose of this act, “The commissioner shall perform all the duties and exercise all the powers specifically imposed or conferred upon him by or under this Act or by any other law for the time being in force”.18

All municipal employees are subject to his supervision and control, although in matters of appointment, promotion and discipline, he shares his authority with the council and its standing committee.

“Subject to the provision of this Act, rules and regulations, the commissioner shall specify the duties of person borne on the corporation establishment and exercise

18 Karnataka Municipal Corporation Act, 1976, Section 64 (a), pp. 72-73.
powers of supervision and control over them, decide all questions relating to their
conditions of service”.\textsuperscript{19} He organises the various administrative branches and
distributes municipal works among them. Besides, he grants leave to the officers and
other employees in the service of the corporation. He possesses disciplinary powers
over certain categories of employees as well. He may fine, withhold annual
increments, censure, suspend, remove or dismiss certain category of employees. He
recommends to the appointment committee for the promotion of certain category of
municipal employees and transfers them from one branch to other so that they will be
acquainted with the work of different municipal sections.

Moreover, he is in-charge of the municipal office and municipal records are
kept in his custody. “The commissioner shall be responsible for the custody of all
records of the corporation including all papers and documents connected with the
proceeding of the corporation, the standing committee and other committees”.\textsuperscript{20} He
prepares the annual administration report and submits it to the council. “All
correspondence relating to any matter dealt with, by or under this Act or under any
other law between the corporation and the government or other authority shall be
conducted by the commissioner, and shall send copies of such correspondence to the
mayor”.\textsuperscript{21}

The commissioner also prepares and submits to the committees the annual
estimates of income and expenditure each year for its perusal and ultimate sanction.
He is held responsible for the imposition and collection of taxes and fees, for issuing

\textsuperscript{19} Ibid., Section 69, p. 74.
\textsuperscript{20} Ibid., Section 68, p. 74.
\textsuperscript{21} Ibid., Section 65, p. 73.
licence for ordinary dangerous and offensive trades, for inspecting the places of
tertainment and for verifying the sale of tickets. He exercises strict vigilance over
the collection and expenditure branches, periodically reviews the assessment registers
and files suit against the tax defaulters. He enters into contract on behalf of the
committee. However prior sanction of the committee is essential in such matters.

The commissioner sanctions the places for the construction of houses and
other buildings. Nobody is allowed to erect any building without his approval.
Generally, he sanctions or rejects such plans on the report of an inspector.

The commissioner is also vested with certain powers relating to public health
and sanitation. He can authorize any person to enter into and inspect any market,
building, shop and stall, used for the sale of drugs and examine any food or drink
required for the consumption of human beings and seizes it, if it is adulterated or unfit
for use.22

The powers of the commissioner indicate that the municipal commissioner is
an important administrative functionary. He can play a vital role in the development
of the city, if he is hard worker, properly recruited, adequately empowered, suitably
trained and politically non-partisian and if he is allowed to perform his duties
unhindered by the municipal councillors. He can recommend punishment as an
inquiry officer but approval or rejection of his recommendations vests with the
municipal council. This considerably curtails the disciplinary authority of the
commissioner and makes him ineffective regarding his supervisory control over the
municipal personnel.

In the Bangalore City Corporation there are three centers of powers namely the commissioner, the mayor and the Municipal committees. Sometimes tension between them results in the weakening of the municipal administration resulting in poor coordination between the commissioner and the heads of department. Since the departmental heads are accountable to the committee, the commissioner’s power of direction and effective co-ordination gets ineffective in actual practice. The enhancement of the commissioner’s power over departmental heads is highly essential, if he is to be made accountable to the state government and the committees of the corporation.

(iii) Delegation of the Commissioner’s Power

The powers and functions of the commissioner are enormous and his role is multi-dimensional. All these make his task stupendous and the burden of responsibility onerous. It becomes physically impossible for him to cope with the work of such a great magnitude. Hence, there arises the necessity of delegation of some of his powers to the other heads of the departments. In consequence, the subordinates get the power to make operating decisions and undertake requisite action.

The chief utility of the delegation of powers is that it lightens the burden of the commissioner. It enables him to devote his attention to the vital matters of municipal administration. The heads of the departments can feel more responsible and act more effectively, if they are entrusted with responsibility and authority. The functions of the organisation can be discharged effectively, economically and efficiently, if the principle of delegation is adopted. Besides, proper delegation of authority is
conducive to an effective control over operations due to a clear demarcation of responsibility and action at each level of organisation. It minimizes the delay in taking decisions. In the Bangalore City Municipal Corporation, “Subject to the rules made by the state government, the commissioner may delegate to any officer of the corporation subordinate to him any of his ordinary powers, duties and functions”.

The commissioner also delegates some of the extraordinary powers to the health officer, the engineer, the revenue officer or any other officer to take immediate action to protect the property of the corporation in times of emergency.

Despite the provisions in the Karnataka Municipal Corporation Act, 1976, to delegate some of the powers and responsibility of the commissioner to other departments, some of commissioner never allowed their powers and responsibilities to be perculated to other departments. The commissioners believed in the infusion of powers in lieu of diffusion of powers. This trend proves totally detrimental to the efficient and effective performance of the municipal corporation.

(iv) Relationship between the Commissioner and the Mayor

There are elaborate instructions to government regarding the relations between the commissioner and the mayor. Most of there relate to the correspondence between the municipal corporation and government and also to the preparation of agenda for the council meeting. The mayor has the right to include any subject he desires in the agenda for the information of the council. The commissioner is also given a right but without consulting the mayor he should not take any action on any motion sent by the member. Whatever may be the instrument of instruction issued by the government

---

from time to time, the smooth functioning of the municipal administration depends largely on the cordial relations and understanding between the mayor and the commissioner.

Though the commissioner is the chief executive officer, he is not expected to entangle himself in the municipal politics. His administrative position empowers him to initiate policies in consultation with the mayor. He is also required to place the policies before the council and defend them. In the process he faces criticism from the members who do not relish his proposals for various reasons. In all such cases, the commissioner will be naturally compelled to win the support of majority councillors and silence the opposition. He is forced to resort to this because of the fear of no confidence by which the commissioner can be sacked anytime. Thus, it is necessary for him to be on the right side of the council and gather some of the councillors to his side. This is, however, neither good to the commissioner as he is a government appointed official nor desirable to leave the council to have the executive officer involved in the political arena. Therefore, there is a need for the separation of politics from municipal administration.

3.4 THE GENERAL FUNCTIONS OF BANGALORE MUNICIPAL CORPORATION

The efficiency of the municipal corporation is usually judged by the standard of civic amenities provided by it to the city dwellers. The working of the municipal corporation directly affects life and activities of the residents of the city in several ways. It is responsible for providing amenities and services which are so essential for healthy living and welfare of the individuals and the community. In the words of
Herman Finer, “These local authorities supervise, direct and control our lives awake and sleep at work and at play; they provide for all citizens a common minimum of health, education, welfare services, road, place and security of environment. The scope and detail of their work are not only easily discernible; both are immerse”.

The efficient performance of municipal services not only creates congenial milieu for healthy and comfortable living but the municipal government also shares the burden of the state and central government for promoting the welfare of the people. The efficiency of the performance of the state government in particular, and central government in general, is often measured by the common man on the basis of the civic services.

The Bangalore City Municipal Corporation exercises some general powers subject to the provisions of the 1976 Act, the rules, the regulations and the bye-laws made there under. Without prejudice to the generality of the provisions of sub-section (1) this Act, shall be the duty of the corporation to exercise such powers, perform such functions and discharge such duties as are conferred on it by and under this Act and consider all periodical statement relating to the receipts and disbursement and all progress reports and pass such resolutions thereon, as it thinks fit.

There are two lists of functions to be performed by Bangalore Municipal Corporation - obligatory and discretionary. The obligatory functions are the functions which must be performed by the municipal corporation and failure to perform all of these functions will ultimately result in its dissolution. The discretionary functions are

---

those which are not compulsory but must be taken up depending upon its financial resources. The discretionary list in all the statutes ends with omnibus functions like promotion of public safety, health, convenience or general welfare. Functions assigned to corporation, particularly the ‘obligatory’ ones, are more or less the same in all the states, uniformity is thus, the key note; any difference is uncommon. The difference may occur only in the listing of certain functions. Construction and maintenance of veterinary hospitals, for example, is considered a discretionary function in Delhi, but an obligatory one in the city of Madhya Pradesh.

A. Obligatory Powers and Functions of the Bangalore City Corporation

The following are the main obligatory powers and functions of the Bangalore Municipal Corporation.26

1. Errection of substantial boundary marks of such description and in such positions as shall be approved by the government defining the limits or only alteration in the limits of the city;

2. The watering and cleaning of all public streets and public places in the city;

3. The collection, removal, treatment and disposal of sewage, offensive matter and rubbish and the preparation of compost manure from such sewages offensive matter and rubbish;

4. The construction, maintenance and cleaning of drains and drainage works and of public privies, water closets, urinals and similar conveniences;

5. The lighting of public streets, municipal markets and places of resort vested to the corporation;

6. The maintenance of a corporation office and of all public monuments and open spaces and other property vested to the corporation and keeping a correct account of all corporation property;
7. The naming or numbering of streets and of public places vested in the corporation and the numbering of premises;
8. The regulation and abatement of offensive and dangerous trades or practices;
9. The maintenance, change and regulation of places for the dispersal of the dead and the provision of new places for the said purpose and dispersing of unclaimed dead bodies;
10. The construction or acquisition and maintenance of public markets and slaughter houses and the regulation of all markets and slaughter houses;
11. The maintenance of ambulance service and service for conveying dead bodies to crematoriums;
12. The destruction of birds or animals causing nuisance or of vermin and confinement or destruction of stray or ownerless dogs;
13. Laying out new public streets;
14. Maintaining or aiding schools for primary education;
15. The construction or acquisition and maintenance of cattle pounds;
16. Establishing and maintaining a system of public vaccination;
17. The reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisance;
18. The planting and maintenance of trees on road sides and elsewhere;
19. The construction, maintenance, alteration and improvement of public streets, bridges, subways, culverts, causeways, etc.;

20. The removal of obstructions and projections in or upon streets, bridges and other public places;

21. The management and maintenance of all municipal water works and the construction or acquisition of new works necessary for a sufficient supply of water for public and private purposes;

22. Preventing and checking the spread of dangerous diseases;

23. The securing or removal of dangerous buildings;

24. The construction and maintenance of residential quarters for the pourakarmikas.

25. The provision for public parks, gardens, playgrounds and recreation grounds;

26. The regulation of lodging houses, camping grounds and rest houses in the city;

27. Establishing and maintaining compost plants for safe disposal of sewage.

28. Supplying, constructing and maintaining in accordance with the general system approved by the corporation, receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains which are under the control of the corporation.

28-A. Vital statistics including registration of births and deaths;

28-B. Regulation of tanneries.

29. Taking measures to meet any calamity effecting the public;

30. The fulfillment of any obligation imposed by or under this Act, or any other law for the time being in force and discharge of functions in respect of any matter entrusted to the corporation by government by notification;
31. Subject to adequate provision being made for the matters specified above, the provision of relief to destitute persons in the city in times of famine and scarcity and the establishment and maintenance of relief works during unusual circumstances.

B. Discretionary Functions and Powers of Bangalore Municipal Corporation

The corporation may in its discretion, provide either wholly or in part for all on any of the following matters, namely:²⁷

1. The organisation, maintenance or management of institutions within or without the city for the care of persons who are infirm, sick or incurable or for the care and training of the blind, deaf, mute or otherwise disabled mothers or infants or school children;

2. The organisation, maintenance or management of maternity and infant homes or centres;

3. The provision of milk for the expectant or nursing mothers or infants or school children;

4. The organisation, maintenance or management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs for the detection of diseases or for research connected with public health;

5. The organisation, maintenance or management of swimming pools, public wash houses, bathing places and other institutions designed for the improvement of public health;

²⁷ Ibid., pp. 68-69.
6. The construction and maintenance, of public streets or places of drinking fountains for human beings and water troughs for animals;

7. Survey of buildings or lands;

8. The provision of music for the people;

9. Encouraging the development of planning and maintenance of trees and plants on private land and within private compounds;

10. Maintenance of health museums;

11. Construction or maintenance of infirmaries or hospital for animals;

12. The organisation or maintenance in times of scarcity of shops or stalls for the sale of necessaries of life;

13. The buildings or purchase and maintenance of residence of corporation officers and servants;

14. The grant of loans for building purpose or to corporation servants on such terms and subjects to such conditions as may be prescribed by the corporation;

15. Any other measures for the welfare of corporation servants;

16. The establishment and maintenance or the aiding of museums, and art galleries, botanical or zoological collections and the purchase or construction of buildings;

17. Contribution towards any public funds raised for the relief of human suffering caused by natural calamities within the city or for the public welfare;

18. The preparation or presentation of addresses to persons of distinction;

19. Granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, bye-laws and regulation;
20. The building or purchase and maintenance of suitable dwelling for the poor and working class;

21. The provision of shelter to destitute or homeless persons and any form of poor relief;

21-A. Slum improvements and upgradation;

21-B. Urban forestry, protection of the environment and promotion of ecological aspects;

21-C. Urban poverty alleviation programmes;

21-D. Promotion of cultural, education and aesthetic aspects;

22. With the previous sanction of the government, the making of a contribution towards any public ceremony or entertainment in the city;

23. Any measures likely to promote public safety, health, convenience or instruction.

It is significant that ‘Economic and social development’ and ‘Safeguarding the interests of weaker sections of society, including the handicapped and the mentally retarded, which are present in the 12th Schedule annexed to the 74th Constitution Amendment, do not find place either in the obligatory or discretionary functions added to the Karnataka Municipal Corporation Act through the conformity legislation of 1994.

Apart from the obligatory and discretionary functions of BMC, the KMC Act has specified certain functions which have to be performed by various departments. They are grouped under the following headings;

1. Public works functions or the engineering department

2. Functions relating to education department
3. Functions relating to horticulture department

4. Public health functions

1. Public works functions or the engineering department

   All the public works are undertaken by the engineering department of the corporation. Therefore, the image of the corporation is largely dependent upon the engineering department. The responsibilities of the engineering department of the Bangalore Municipal Corporation are as follows:

   a. Maintenance of roads, sidewalks, drains and public buildings.

   b. Regulation of building construction, clearing of encroachments, etc. The department has about 200 engineers at different levels to supervise and execute over 2500 public works every year. This department also implements various infrastructure projects including construction of sanitary landfills.

   c. In Bangalore city, during the recent years, the engineering department has been responsible for relaying arterial and sub-arterial roads of the city for a length of over 500 kms. Construction of several flyovers to ease the traffic congestion at functions is another priority. A novel project being undertaken by the department is the development of sidewalks along 200 kms of arterial roads.

   d. Another important function of this department is the renovation of major lakes in Bangalore city, viz. the Ulsoor lake, the Sankey lake and the Yediyur lake with a total water area of about 150 acres.

   e. Management of floods in the low-lying areas of Bangalore city is a major concern of the engineering department. The drainage of Bangalore city is divided into four separate drainage networks leading to four river valleys flowing in different
directions. Due to the fast development of the city and the reduction in the untreated surfaces of open areas, the run off from the storm water in the city has been accelerated resulting in the overflowing of the existing storm water drains. The corporation has taken up a major project to remodel the existing storm water drains of Bangalore city.

f. The engineering department is currently introducing a number of reforms like economic processing of tenders, outsourcing of preparations of the designs and estimates of engineering projects. This department is also planning to create two sanitary landfills for the disposal of solid waste generated in the city.

2. Education department

   Education is one of the significant functions of the Bangalore Municipal Corporation. It includes elementary education, libraries, reading rooms and other cultural activities. Besides, programmes for social and moral welfare of citizens are also included. Imparting of elementary education is an important function of the Bangalore Municipal Corporation. The education department of the corporation is responsible for managing 78 nursing schools, 11 primary schools, 32 high schools and 11 junior colleges which have combined student strength of about 19,000 and teaching staff numbering 650. This department also maintains 169 public playgrounds in the city. The children attending the corporation schools are given free supply of textbooks, uniforms and other facilities. They are also given their mid-day meal free of cost by the corporation. The corporation is currently seeking the involvement of several non-governmental organisations in providing additional facilities in the schools to improve the quality of education.
3. Horticultural department

The city of Bangalore has long been known as the ‘Garden city’. However, green spaces and open areas are disappearing slowly as more and more people congregate to the city. Generally speaking, a home under deteriorating human environment in urban areas has lost much of its important utility as a place for rest and relaxation. Therefore, providing spacious parks, blooming gardens, vast playgrounds and clubs becomes the responsibility of the corporation. Failure to do this results in depriving citizens of opportunities for healthy and gracious living.

The city corporation maintains over 400 large and small parks and the greenery in the road margins and the medians. During the year 2005-2006, the corporation has developed over 100 parks throughout the city. With the phenomenal rise of population, provisions for more parks and gardens is needed. Besides, as these parks are generally not properly maintained, there is an urgent need on the part of the City Municipal Corporation to take action, so that people can utilise these parks for rest and relaxation.

4. Public health functions

Among the municipal functions, public health is not only the oldest but also the most vital function. The health programme comprises medical, maternity and child welfare, general sanitation as well as health education. The success or failure of municipal government depends to a great extent upon the performance of this vital function as it affects the very life of the civil community. Hence, the utility and weaknesses of the corporation depend much upon the degree of successful performance of this basic function.
The functions of the health department in the Bangalore City Corporation include both the maintenance of environmental cleanliness in the city and the provisions for medical care. The department employees over 11000 workers for cleaning the streets, collecting garbage on a door-to-door and daily basis and the maintenance of public toilets. Over 2000 tonnes of solid waste is collected in the city and transported to designated dumping yards outside the city limits. The corporation in the year 2004-05 initiated a major campaign for segregation of dry and wet household waste in order to ensure eco-friendly treatment of the wet waste and the maximum recycling of the dry waste consisting of plastics, papers, metals and glasses. A major mosquito control programme is also being implemented by this department with the help of about 700 workers. An important feature of the activities of health department is the involvement of various citizens organisation and citizen volunteers in ensuring the environmental cleanliness of the city.

The city corporation runs six referral hospitals, 23 maternity homes, 24 family welfare centres and 51 dispensaries and health centres in different parts of the city. Over 24,000 child births are attended to in the hospitals of the city corporation. The corporation has about 120 doctors and about 350 paramedical and auxillary personnel. The hospitals of the corporation treat about 150,000 patients every year.

The main function of the municipal administration in Bangalore are sweeping, removing and carrying the rubbish gathering on the road sides and in the drains and also cleaning the public and private latrines, urinals and drains. The health department of Bangalore City Corporation has been spending substantial amounts of money every year on the removal of filth and rubbish from the city. The rubbish and filth can be
removed everyday from the city, only if the conveyance facilities and dumping facilities of heaps of filth and garbage are considerably augmented. More than the efforts of the health department of the city corporation, the citizens must cooperate with the health department in keeping the city clean.  

3.5 ANALYSIS OF THE FUNCTIONS OF BANGALORE MUNICIPAL CORPORATION THROUGH SERVICE DELIVERY – SOLID WASTE MANAGEMENT

Urban environment has been under threat as populations in the city have multiplied and commerce and industries have added to generation of wastes and non-ecological use of resources. Solid waste management is pitiable in Bangalore and sanitary landfills and waste recycling facilities have not made much headway.

The management of solid wastes is one of the essential services and it is obligatory duty of municipal body to arrange for daily cleaning, collection, transportation, processing and disposal of wastes.

Proper discharge of this service is essential to public health, a clean environment and good healthy living. Due to lack of appropriate efforts by local authorities and apathy on the part of the citizens, solid waste management has become a tenacious problem. It is crucial for the department that discharges this function to ensure that this vital civic service is carried out efficiently and adequately since this reflects the performance capability of the municipal body.

The issue of solid waste management in cities has received growing attention of late for obvious reasons. Pursuant to the order of the Hon’ble Supreme Court of

---

India dated 16-1-1998, the Ministry of Urban Affairs and Employment, Government of India, constituted a committee for identifying the deficiencies in the existing solid waste management system in India, which prepared a report incorporating several recommendations for improving solid waste management practices in class I cities in India. Three important notifications were issued by the Ministry of Environment and Forests, Government of India, viz. Bio-medical waste (management and handling) Rules, July 1998, which apply to all persons who generate, collect, receive, store, transport, treat, dispose or handle bio-medical wastes in any form, Municipal Solid Wastes (Management and Handling) Rules, September 2000, which apply to every municipal body responsible for collection, segregation, storage, transportation, processing and disposal of Solid Waste and Recycled Plastics (Manufacture and Usage) Rules, 1999, about usage of plastic waste.  

The increasing concern during the last decade for both the government and municipal bodies with the clean city programme has firmly placed the solid waste management on the urban agenda. Hence among the various functions carried out by Bangalore Municipal Corporation, the solid waste management gained due attention.

The Bangalore City Corporation with the corporation area limit of 226 sq km (excluding Bruhat Bangalore) and with a population of about 42.92 lakhs (municipal corporation population) generated about 3,613 tonnes of solid waste per day. The total waste generated in Bangalore was between 2,000 to 2,500 tonnes per day. The estimate of 3,500 tonnes per day was mainly because industrial waste (approximately 1,400 tonnes per day was taken into account as a component of total urban solid waste.

---

generated in the city) with commercial establishments being the major contributors accounting for about 39% of the total, while households contributed about 18%. The waste generated by various institutions located in the city accounted for only about 4%. Although industries also generate a significant amount of solid waste, most of these are high quality recyclables and, can be recovered for recycling and reuse. Only a small percent found its way into the city waste stream. Table 3 shows the source-wise generation of solid waste in Bangalore.

Table 3
Source-wise generation of solid waste in Bangalore

<table>
<thead>
<tr>
<th>Stakeholders</th>
<th>Volume</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household</td>
<td>650</td>
<td>18.00</td>
</tr>
<tr>
<td>Commercial establishment</td>
<td>1,456</td>
<td>39.00</td>
</tr>
<tr>
<td>(i) Markets</td>
<td>369</td>
<td>-</td>
</tr>
<tr>
<td>(ii) Hotels</td>
<td>1,066</td>
<td>-</td>
</tr>
<tr>
<td>Institutions</td>
<td>128</td>
<td>4.00</td>
</tr>
<tr>
<td>(i) Hospitals</td>
<td>20</td>
<td>-</td>
</tr>
<tr>
<td>(ii) Offices</td>
<td>15</td>
<td>-</td>
</tr>
<tr>
<td>(iii) Educational institutions</td>
<td>92</td>
<td>-</td>
</tr>
<tr>
<td>Industries</td>
<td>1,399</td>
<td>39.00</td>
</tr>
<tr>
<td>Total</td>
<td>3,633</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Source:30

Out of the total waste generated in Bangalore, 1,456 tonnes of waste per day gets collected in public dustbins located at different points in the city. While waste

---

pickers recover 312 tonnes of waste from the public dustbins, 939 tonnes of waste from public dustbins is collected by the municipality (either by itself or private contractors) and dumped in one place and on roadsides outside the city. Remaining 200 tonnes of public dustbins waste (mostly comprising of vegetable waste from markets) is directly sent to large composting units such as Karnataka Composting Development Corporation and private units located in the city for composting. The remaining 245 tonnes of wastes per day is dumped or burnt by the generators themselves. This includes debris and unorganised wastes that remain uncollected in the city. About 65% of the total waste generated in the city is collected for recovery, while 722 tonnes per day is recycled. Agents involved in the collection and recovery process are waste pickers, middlemen, the municipality and recycling units (both small and large). While the agents in the informal sector and the municipality are directly involved in waste collection activities, the waste is processed by the recycling units which receive recyclable wastes from both middlemen and municipality. In addition, community based organisations (small recycling units) collect 56 tonnes of wastes directly from households for composting. The waste recovered for recycling through middlemen and waste pickers account for about 40% of the total waste generated (1,139 tonnes per day and 312 tonnes per day respectively). The waste pickers take their collection either to the middlemen or sell it directly to small recycling units in the city. The contribution of the waste pickers in the informal waste recovery processes in the city needs special reference. There are roughly 25,000 waste pickers whose average per capita collection is about 15 kg per day. Collecting about
312 tonnes of waste per day, the waste pickers recover about 21% of the 1,451 tonnes of waste that goes into public dustbins.

The waste that flows into the public dustbins is mixed waste, often containing household hazards like glass pieces, batteries, polythene bags. Its impact is serious and has potentially harmful characteristics. More worrying is the fact that hospital wastes also get mixed with municipal wastes in the public dustbins. This problem has been highlighted in the state of the Environment Report and Action Plan 2003, which says, ‘. . . about 1-2% of biomedical waste gets mixed with municipal solid waste in the community bins’.31

(i) Solid Waste Management (SWM) Practices

Solid waste management encompasses the range of activities, such as

1. prevention either by reducing the content of waste or by reusing it;
2. recycling the waste into secondary raw material or as a source of energy; and
3. disposal through land-filling.

However, reality is quite different from these environmentally sound options. A major problem regarding urban solid waste management pertains to the collection of waste generated. Although door-to-door collection has been introduced in some cities of Karnataka (Bangalore and Mysore), a major portion of the waste generated gets collected in public dustbins and the waste that reaches disposal sites is usually mixed, containing plastic, glass and metals as waste segregation is not practised in most of the urban areas. Moreover a large quantity of waste that gets deposited in the

public dustbins remains uncollected. Besides, the waste collected from the public dustbins is mostly disposed by either dumping it in an uncontrolled manner in some open space or it is burnt in the open air causing high levels of pollution and environmental damage.

Regarding the domestic waste collection in Karnataka, it was mainly the household members who themselves took the household garbage and dumped it in a common dumping spot away from the house from where the municipal authorities generally made arrangements for its removal. Though collection of garbage from household by municipal authorities formed the other important method of waste removal, the practice of door-to-door collection was limited.

In Bangalore, domestic waste after collection is taken to for disposal in abandoned quarries at B. Narayanpura, Boodigere, Kalasanahalli and Kitganahalli. The city generates 2,200 tonnes of garbage everyday and about 300 tonnes only goes to the Karnataka Compost Development Corporation (KCDC). The two scientific landfills in the villages of Mavallipura and Mandur have been in the pipeline for long.

The 100-acre Mavallipura landfill started functioning on a trial basis in 2006, and about 60 trucks were dumping their waste. The Mavallipura landfill can take a maximum of 600 tonnes of wastes. The Mandur landfill is not yet functioning but is 135 acre and can accommodate about 1,000 tonnes. This means that the Bangalore Municipal Corporation has earmarked dumping space for only about 1,900 tonnes (this includes KCDC’s capacity of 300 tonnes) and the remaining waste are being dumped indiscriminately at some common dumping spot.
In November 2003, 220 urban local bodies in Karnataka had identified landfill silts and applied for authorisation of which 192 received authorisation from the Karnataka State Pollution Control Board. One such landfill site identified in Bangalore was at Dobbespet in Nelamangala taluk of Bangalore. There were many problems for the commencement of the landfill unit in Dobbespet. The main reasons were, the government had selected 108 acres in Dobbespet as the landfill site to dispose off hazardous industrial waste which was going to affect the villages that were situated nearby Dobbespet and secondly it was given to a foreign company called GTC (a German company) to provide technical assistance and one Hyderabad based company called Ramkay was given the contract work which was not favoured by the indigenous contractors. In Bangalore, the problem persists of managing the solid waste as there are no proper landfills. The corporation is negligent as they do not have an elected body since 2006 till date.32

As for transport vehicles, the Bangalore Municipal Corporation either own or hire lorries / trucks, tractors, tippers and tricycles of different capacity. The general complaint among municipal authorities is that the number of vehicles available with them is woefully inadequate for the task of transporting garbage to the dump site. The Bangalore Municipal Corporation had brought a high-tech sweeping machine in the year 2003-04 to sweep the main roads, especially flyovers, but after a few days of use, it was put in cold storage. It was purchased by the engineering department, but none of the officials in the corporation are aware of the existence and its price. However, according to the Solid Waste Management Contractor’s Association general secretary,

32 Deccan Herald, dated 27-3-07.
S.N. Balasubramanya, the machine was brought for 16 lakhs and it was hardly seen on roads as the machine had right hand driving system.\textsuperscript{33}

Regarding the work force employed for solid waste management, the situation is different. Generally, speaking, the number of health workers and \textit{pourakarmikas} employed by the municipality is estimated in terms of the load of work in the municipality. Traditionally, the nature is to deploy the work force according to the city population. It is now accepted in Karnataka, vide Government of Karnataka Circular No. HMA/118/mnm/17, dated June 30, 1997, that for a population of 500 persons in a city, there should be one \textit{pourakarmika}. However, the ratio between the workforce and the population varies between cities. In Bangalore, for every 301 persons, there is one health worker, whereas in Gulbarga there is 631 persons for one health worker. In Bangalore, the desired number of \textit{pourakarmikas} is 10,000 and the actual number of \textit{pourakarmikas} is 5,504 and the percentage of gap is 46%. It is evident that the number of these workers fall short of the desired number in the Bangalore City Corporation, thus pointing to the fact that the municipal administration is functioning under severe constraints.

\textbf{(ii) Stakeholders in the refuse collection and disposal services}

The main stakeholders in the urban solid waste management process are the waste processes (all agents directly active in waste processing – that is service producers) and waste generators (all agents generating and consuming services provided by the waste processors).

\textsuperscript{33} \textit{Deccan Herald}, dated 4-7-07.
1. The waste processors consist of waste pickers, itinerant waste buyers, middleman like junk dealers, and wholesalers, the urban local body and various recycling units both private and government. While the first three agents constitute the informal network the others are formal agents.

2. The waste generating categories comprises mainly of four types of agents, viz. households, commercial establishments (markets and hotels), institutions (offices, educational institutions and hospitals) and industries (large, medium and small).

While the three agents in the informal sector and the municipality are directly involved in the waste collection activities, waste processing is done by recycling units that receive recyclables from the middlemen and the municipality. Among the agents involved in the waste recovery process, the contribution of waste pickers in the waste recovery process needs, special reference. Although exact figures are not available in the Bangalore city, it was estimated that there were roughly 25,000 waste pickers whose average per capita collection is about 15 kg per day accounting for the recovery of about 21% of the waste that goes to the public dustbins.

However, as laid down in the Karnataka Municipal Corporation Act, 1976, keeping the city clean is the responsibility of the civic administration. The municipal bodies alone cannot perform this activity. The solid waste management process has various dimensions that require involvement of the private, the non-government and the informal sectors. This necessitates the cooperation and coordination among various agents, rather than an insular approach for better management of urban waste.

One problem often observed in Bangalore Municipal Corporation is that the multiplicity of agencies dealing with solid waste management (SWM) services. Apart
from Bangalore Municipal Corporation, the other agencies involved are Bangalore Water Supply and Sewage Board (BWSSB), the Metropolitan Regional Development Agency (BMRDA), and the Karnataka Urban Infrastructure Development and Finance Corporation (KUIDFC). Both BMRDA and the Bangalore Development Authority (BDA) have jurisdiction over the BDA area although BMRDA was constituted with a mandate to look after the larger area. Further, sewage service provision is handled by BWSSB, but this is not coordinated with the Bangalore Municipal Corporation which also has the responsibility relating to drainage and solid upgradation. Their responsibility is split among different agencies with no common line of direction for the development of slums as a result of which these areas are badly serviced.

Often it is the struggle between local and state-level politics that influences the delivery of solid waste management (SWM) services, or for that matter any other public service. When the Bangalore Agenda Task Force (BATF) was constituted in November 1999, to provide an opportunity to public-private partnership, the Bangalore Mahanagara Palike (BMP) with the support of BATF launched the ‘Swaccha Bangalore’ programme. Through door-to-door solid waste collection system, this programme targeted to bring cleanliness in the 128 health wards. (Bangalore city has 100 wards. These have been divided into 277 health wards for functional convenience. Of these 147 health wards, including two markets are under private contract system of cleanliness. The remaining 128 health wards are managed through pourakarmikas). The BATF managed to get push carts to collect door-to-door garbage costing 5,500 a piece. At present there is no private-public partnership
existing between BATF and the corporation. The continuation of such a partnership is dependent on the will of the political leadership and the clout commanded by the civic leadership. On the other hand, the Bangalore *Mahanagara Palike*, today does not have an annual maintenance contract in place and the net result is that many of the pushcarts are lying around with broken wheels and parts missing.

Considering the present rate of waste generation in Karnataka, it is estimated that by 2011 the projected municipal waste generation will be about 7,424.8 metric tonnes per day. While only about 9% of the recycle material (plastic and paper) is recovered due to non-segregation of wastes, it is hoped that this can be increased to 15% by 2010 by practising segregation.

It is thus obvious, that urban refuse collection and disposal service need to receive priority in future efforts. The priority areas that need to be addressed are:

1. Inadequate municipal service
2. Unscientific disposal system
3. Lack of civic awareness/waste management leading to unsegregated waste generation and disposal
4. Existence of an extensive informal network driven mainly by market forces and functioning at subsistence level
5. Insufficient capacity for waste processing, particularly organic wastes which are abundant.
6. A small market for recycled waste products and poor marketing of these products.

As of now, very little concreted efforts have been made in this direction. Considering that a number of marginal and poor sections are active in this process as
informal labour, any strategy to strengthen the waste management service needs to benefit the society as well as allow for income generating opportunities to the poor along its route. No amount of urban planning will translate into reality unless the government takes the required initiative and makes the necessary inputs which do not have to be only financial. The BATF initiative on the part of the state government is a positive step in this direction.

Some strategies, measures and intervention required have been suggested in Table 4 to address the problem of urban solid waste management.

### Table 4

<table>
<thead>
<tr>
<th>Strategies</th>
<th>Measures</th>
<th>Interventions</th>
</tr>
</thead>
</table>
| 1 Increasing waste segregation through source separation | Create public awareness | • Use of media and newspaper  
• Role of NGOs/CBOs  
• Facilitating collection from source |
| 2 Strengthening institutional interventions through public-private partnership | • Increasing NGOs involvement and encouraging community participation  
• Integrating the contributions of informal sector, particularly waste pickers contributions in the process of waste removal and recovery  
• Developing and strengthening regulatory mechanisms, especially relating to hazardous wastes | • Strengthening the municipality SWM system by increasing its resources (levying taxes on related services) and its authority by giving its policing powers to prevent conformity to civic regulation  
• Policy changes in urban local government allowing for interface with the non-government and private organisations  
• Recognised community representation in the municipal solid waste system.  
• Official policy for door-or-door collection either under the municipality or a community organisation, or through private initiatives. |
| 3 Increasing waste recovery | Enhancing capabilities of waste processing and recycling units | Government policies for providing facilities and exemption to the recycling units to enable them to increase their production and to sell their products at a competitive price. |
| 4 Popularising reuse practices | • Government itself setting an example  
• Educating public | • Writing this down in government purchase rules  
• Advertisement in popular media about recycled products and assistance to NGOs to demonstrate it in the community |

Source:34

---

Considering the nature and magnitude of solid waste management in Bangalore City Corporation, it would be necessary to formulate appropriate strategies by involving private agencies at the managerial level to solve the problem. Part privatisation could be a solution to solid waste management in Bangalore city. Transportation and disposal of waste could be contracted out to the private sector and the rest of the solid waste management activities could be managed by Bangalore City Corporation. Apart from the above mentioned strategies and measures for solid waste management, the following measures would also result in better solid waste management. They are:

a. Proper incentive to the staff to improve efficiency in SWM activities.

b. Open waste storage sites and other un-hygienic street bins should not be allowed.

c. Proper maintenance and supervision of landfill sites, keeping in view their environmental and health impacts.

d. Proper maintenance of vehicles and other equipments.

e. Old vehicles should be replaced by new vehicles specifically designed for waste transportation in order to increase their carrying capacity.

f. Appropriate segregation of waste before it reaches the sanitary landfills.

g. Awareness of waste management should be a part of the syllabus at the school level.

h. The corporation should involve NGOs and community groups at the managerial and policy making level to strengthen SWM system in the city.
3.6 ASSESSMENT OF THE WORKING OF THE MUNICIPAL STRUCTURE OF BANGALORE MUNICIPAL CORPORATION

The internal organisation of municipal administration is its most serious weakness. The core of democracy means that the elected people run the day-to-day administration but this only leads to inefficiency. The committees in the municipal bodies are not suited to handle the ‘mass of business, now requiring coordinated long-term actions’. Elected representatives do not trust permanent officials. The work is fragmented and the municipal government is unable to meet the new challenges of the developing urban society.

The ineffective political leadership in the city corporation leads to functional contradiction and affects the executive authority who is supposed to ensure efficient administration. The commissioner has rule-minded approach which may cause a deadlock with the elected wing. The executive role of the sub-committee result in the fragmentation of responsibility and policy decision, while the accessibility of the commissioner to the council undermines the role of the standing committee in affording effective executive direction and leadership.

The highly competitive process has affected the independence and strength of the commissioner. In the absence of the well-organised party system, the committees do not have an ideological consistency. The parties have not articulated the plurality of interests and opinions. Religion, caste and language have played a strong role in the working of the Bangalore Municipal Corporation.

The mayor, is the civic head of the municipal corporation. This is a keenly contested post. He is the leader of the majority party. As a presiding officer he is not
passive and is a non-partisan. His influence on the corporation administration depends on his personality, tactfulness, willingness and the time he can devote to it. The scheme of separation of deliberative and executive functions has made his position weak.

A one year term for the mayor is too short and it should be made coterminous with the municipal commissioner for the mayor to meaningfully comprehend the problems of the municipal administration and plan on a long term basis.

In order that the mayor does not remain just a dignified functionary, the All India Council of Mayors discussed issues like delegation of additional powers to the mayor, amendments of Corporation Act in order to enable effective powers to mayors and introduction of mayor-in-council system. However, the Rural-Urban Relationship Committee did not favour the grant of executive authority to the mayor. If the mayor was to handle the executive function, he is likely to be subjected to intense party and political pressure which would lower his prestige.\(^{35}\) Moreover the city administration today is a full time job requiring expertise and experience. The committee did not favour any substantial increase in the powers of the mayor but realised that his position needs to be strengthened and in this respect it suggested that:

1. He should be made the sole channel of communication between the corporation and the government;

\(^{35}\) Anju Mathur, ‘Structural Aspects of Coordination Between the Executive and Deliberative Wings in Municipal Corporation’, *Paper Presented at a Seminar on 12\textsuperscript{th} and 13\textsuperscript{th} January*, Surat, 1996, pp. 78-90.
2. He should be made ex-officio chairman of the standing committee, which would involve him more closely in important legislative and executive matters of the corporation.

3. He should be consulted by the government for the appointment of the municipal commissioner.

4. He alone with the chairman of various committees should constitute an appellate tribunal to hear appeals against the decisions of municipal commissioner.

Efficient municipal administration depends upon the smooth working of both the legislative and the executive wings. Only then can the work of implementing the decision taken by the corporations after the deliberations be successfully enforced.

Until the representatives of the people are given more powers, municipal democracy will not be real. Certain provisions in the corporation act are undemocratic and have led to a lack of coordination between the legislative and executive wings. The corporation complain that the mayor’s authority is undermined by the municipal commissioner. However, the deliberative wing seems to have forgotten the responsibilities bestowed upon the elected members of the electorate.

Discipline amongst corporators have shown a decline. They are enmeshed in group and party politics. In the Janata Dal Party the selection of candidate following the death of Mr. G. Ramaiah (Mathikere ward) one of the serious contenders and whose name was cleared for the post became a serious problem in the 1996 corporation election as there were 10 party corporators from the Vokkaliga community. Ms. Padmavathi Gangadhar (Yediyur), Mr. Muniraju (Chandra layout), Mr. B.M. Narasimha Murthy (Nandini layout), Mr. Lakshminarayan (Anjaneyaswami
temple) and Mr. B.R. Nanjundappa (Jalahalli) contesting for the mayor post. Though there was a strong demand by Vokkaliga lobby to get one of their members elected to the post, they were not able to project a consensus candidate.\textsuperscript{36}

Sir Phirozshah Mehta, whose suggestion of a separate executive, considered the municipal council as a unit to administer and govern.\textsuperscript{37} Elected members lack administrative experience. Elected bodies are not suitable forums for taking disciplinary action against staff or deciding details of terms and conditions of tenders or awarding of contracts. The proper function of the municipal council is purely deliberative and that it should keep a watch on and control the executive.

This is however, only in theory. In actual practice, the councillors do not just make policies and supervise the administration but interfere in the day-to-day administration and demand favours for the people from whom and where they have been elected. They fail to distinguish between the deliberative and executive function of the local government. The best way of association of councillors in municipal administration is through the committees.

The local leaders form the backbone of the local government and more attention needs to be paid on developing their expertise. A councillor must have deep knowledge of his role in municipal government which will enable him to make an effective contribution to policy making and programme implementation at the local level. Willing cooperation and coordination between the legislative and executive wings is imperative for effective local governing institutions.

\textsuperscript{36} Deccan Herald, dated 21-11-1996.
In order to create intelligentia, some conditions for the selection of candidates for the council should be considered. The basis of selection could be either some educational qualifications or some basic experience for the job. The Bangalore Municipal Corporation has 100 wards and the table given below shows the break-up of corporation with varying educational qualifications.

Table 5

Corporators Report Card

<table>
<thead>
<tr>
<th>Education</th>
<th>Number of Corporators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eighth standard or less</td>
<td>13</td>
</tr>
<tr>
<td>SSLC</td>
<td>30</td>
</tr>
<tr>
<td>PUC / Diploma</td>
<td>21</td>
</tr>
<tr>
<td>Graduation</td>
<td>25</td>
</tr>
<tr>
<td>Post-Graduation</td>
<td>2</td>
</tr>
<tr>
<td>Professionals</td>
<td>9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: 38

In the West, there is a system of filtering out prospective candidates. Every political party subjects the aspiring candidate to a written test to assess his knowledge of the laws, local body governance, his constituency profile and issues and a general knowledge, current affairs and problem solving ability. They also face the voters at public meetings before being selected as the candidate. This method has to be adopted

even in the Indian selection of candidate to contest any election. Then there would be a qualified representative who would give good governance.

The decisions of the council are given practical shape by the staff of the corporation. In order to properly carry out the policies and programmes of the council and to guide, direct and control the activities of the staff, there is a need for an effective and concentrated executive in the form of a full time administration. The executive officer being a civil servant is in a position to alter the work of local body without involving himself in the local group politics. ‘The executive must adopt an attitude to get advantage of the legislative activity and administrative motivation’. All the heads of the department in the municipal service should be regarded as collectively constituting the authority of the local bodies.

The CEO system has not worked well in India. It has brought in a lot of friction between the deliberative and the executive wings. During the year 1997, when A. Ravindra was the Municipal Commissioner, he was criticised by the Mayor Padmavathi Gangadhar Gowda and her team of corporators saying the commissioner took his own decision without consulting the mayor and party leaders. She even met the then Chief Minister J.H. Patel to get him transferred as she felt that he was not allowing her to function.³⁹

A Commissioner has a difficult role to perform. His primary loyalty is to the state government and when there is a conflict situation between the corporation and the state government his loyalty is not to test. The corporators treat him as an agent of the government through whom government makes its strength felt.

³⁹ Times of India, dated 2-9-1997.
It is pertinent to point out here that the independent coordinate authority of the commissioner dates back to a stage in the constitutional evolution of the country when representative dominance was universal. Corporation government originated in the presidency towns of Kolkata, Chennai and Mumbai where the ruling authorities had a vital stake in their administration and they could hardly afford to entrust executive authority even to a partially elected body. The executive in the corporation government was, therefore conceived in bureaucratic terms which were consistent with the ethos of colonial rules. City government was firmly in imperial hands through the appointment of commissioner just as district administration were in direct government control through the positioning of the collector.

With the inauguration of constitutional democracy after independence, the bureaucratic control of corporation government should have logically come to an end. Strangely enough, instead of rejecting the colonial structure, the design of city government in big cities was more and more fashioned after the old model. It is a pity that Rural-Urban Relationship Committee (1966) also failed to appreciate the meaning of the great political change in the country since independence and recommended that the commissioner should be retained in the old form and the mayor should be kept informed of all goings-on in the corporation and an appellate committee should be set up to review the decisions when appeal would be received.

The protagonist of this model of municipal management advance the argument that in this type of arrangement administration is relatively freed from the political
interference and objectivity is maintained in the implementation of policies and actions are also taken with great speed.40

There is therefore the need for remodelling the structure of corporation government so that it may square with the sound theory and practice of democratic management. In India, though there has been a great deal of discussion as to the form of and need for a political executive no national pattern of municipal structure has been introduced except for the introduction of mayor-in-council form of executive. Here the slogan of administrative efficiency, which was ignored to some extent even by Lord Ripon a century ago, seems to be still hovering in many minds. The apprehension in granting real power to local representatives who may abuse their powers seem to be without any valid reason. When the responsibility for governance of the nation and the states have been entrusted to the people’s representatives, there should not be any fear or hesitation in bestowing full power of governance upon the local representatives. Unless municipal institutions, and for that matter local bodies in general are given liberty of actions, they will fail to develop a sense of responsibility and commitment in civic affairs. For this the creation of a political executive seems to be imperative.

As regards the form of political executive, in corporation government, it may be vested either in a single individual as it is in a number of cities in the United States, or in a group of equals as it is in Switzerland, or in a group of persons patterned on the English cabinet system. In India, opinion on this issue seems to be

still divided. One school of scholars favour cabinet system, while the other prefer the strong mayor form of presidential system. However, in view of the socio-political situation of the country, cabinet system has certain distinct advantages. In the first place, the cabinet system establishes a plural executive as distinguished from singular executive in a strong mayor or presidential system of government. It has therefore, more room for accommodating atleast the important political leaders and offering them a share in the exercise of powers. Secondly, a harmonious integration of the executive and legislative wings is achieved through this system which steer clear of any possible deadlock between the two under a presidential system of government. Due to the unpleasant history of concentration of executive authority in the municipal commissioner, politically any attempt to install a presidential system of municipal government may run into rough weather. Lastly, the cabinet system has the great merit of being easily adaptable, as it has been in operation for a fairly long time at the state and central levels. So far as the municipal corporation is concerned, there is not much difficulty in introducing the cabinet system of government. The councils in these cases are fairly large and political parties have infact gravitated towards them.

In Bangalore Municipal Corporation, many councillors are of the opinion that there should be mayor-in-council system as it is working in Kolkata and the mayor should be elected for a term of 5 years and given the powers as chief minister of the state is given.\textsuperscript{41} The government is however reluctant as of now to provide for direct election of the city mayor.\textsuperscript{42}

\textsuperscript{41} Based on the interview with the councillors of Bangalore Municipal Corporation, from 3.1.07 - 20.3.07.
\textsuperscript{42} Deccan Herald, dated 11-7-2008.
3.7 SUMMARY

Local bodies are important as they help to achieve decentralisation of power and promote the values of democratic functioning. They relieve the state and the central government of tasks that are purely local. They provide the people with the means of participation in the management of local affairs.

The Bangalore Municipal Corporation works on the distinctive feature of separation of political and administrative wing. The political wing comprises of council, which consists of directly elected councillors, mayor, deputy mayor and standing committee. The administrative wing consists of municipal commissioner and his team of officials. The mayor is simply the ceremonial head and does not possess administrative or executive authority. His most important statutory function is to preside over the meetings of the municipal council and guide its deliberations. In Bangalore Municipal Corporation there are about eight standing committees. All the matters to be passed by the council pass through the standing committee after it has considered the proposals and recommendations made by the municipal commissioner.

The chief executive of the Bangalore Municipal Corporation is the commissioner appointed by the government. He is a key figure in administration. He enjoys greater authority in comparison to the elected mayor. He is the chief executive authority responsible for the execution and implementation of the decisions taken by the council and its committees.

There are two lists of functions to be performed by Bangalore Municipal Corporation. They are broadly divided into obligatory and discretionary functions. Obligatory functions are compulsory functions and failure to perform these functions
ultimately results in dissolution. The discretionary functions are those which must be taken up depending upon its financial resources. Among the various functions to be performed by the corporation, management of solid wastes is one of the essential services. It is the obligatory duty of municipal body to arrange for daily cleaning, collection, transportation, processing and disposal of wastes.

The working of the Bangalore Municipal Corporation shows that there is a need for remodelling the structure of corporation government so that it may align with the practice of democratic management. In India there is a great deal of discussion generated on separating the political and administrative wing and bestowing more power to the political wing.