CHAPTER – IV

ADMINISTRATIVE DYNAMICS OF BANGALORE MUNICIPAL CORPORATION

4.1 INTRODUCTION

India has different structures of local government for rural and urban areas. In urban local government, there are two forms of city management. First ‘The Mayor-in-Council’ form of city governance, existing in Calcutta and which came into being from 1980 and second ‘The Commissioner’ type which is also known as Bombay Model which is replicated all over India except in West Bengal. The Bombay and Calcutta model is been briefly analysed, which helps in understanding the working of Bangalore Municipal Corporation.

The Bombay Model is structured on the basis that policy and administration are two distinct and divisible functions which can be entrusted to two separate authorities. The corporation as the deliberative body, lays down broad policies, frames byelaws, sanctions the budget and oversees administration. Nevertheless the entire executive authority is statutorily vested in the municipal commissioner who is appointed by the state government. The mayor has no executive powers and is seen as a ceremonial head. The municipal commissioner is the chief executive officer having wide ranging powers – administrative, discretionary and emergency powers.

The Calcutta Model/the mayor-in-council form of city governance grew as a new management structure which established democracy at the grassroots by ensuring
that city government is really local self-government fully responsible and accountable to the people.

The mayor-in-council must necessarily be viewed in the context of the party system, particularly the left front which controls both the state government and also the Calcutta Municipal Corporation. The municipal commissioner is the principal executive officer of the corporation who functions under the supervision and control of the mayor. The effectiveness of the municipal commissioner depends upon his equation with the mayor. The mayor is the kingpin in the cabinet form of the city government. He exercises such powers and discharges such functions as are conferred on him under the Act. The Act provides for the mayor-in-council consisting of the mayor, deputy mayor and not more than 10 elected members of the corporation, who are collectively responsible to the corporation. He is therefore a powerful figure and through his council, supervision and control over administration is realised.

The Bangalore Municipal Corporation is governed by the Karnataka Municipal Corporation Act of 1976. It is an Act arranged in XXI Chapters and total number of 509 sections. There are XII Schedules appended. The Bangalore Municipal Corporation pattern follows the Bombay Municipal Corporation Act. The municipal authorities charged with carrying out the provisions of the Act are the corporation (council), the standing committees and the commissioner. The number of councillors is to be fixed by the government, but they cannot be less than 50 and not more than 100.

The council or corporation of Bangalore City is a representative body and functions in accordance with the provision of the Karnataka Municipal Corporation.
Act 1976. The Bangalore Municipal Corporation functions under the direction of the mayor. The council has controlling power over the administrative of the corporation. It has the power to supervise, investigate and inspect the various administration departments. It can also summon any municipal officer to get explanation on any matter with which he is connected.

The mayor is the first citizen of the city. Apart from presiding over the meetings of the council, the mayor shall have general powers of inspection and giving directions to the municipal commissioner with regard to implementation of any resolution of the corporation or a standing committee in the discharge of any obligatory and discretionary function. Thus the mayor under this Act has been given wide powers than under the Bombay Municipal Corporation Act.

As is the case of Bombay Municipal Corporation Act, the entire executive power for the purpose of carrying out provisions of the Act vests in the commissioner. 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 will hold officer for a period of two years”.

The Commissioner is not a powerful man nor is the council which is the representative of the people. The working of Bangalore Municipal Corporation shows that there is overlap of functions between the executive and the deliberative wing.

The councillors of Bangalore Municipal Corporation are of the opinion that there is a need to renew and rationalise local government structures so as to strike a balance between ideals of self government and demands of efficiency. They are of the

view that, there is a need for a system which provides effective political direction to
the elected body and the administration while providing full operational freedom to
officials.²

4.2 COORDINATION BETWEEN THE EXECUTIVE AND DELIBERATIVE
WING OF BANGALORE MUNICIPAL CORPORATION

A. Meaning and Problems of Coordination

Coordination means placing the many aspects of an enterprise in a proper
position in relation to each other in such a way that all sections and individuals are
prompted to work in harmonious synchronization, removing internal conflicts and
bottlenecks. The permanent value of coordination is maximum team work with
minimum cost. In deliberative and executive organisations there are two aspects of
coordination. They include the following:

(i) **Functional**: An administrative organisation has to be 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 spelt out and
allocated to the various organs. Besides proper allocation of functions, powers
and resources, steps have to be taken to ensure that all the organs, function in
coordination with each other and that there is a proper supervision of the lower
levels by the higher level. This means that there should be inbuilt devices for
institutionalised coordination between various organs.

² Based on the informal discussion with the Corporators of Bangalore Municipal Corporation from
(ii) **Structural**: It refers to big and small organisation which have to coordinate with deliberative committees, administrative committees, accounting committees and auditing committees. All these organisations have to work in coordination to achieve broader concept of the government as a whole, a ministry and a department.³

In Karnataka, the Bangalore Municipal Corporation was established in 1949, by merging two separate municipalities, which was in-charge of the administration of the ‘City Area’ and the ‘Cantonment Area’ of the city. The municipal authorities carrying out the provisions of the Corporation Act for each Corporate City are: (a) A Corporation (General Council); (b) Standing Committee and (c) A Municipal Commissioner. The Act envisages a dichotomy of roles, functions and powers between the deliberative and the executive wings of the municipal corporation.

The deliberative wing formulates the policies and sanctions programmes, projects and resources. The executive wing looks after the implementation. The deliberative and executive organs are not parallel organisations. The executive side does not have a distinct existence and is not an institution co-equal to the deliberative part of local government institutions. The executive machinery is subordinate to the deliberative wing.

To understand the coordination between the executive and deliberative wing in the Bangalore Municipal Corporation the role of the Council, Mayor, Deputy Mayor

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and Committees on one side and the Commissioner on the other side has to be analysed.

B. Deliberative Wing

In urban areas the term ‘deliberative wing’ refers to corporation (general body/council) alongwith their statutory committees. These have been constituted on an analogy of legislatures and their committees, but exercise less powers.

1. The Council (General Body)

The deliberative wing known as general body comprise of all the elected councillors and is presided over by the mayor. It includes various committees of the general body. Deliberative wing is directly made answerable to people through the democratic units over which governance is exercised by democratic consent. The council exercises power of supervision and control over the commissioner and other officials. It delegates functions to the commissioner and asks for proceedings of other committees. The commissioner submits reports on the working of the corporation and produces records, correspondence, plan or other document which are in his possession. The council has the power to punish officers or servants of the corporation if found guilty or breaching of any departmental rules or discipline or of carelessness, neglect of duty or other misconduct.

2. Mayor

The mayor is the first citizen of the city. He presides over the council meetings. He is elected by the councillors of the Bangalore Municipal Corporation. The indirect election of the mayor combined with his short tenure makes him a weak
functionary. The short tenure of the mayor does not provide him the opportunity to acquire insight into the problems of municipal administration. It serves to strengthen bureaucracy headed by municipal commissioner. Unlike the Municipal Act governing the municipal council, the Corporation Act of Bangalore Municipal Corporation does not provide for mayor as the chairman of the standing committee.

3. The Deputy Mayor

He is elected by the councillors from amongst themselves. The tenure of the deputy mayor is one year. When the office of the mayor falls vacant, his functions are devolved by the deputy mayor.

4. The Standing Committee

The standing committee which is formed from amongst the members of the council, has a distinct identity as it has been given a statutory status. It is considered as the deliberative body through which the major part of the items for consideration of the council are processed. This committee is also significant as it performs some functions which can be considered as executive in nature. All important proposals are scrutinised by and filtered through this committee. It gives representation to all political parties which are represented on the corporation. Generally, the sanction of the committee implies the sanction of the general body too. In some respects, this committee is more influential than the general body and usually a powerful leader from the ruling party holds its chairmanship.

The standing committee comes into contact with the executive wing. It fixes the term, rate and price for the disposal of property, and has power to modify the budget estimates. Without its approval, the commissioner cannot enter into contracts
and sanction estimates exceeding a certain amount. Most of the expenditure incurred by the municipal commissioner are to be reported to the standing committee.

5. Ward Committees

The 74th Constitutional Amendment Act provides for the ward committees of the municipal corporation. Section 13A of the Karnataka Municipal Act says that where the population of the city is three lakh or more, there shall be ward committees. The basic purpose of having such committee is to provide limited deliberative and executive powers to the citizens of different wards and to deal with problems and issues related to their wards.

C. Executive Wing

The executive wing is the next set of body which consists of commissioner and his professionally qualified staff. They execute the decisions made by the deliberative wing. The following aspects highlight the nature of the executive wing.4

1. Rule by qualified officials
2. Status and position on the basis of authority
3. Hierarchy of authority and control
4. Arbitrariness and prerogatives
5. Prescriptive principles and rules
6. Respect for organisation
7. Concern for discipline
8. Rationalism

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9. Secrecy along with conformity
10. Uniformity
11. Stability
12. Rule orientation

The executive wing is divided into two broad categories – political and permanent. The representatives of people, who exercise certain executive powers have been termed as ‘political executive’. The career officials appointed either by the local bodies or the state exercising executive functions have been treated as ‘permanent executives’. In the analysis of the relationship between the ‘deliberative wing’ and the ‘executive wing’, the political executive plays a dual role.

1. **Municipal Commissioner**

   The municipal commissioner who is appointed by the state government on a two-year term basis, is the head of the executive branch of the corporation. He is the chief executive of the city and is in a powerful position.

   In Bangalore Municipal Corporation, the commissioner is generally dependent upon the council to a great extent. Factors within the council try to solicit or extort favours from him failing which they keep him under constant threat of removal from office or deprive him of extension after he has put in two years of service. There are pressures, political or otherwise to which the commissioner is subjected to, at the corporation level.

   The style and functioning of commissioners of Bangalore Municipal Corporation, especially in terms of interaction with the councilors has been subject to endless controversy. To mention a few, A. Ravinda – Former Commissioner of
Bangalore City Corporation (BCC) in the year 1997-98 found it difficult to adjust to the democratic control in the corporation. A. Ravindra was accused by the former mayor Padmavathi Gangadhar Gowda of being prejudiced and ignoring the elected representatives.\(^5\) Similarly, B. Parthasarathy – Former Commissioner of BCC during his tenure in the year 1996-97 was yet another strong commissioner, who had poor relations with councillors and officials.\(^6\) Interestingly, Srinivas Murthy, though on best terms with councillors lost his post because of the clash of ego between the mayor P.R. Ramesh, during his tenure as commissioner in the year 2002-04.\(^7\) While yet another Commissioner K.P. Pandey during the year 1998-99, believed in participative management and team spirit. He took all the officials and councillors into confidence and saw that the work was not hampered.\(^8\) Commissioners are men with varied qualities. Much depends on their ability to undertake political maneuvering in public interests, character, ability, courage and record of service. The qualities of commissioner come into full play in policy making. Though the corporation formulates policy and the commissioner implements it, it is not as if he is the silent spectator to what goes on in the corporation. He often takes the initiative in policy-making as dictated by practice and convention. He brings to bear his technical knowledge and expertise when a policy is on the anvil. For this he would have to make out that he is only in a way, responding to the corporators wishes

\(^5\) *Times of India*, 29\(^{th}\) August, 1997.
\(^6\) *Times of India*, 12\(^{th}\) March, 1997.
\(^7\) *Hindu*, 3\(^{rd}\) June, 2004.
\(^8\) *Times of India*, 16\(^{th}\) May, 1998.
and aspirations. This requires the qualities like a sense of timing and judgement and sharp political insights.

Given a large council and many committees with a heterogeneous character, he has to be attuned to political dynamics and see that the majority views and minority interest are reconciled. The committee members may come and go, whereas the commissioner is more permanent, who has the direct access to the council and especially to the standing committee. If the commissioner cannot get on well with the deliberative body, it creates functional contradictions. It is this that is seen as serious setback of the Bangalore Municipal Corporation and the solution advocated is two-fold, either have an integrated system with the executive in full control of administration or have an absolute and complete separation of the two wings.9

2. Hierarchy

Apart from the post of the municipal commissioner, there is a special provision in the Karnataka Municipal Corporation Act for the appointment of the post of City Engineer, Medical Officer of Health, Chief Accounts Officer, Revenue Office, Deputy Commissioner, Assistant Commissioner and Council Secretary.

The KMC Act also provides for these officers to perform such duties as are directed by or under the Act and such other duties as may be required of them by the commissioner.10 Thus the municipal organisation of Bangalore Corporation is hierarchically organised. This hierarchy manifests the system of inter-locking superior-subordinate relationship from top to bottom. There are various levels of

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10 Karnataka Municipal Corporation Act (KMC), 1976, Section 82 and 85, pp. 78-80.
authority and responsibility in the Bangalore Corporation. Hence a clerk is not only subordinate to a section officer, but also to the departmental head, divisional head and the municipal commissioner. This hierarchy exercises the obedience of the superior by the subordinate and this secures the coordination between different levels of hierarchy in the Bangalore Corporation.

3. Decision-making

Decision-making has been described as the most essential element of any administration, including Bangalore Municipal Corporation. It plays a crucial role at each stage of policy formulation, its execution and implementation. There are three important factors that affect the decision-making process and coordination in the Bangalore Municipal Organisation. They are:

(i) Citizen-Municipal Councillors relationship

(ii) The executive structure

(iii) Role of the state government

(i) Citizen-Municipal Councillors Relationship

A special feature of the Bangalore Municipal Organisation is its closeness to the citizens, who is at once the voter, the client, the consumer, the assessee, the taxpayer and the licence. The close relationship between the councillor and their constituents has a peculiar influence on decision-making process in the Municipal Corporation. Some of the councillors of Bangalore Municipal Corporation, for example: M. Lakshminarayan (Congress) 1996-2000, 2000-2006; P.R. Ramesh (Congress) 1990-1995, 1996-2001, 2001-2006; B.M. Mangala Sridhar (BJP) 2001-2006; B.S. Satyanarayana (BJP) 1990-1996, 1996-2000, 2001-2006; B.T.
Srinivasmurthy (Congress) 1996-2000, 2001-2006; B. Mohan (Congress) 2001-2006 were few of the councillors who took interest in their constituency. Sometimes in order to advocate private interests of their constituents, the councillors seek relaxation in rules, bye-laws, reduction in assessment, cancellation or postponement of orders regarding demolition or removal of encroachments and contracts. All these, influences the attitudes and role perceptions of the municipal councillors and the bureaucrats and affects the work of the Municipal Corporation and their decision perspective.

(ii) The Executive Structure

The essence of democracy lies in the power of the deliberative wing to formulate policies and incorporate it into its rules and bye-laws, approve programmes and their priorities and absorb them into its budgetary and fiscal measures. This can be done after due consideration of expert advice given by its technical, financial and administrative officers. Beyond this, its role is to watch and control the execution and implementation without any unnecessary interference.

It is here that one finds a tension area in executive-deliberative relations of Bangalore City Corporation. Councillors interfere with the administration to get details or unearth secret data without realising that a bureaucrat is a skilled professional officer who is expected to give advice and expertise as a matter of duty and not of favour. In the year 1997, when B. Parthasarathy was the BCC Commissioner, there was no cooperation between the corporators and officials. The
tussle between the two had an adverse impact on work and the corporators used to complain against the officials.\textsuperscript{11}

During A. Ravindra’s tenure as the BCC Commissioner in the year 1997, he along with his team of officials threatened to walk out of the council monthly meeting when the Janata Dal corporators blamed him and his officials of not cooperating with the elected representatives. It all began when the ruling party corporator Ramappa was speaking about a police case booked against two corporators and said that it was a plan of the Commissioner to keep everyone under his control.\textsuperscript{12}

Another incident of executive-deliberative body tension was seen when Gangabyraiah, the BJP Corporator and few others blamed the officials when setting up new lights, getting a damaged light repaired, and drinking water problems were not seriously treated by the officials. Gangabyraiah said that the elected representatives found it extremely difficult to get work done by BCC personnel.\textsuperscript{13}

Despite these differences, the executive-deliberative wing in the Bangalore Municipal Corporation tries to ‘manage’ with each other. Both administrators and councillors are seen yielding to pressures. It is said that contracts are not sanctioned by the standing committee and sometimes they get fixed. Therefore attention has to be paid to revamping administration perhaps by forming cadres and institutions of new expertise, that are professional and skilled with built-in mechanism to punish those found guilty.

\textsuperscript{11} Times of India, 16\textsuperscript{th} February, 1997.
\textsuperscript{12} Times of India, 29\textsuperscript{th} August, 1997.
\textsuperscript{13} Times of India, 24\textsuperscript{th} April, 1997.
The mayor though his position is devoid of political and executive power and he is expected to keep away from party embroilment when in office, he can exercise much unseen influence on the corporation’s politics and policies. Though seen as weak, very much like a ceremonial head as in Britain, the question raised is whether he could be made more dynamic.

(iii) Role of the State Government

In critical decision-making situation, the Municipal Act provides for suitable checks by the state government. In important budgetary decisions like creating new posts and departments, there are provisions for prior state approval. The state can intervene in extraordinary situation and crisis and even preempt municipal divisional jurisdiction.

Apart from administrative decisions, the political area for determining the basic issues lies at the state headquarters, and not in the city. Weak municipal government manifests weak local leadership, which seeks higher levels in political hierarchy for guidance. However, it is not unusual that the decisions to intervene are taken in the light of political considerations. The problem assumes significance when the ruling party at the state level and the municipal level are different.

The State Government of Karnataka intervened on few occasions. In the year 1997, when there was a rift between the Commissioner A. Ravindra and the Mayor Padmavathi Gangadhar Gowda, the latter informed the Chief Minister J.H. Patel of Ravindra ignoring the elected representatives and not allowing her to function. This
resulted in the state government transferring A. Ravindra from the Bangalore Municipal Corporation.\textsuperscript{14}

The other incident when the state government had to intervene was again in the year 1997, when the BCC officials were inactive. Of more than 400 crore sanctioned mega city projects, only a fraction had to be used for the Sirsi flyover, while all the others were still in its blueprint stage. Minister of State for Bangalore City Development Anant Nag on behalf of the Government had to take action against the inactive officials.\textsuperscript{15}

Thus in the working of Bangalore Municipal Corporation, the state government also plays a vital role. They can function smoothly only when the parties in power at the state and at the local units are same. It would be difficult for the corporation to work smoothly if the ruling parties at the state and at the local units are different.

4.3 MAJOR ISSUES OF DISCORD BETWEEN THE DELIBERATIVE AND EXECUTIVE WINGS

The council/corporation which consists of councillors, standing committees, the mayor and the deputy mayor constitutes the deliberative wing, whereas the municipal commissioner and the heads of the various administrative branches belong to the executive wing. The main objective of the deliberative wing is to make policy decisions in accordance with the requirement of the Act, whereas the executive organ implements the policy decisions of the deliberative wing. The Karnataka Municipal

\begin{footnotesize}
\textsuperscript{14} Times of India, 2\textsuperscript{nd} September, 1997.
\textsuperscript{15} Times of India, 26\textsuperscript{th} December, 1997.
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Corporation Act specifies the powers and functions of the deliberative wing and the executive wing. While exercising their powers and performing their functions they come into clash with each other. Since the line of demarcation is thin, the interference of either in the other’s sphere of work is possible. The council being the representative body thinks that it is superior to the executive wing.

In Bangalore Municipal Corporation, the complaints are common from both the wings. Municipal commissioners and other subordinate officers are often criticised for negligence of duties, calculated callousness to public interests, definance of public will, bureaucratic attitude, undue delay, etc. Similarly corporators including the mayor are subject to criticism for undue interference, wrong decisions, political manipulations, pressures and intimidation of staff seeking favours.

A few of the municipal commissioners in Bangalore Municipal Corporation did not complete their full term, as circumstances were made so hot and inconvenient for them and they had to leave the post almost in the middle of their term. The result being the civic government becomes the sufferer, the victim of such unhealthy and unwholesome relations between the two wings. The major issues of discord can be understood by analysing the relationship between the commissioner and the councillor, commissioner and the standing committee and the commissioner and the mayor.

1. Commissioner and Councillor

An enquiry into the relationship between the commissioner and the councillor should take into account not only the formal and structural relationship but also the
points of contact between the two agencies. The relationship can be seen in the following manner;

a. The office of the commissioner is subordinate to that of councillors and the latter has the power of recommending his transfer from the corporation.

b. Structurally the commissioner is supposed to serve as a liaison between the public and the council.

c. Among the councillors, it is the mayor who has more intimate and continuous relationship with the commissioner.

d. The commissioner acts as a sort of secretary to the mayor both at the meetings of the council and in the administration of the corporation affairs. In the new Calcutta Act, 1980, in which the system of mayor-in-council has been adopted, it is obvious that the Municipal Commissioner would serve as the secretary, thus combining the Chief Secretary’s and the Cabinet Secretary’s roles into one.

The foregoing version of the relationship is not always reflected in actual practice. This is more conditional by the nature of contracts that these agencies tend to have among themselves. When such are the points of contact between these two officers, the nature of relationship changes and becomes different from what is conveyed by the structural analysis.

The analysis of the nature of relationship between the two is not merely theoretical. Enquiries into the actual behaviour pattern of the commissioner and the councillors support the analysis. The councillors admit that they frequently seek the help of the commissioner for decisions favourable to their friends in matters like fixation of property tax, encroachments and so on. The commissioner refers to such
approaches by the councillors as an unhealthy interference. Whatever the truth of allegations the fact remains that both the parties admit that here lies the most important area of contact. The off-shoot of this contact is that the commissioner, seems to have a rather low opinion of the councillors. The municipal commissioner opines that many of the ills of the corporation can be attributed to the interferences of the councillors and at the same time the commissioners have formally refused to dwell upon the question of their relations with the councillors.

During the year 1997, when Parthasarathy was the Commissioner, work suffered as corporators and BCC officials disagreed on a number of issues. The councillors complained that there was lack of cooperation and coordination by the officials and vice versa.16

2. The Commissioner and the Standing Committee

The commissioner being the Chief Executive Officer of the Bangalore Municipal Corporation has a very close relationship with the standing committee. Almost all administrative decisions and connected actions of the commissioner requires the ratification of the standing committee. This does not mean that the commissioner has no independent jurisdiction of his own. In fact, he maintains a position of distinct individuality because of his appointment by the state government, and as the custodian of established administrative norms and procedures.

Similarly, the standing committee too which is primarily an operationally oriented body often finds the municipal commissioner in dallience. Since the commissioner is armed with vast administrative experience, he is disinclined to

16 Times of India, 16th February, 1997.
permit rash decisions which is considered an inhibiting factor in the functioning of the committee.

In fact, this short attitude is understandable upto some extent because the committee shares executive authority with the commissioner. Inevitably, therefore relationship between the commissioner and the standing committee is one of the perpetual conflict. In Bangalore Municipal Corporation, the relationship is far from harmonious. The standing committee makes constant inroads into executive administration nullifying the basic assumption of the municipal corporation system about affecting a clear bifurcation of executive administration from political interference.

3. The Commissioner and the Mayor

The relationship between the commissioner and the mayor are apt to be complex. Although the mayor is a layman, he is considered to be a shrewed judge of human nature, an experienced politician and an expert in human relations. On the other side, the municipal commissioner being a senior officer from I.A.S. possesses professional expertise and wide administrative experiences.

In the formal sense, the mayor is the political boss of the commissioner. As the most influential member of the council, the mayor can even lead the council in recommending to the government disciplinary action against the commissioner. Normally there would be no occasion for clash of interests. The commissioner being a senior civil servant is expected to faithfully implement the provisions of and the resolutions passed by the council. His business is not only to see that the provisions of law are upheld but also to prevent unlawful acts. There can be occasions when mayor
in conjunction with the council can create hurdles and delay on the execution of work. The mayor being the political leader and the commissioner being the bureaucratic head would also normally result in tensions between the two offices.

In the Bangalore Municipal Corporation, during A. Ravindra’s tenure as the commissioner and Padmavathi Gangadhar Gowda as the mayor in 1997, it was an open war between the two. The latter accused Ravindra of being prejudicial and ignoring the elected representatives, whereas the former pointed out that, that was not his intention. The tussle between the two officers continued till the former commissioner Ravindra was transferred.\textsuperscript{17}

Hence in the administrative dynamics of the Bangalore Municipal Corporation, the executive and deliberative wings play a very crucial role. A smooth, harmonious, well-balanced and proper relationship between the two wings is the pre-requisite for the success of local system of separation of powers pursued in the corporation. There should be certain guidelines for establishing the right type of legislature-executive relationship and they are as follows;\textsuperscript{18}

1. Members should confine themselves to the legislative and deliberative part of the city governance – to authorise the policies, to sanction the schemes, to lay down the tasks for executive wing, to discuss and debate the actual functioning of civic administration.

\textsuperscript{17} \textit{Times of India}, 29\textsuperscript{th} August, 1997.
2. Refrain from interfering in the detail of administration, the day-to-day administration and leave it to the municipal executive.

3. Eschew any temptations of influencing the civic administration for their personal or political gains.

4. The deliberative wing should realise that they represent the interests of the city in general and not a particular part or of a party group or section of the urban community.

5. Appreciate their limitations in points of administrative knowledge, technical competence and time in relation to modern civic problems / situations which tend to be ever increasing in number and complexity.

6. Welcome the administrative leadership and guidance of the municipal commissioner but without abdicating their own responsibility.

7. In view of the necessity to have smooth relationship between the two wings, it is better if the state government consults the mayor before appointing commissioner, such a practice would lead to ensure to an extent cordial commissioner-mayor relationship.

8. The commissioner should not be transferred before a specified period, unless the government is satisfied that his continuation in that post is not in public interest. Security of tenure will save him from becoming a pliant tool in the hands of undesirable people, closer to the politicians, who matter in the posting of the commissioner.
9. The commissioner should not be recalled by the government if the elected councillors pass a resolution by the specified majority, but action on such resolutions should be subject to scrutiny by the state government.

10. The commissioner should be given powers to give minor punishments to specified categories of employees working under him.

11. Municipal commissioners should implement the legal decisions / resolutions of the Municipal Corporation without any reservations.

12. He should discharge his administrative duties, exercise his powers and dispose his patronage according to the dictates of laws and needs of public interests.

13. The commissioner should resist the temptation of dabbling in party politics of the council.

14. He should respect the democratic character and popular leadership of members and give all consideration to their viewpoint but without compromising his own legal responsibilities.

It is not difficult to establish healthy, cordial and balanced equation between the two partners/wings of BCC. Both the wings should realise that popular leadership by members and administrative leadership by municipal commissioner are complementary and parallel rather than being mutually contradictory and antagonistic. One adds to the strength of the other. The efficiency of the urban government is a joint responsibility and challenge to both the wings.
4.4 ASSESSMENT OF THE ROLE OF MAYOR IN BANGALORE MUNICIPAL CORPORATION

All Municipal Corporations Act of various states have provisions for the office of the mayor and deputy mayor. When an Act provides for the creation of an ex-officio it also assigns a particular role to be performed by it. The political executives being accountable to the people should have adequate power and control over the execution of policies. According to Robson, ‘Conditions to qualify as a self-government, not only the deliberation of policy, ordinance passing, control of finances should be within an elected council, but at the same time the executive power shall belong to the council or an organ appointed by the council’.19

The Bangalore Municipal Corporation has two wings to carry out the functions – at one end there are the elected members representing the deliberative wing and at the other there is the municipal commissioner representing the executive wing. The actual working of Bangalore Municipal Corporation shows that neither the bureaucracy is more powerful nor the elected representatives. There is a tussle for power between the two wings on account of defect in the Act which provides for bifurcation of accountability and authority. The deliberative wing is accountable whereas executive authority is exercised by the municipal commissioner with no responsibility or accountability.

19 Abhijit Datta (Ed.), The Councillors and Commissioners in Hyderabad: Their Roles and Relations in Municipal Executives in India, Indian Institute of Public Administration, New Delhi, 1985, p. 36.
The Municipal Corporation Act provides for three main authorities:

(a) A Council/Corporation (b) The Standing Committee (c) The Municipal Commissioner

Amongst these three, the mayor who heads the deliberative wing (standing committee and the council) is not the main authority. However in the whole set up he is one of the main bodies. This bifurcation of accountability and authority in local self government cannot achieve tangible results. Its success depends only if the two wings work in close collaboration and have mutual trust and understanding for each other’s work. The main drawback in the whole set up is with the position and power of the mayor which is weak and needs to be strengthened.

A. Powers and Position of the Mayor

Generally mayors in India do not exercise functions of a uniform pattern. They derive the functions from the Corporation Acts under which the corporation was established. There are variations in the functions of the mayor. Under some statute he has access to all records of the corporations and can ask for information from the municipal commissioner on any matter connected with the municipal administration of the city. On the other hand there are statutes which vests also emergency powers in him where he is empowered to direct execution or stoppage of any work. In Bangalore Municipal Corporation, he is the ex-officio member of the standing committee. Broadly, looking into his mode of election which is indirectly done by the elected councillors through secret ballot does not empower him with a mandate from the people directly. In the true sense he is not a representative of the people as a mayor.
In addition to this the tenure of the mayor is for only one year. The short period does not provide mayor with the benefit of having insight into the problems of the municipal administration and in the planning on a long term basis. This in turn strengthens bureaucracy headed by the municipal commissioner vis-à-vis the elected set up represented by the mayor. Apart from this, implementation of any municipal policy is done by the commissioner which makes good relation and understanding between the mayor and municipal commissioner essential. However, a short tenure of mayor as compared to the commissioner does not provide the mayor with an opportunity to develop cordial relations with the commissioner. All this has made the mayor a mere figurehead or ceremonial head in the municipal setup.

The only statutory function he performs is that of a presiding officer over the meetings of the council when considered necessary and asked by a specified number of councillors. A perusal of his position and function confirms that he is a ceremonial head and his position is weak in the whole administrative structure of the corporation. Mayor being the first citizen of the city should have a powerful authority and active role which in turn will make his position dignified and prestigious in the real sense of the term.

The state government bifurcation of accountability and authority is the root-cause of mal-administration and problems in the Bangalore Municipal Corporation which is evident from the working of the municipal corporation. Further the deliberative wing is not a wing but government itself and should be endowed with supremacy and executive should be subordinate in the council. This calls for strengthening the mayor’s position.
B. Strengthening Mayor’s Position

Unquestionably the office of the mayor is the most dignified and prestigious. He is the presiding officer, a civic head and leader of the majority party. He has the full right to participate in the proceedings of the council. Nevertheless such a prestigious position is weak in terms of indirect election, short tenure and the separation of deliberative and executive functions. In order to increase the efficiency of both the wings, the mayor’s position needs to be strengthened so that he emerges as the leader of a self-governing, self-respecting community. The better city administration calls for the combination of political and management principles. This can be done by adopting either mayor-in-council or mayor in standing committee. The views of the councillors of Bangalore Municipal Corporation is that the mayor’s term should be co-termineous with that of the council. This also carries the provision for his removal from office by a special majority vote of the council (if he has the executive powers).

(1) Mayor-in-Council

This in other words mean an executive mayor, wherein he does not perform the speakership role in the council. This role can be performed by the Council Chairman. The mayor on the other hand selects his team of executive councillors belonging to a single party. Under this setup the administrative head is appointed by the mayor in consultation with state government and acts as his assistant. Mayor has executive control over the administration of policies. This will strengthen the position of the Chief Executive in the field of political and administrative leadership.

20 Informal discussion with the corporators of Bangalore Municipal Corporation from 1.3.07 to 19.3.07.
(2) Mayor-in-Standing Committee

Municipal corporation has come to be known as government-by-committee. The corporation is a larger body which cannot efficiently undertake all of its functions as a whole. Therefore statutory and non-statutory committees are created to carry out specific functions. Standing committees in Bangalore Municipal Corporation is statutory and exercise considerable control over the executive wing. Municipal commissioner and standing committees have closer interactions. The mayor in Bangalore Municipal Corporation is not its member. The speaker-mayor will continue with his chairmanship of the council in addition to heading the team of elected councillors of the standing committee. He will be exercising more or less the powers of the chairman and exercise much closer control over the executive wing (power to modify budget estimates, terms, rates and prices for the disposal of property, contract, etc.).

The tussle for supremacy seems to be futile because it is against the principles of democratisation and decentralisation. The representative elected body in any form of government more so in local self-government is supreme. Under the present corporation structure there is little scope for political executives to develop local, administrative leadership which is the root of inefficiency in administration. The situation can be improved by strengthening the position of the mayor and making him more powerful than his present position and by increasing his tenure and making it coterminous with the council.
4.5 STATE-MUNICIPAL RELATIONS

The concept of ‘Autonomy’ is a political issue, because it is granted by a higher to a lower authority. During the British rule in India, the local government existed only for a limited purpose and so the issue of local autonomy did not attract much attention. The various acts of 1919 and 1935 which spoke about local government were not of much significance. This revealed the indifference of the British authority towards the local governments and their autonomy in India.

After independence, it was realised that sufficient autonomy to the local government would go a long way not only in strengthening the grass-root democracy but also in accelerating the process of national development. After the inauguration of the Constitution of 1950, the ideas of local government autonomy received attention. The state governments evolved the concept of autonomy and created special purpose agencies to take over the functions of the local government. Prof. M. Venkatarangaiya has observed that the process was started wherein the states began to take complete control over the local bodies.21

Nevertheless it has been observed that since the last 62 years the local governments in India have not been endowed with sufficient amount of autonomy. The provisions of the 74th Constitution Amendment Act, 1992, are yet to be implemented effectively in the country to safeguard the autonomy of the urban local governments.

The Government of Karnataka exercises its control over the municipal corporation in three vital areas—legislative, administrative, and financial fields.

(1) Legislative Control

Legislative control may be said to be the basis of other types of control, because it is the legislature which makes laws for the creation and regulations of the corporation. The other types of control are operated by the working of the corporation. Thus, the legislative control is the fundamental of all other controls. The municipal corporations are the creations of the state governments which brings them into existence by an act of the state legislature and they are regulated by it. Thus, the first and foremost state control over the municipal corporation is the legislative control.

The Karnataka Government’s legislative control over the Bangalore Municipal Corporation may be examined as follows:

(a) Establishment of the corporation under the Act

(b) Amending powers of the statute

(c) Discussion in the legislature

(d) Control over the rules made by the government in respect to corporations

(e) Approval of the orders issued by the state government in respect to corporation.

It is clear that the existence of corporation largely banks upon the statute of the state government. The legislature bestows general powers on the state government to fashion rules and regulations in order to regulate and control the administration of the municipal corporation. This does not mean that the state government entirely absolves itself of responsibilities in the field of urban development. Subjects like housing,
public health and public works are the concern of both the state government and municipal corporation.

The legislature not only creates municipal corporation, it can also bring a municipal corporation to an end or snatch away certain powers or withdraw certain functions from it by enacting a legislation, or by issuing orders from time to time.

Imparting the basic education was one of the functions of the corporations earlier but later it was brought under the control of the Karnataka Government. Further, all the basic schools were brought under the control of the government. The services of every teacher, officer and other employees under the corporation exclusively in connection with the basic schools were transferred to the government schools.

Entry 5 of the state list of the Constitution of India is the general entry authorising the states to organise all types of local governments. Entry 6 pertains to public health and sanitation, hospitals and dispensaries; entry 11 relates to education; entry 13 pertains to road; entry 17 to water supply; and entry 18 authorises state legislatures to make laws relating to land. Some entries in the list III are also relevant for the purpose, for example, entry 20 referring to economic and social planning; entry 42 relating to acquisition of property and 28 relates to electricity. These subjects belong both to state legislature and municipal corporations. The state legislature may delegate any of the above functions to the municipal corporations by imposing legislations.

The Karnataka State legislature can enlarge or restrict the powers, functions and jurisdiction of municipal corporations by amending the statute. It is from this
statute of the state government that all municipal corporations derive a general framework of organisation and powers. When the assembly is not in session the amendments are made by promulgating ordinances by the governor of the state. Whenever municipal corporations are either superseded or dissolved or their term expires then the temporary arrangements have to be made. The Bangalore Municipal Corporation term ended in 2005 and since that year elections to the corporation have not taken place and it is under the administrative rule. Besides, the provisions of the Karnataka Municipal Corporation Act, 1976, have also been amended from time to time. The following are the main amending Acts enacted by the state legislature so far:

3. The Karnataka Taxation and certain others laws (Amendment) Act, 1979, received the assent of the Governor on 21st March 1979.
7. The Karnataka Municipal Corporation (Amendment) Act, 1983, received the assent of the Governor on 26th April, 1983.


The Karnataka State Legislature can debate and discuss any matter with regard to the functioning of the corporations. The budget for the local government is discussed in the state legislature. The legislature can seek information regarding corporations. Questions may be asked by the members about elections, appointments of administrators and general administration of the corporation. The legislature may order an enquiry into the working of municipal corporations. It may repeal or amend the existing legislation and thereby deprive the local authorities of their powers. It may fix the period during which certain powers may be exercised. Since the legislature can perform all these functions, the local authorities tend to act subordinate and have a sense of responsibility. The Government of Karnataka appointed a Committee on 23rd September, 1972, with I.P.D. Salappa as Chairman to question the improving, living and working conditions of sweepers and scavengers in the state.
The Committee consisting of 13 members submitted its report to the Government in April 1976 for consideration.22

The Karnataka Municipal Corporation Act, 1976, empowers that the state government may by notification makes rules to carry out the purpose of this Act.23 The state legislature also empowers the government to make model rules for the guidance of a corporation with any matter connected with the carrying out of the provisions of the Act of 1976, or any other enactment. The power so conferred by Section 421 includes the power to make rules regulating the holding of meetings of the corporation and its committees and the conduct of business at such meetings till the bye-laws are framed. This power is subject to the condition that the rules should be made after previous publication and would not be effective until they have been published in official gazette. The legislature exercises control over rule making power of the state government by approving or disapproving of the rules, because all rules made under this Act, have to be laid before each house of the state legislature. The legislature may make modification in these rules during the session.

The Karnataka legislature also provides a check on the government with regard to the exercise of certain powers. For instance, if the state government issues any order regarding supersession or desolution of corporation, a copy of that order has to be placed before each house of the legislature. It is often suggested that the supersession order should also be approved by the legislature. The corporation is

elected by the people, and therefore, it is proper that a corporation is superseded or dissolved by the another elective body, the legislature.

Thus, the rules and regulations made by the legislature, restrict or amplify the scope of the functioning of municipal corporations. The legislative intervention in municipal affairs has been there as a matter of fact, it is still exercised by enacting a special law and by creating state appointed boards or committees for administering one or more municipal functions. Inspite of the fact that a municipal corporation owes over its existence to the enactment of law passed by the state legislature, the legislature control over municipal corporation is not very effective, except in amending the rules and regulations of the Act. The legislative control is lesser than the administrative or financial controls exercised by the state government over the municipal corporations.

The legislative control is not effective for several reasons. Firstly, the volume of business is so great that the legislature is not in a position to look into every detail unless things become shockingly bad. Secondly, it has no adequate machinery to govern the corporations and make them conform to the laws passed by the legislature. Thirdly, the legislature itself is not fitted for the enforcement of laws it enacts. Inspite of these defects, the system of legislative control has in the past, produced good results. It is one of the best assurances to the corporation that administrative control will not be excessive. The heads of the departments of the state government are compelled to adopt conciliatory attitude towards the local authorities because of the influence they may be able to exert over them through the legislature.
2. Administrative Control

The Bangalore City Municipal Corporation is subject to administrative control by the Karnataka state government in order to ensure that the duties and functions are being properly carried out in accordance with the rules and regulations made from time to time. The state government exercises administrative control with regard to the organisation of Bangalore City Municipal Corporation in the following ways:

a. Organisational Administrative Control

The urban development department in the state secretariat is at the top of the controlling agencies of the Corporation of Bangalore. The minister-in-charge of municipal administration gets a thorough knowledge of the working of the corporation through this department. He is constantly in touch with the policies and programmes of the corporation. He advices the government in formulating its policies towards the corporation and ensures due observance in the Municipal Corporation of Government policies.

The Government of Karnataka has the power to give corporation status to a city or a local body with a population of not less than three lakh and where annual income is not less than six crore rupees. Under Section 3(1), the state government is authorised to constitute a local area to be a city by notification in the official gazette.\(^{24}\) The government is also empowered to include within the limits of the city any local area adjacent thereto; to exclude from the limits of the city any local area comprised

\[^{24}\textit{Karnataka Municipal Corporation Act, 1976, Section 3 (1), p. 33.}\]
therein.\textsuperscript{25} In other words, it is the discretion of the state government to decide whether
a particular area will be a city for the purpose of having a municipal corporation.

The government from time to time, by notification determines the total number
of councillors for a corporation; provided that such number shall not be less than 30
and not more than 100.\textsuperscript{26} Under Section 7(2) the state government has been
empowered to reserve certain seats for scheduled castes, scheduled tribes and women.
The term of the corporation is also fixed by the Act for five years under Section 8 (1).
However the state government is empowered to extend the term of the corporation by
notification in the official gazette from time to time under the relevant Act.

The Government of Karnataka has the power to supersede the municipal
corporation on the grounds that it failed to perform duties and carry out its orders and
directions.\textsuperscript{27} During this time, the government runs the administration of the
corporation through its administrators. The Bangalore City Municipal Corporation
was looked after by the administrators from 1987 to 1990 and from 1996-97.
Similarly, from 2006 till present (2008) administrators appointed by the Government
of Karnataka are in-charge of the corporation administration. The conduct of the
elections is entirely in the hands of the state government. From 1990 onwards
elections have been conducted (1991, 1997 and 2001).

For the purpose of election of Bangalore City Corporation, the city is divided
into wards in the manner provided in Section 21 and the electoral rolls prepared for
the assembly election, are used for the election of the councillors. The state

\begin{itemize}
  \item \textsuperscript{25} Ibid., Section 4 (1), p. 34.
  \item \textsuperscript{26} Ibid., Section 7 (1), p. 36.
  \item \textsuperscript{27} Ibid., Section 99 (1), p. 87.
\end{itemize}
government has been empowered to determine by order the number of wards, the extent of each ward, the number of seats allotted to each ward, seats for scheduled castes and scheduled tribes. The draft of the order will be published in the official gazette for objections from the city dwellers. The state government will consider any objections from the people. Besides the draft order will be amended, altered and modified. This shows that the conduct of elections is almost totally in the hands of the state government. The date of election to constitute a corporation shall be fixed by the State Election Commissioner in consultation with the government as per Section 24(1).²⁸

The government also has the authority of removing either the mayor or the deputy mayor, if in the opinion of the government, he intentionally refuses to carry out the provisions of the Act or rules, bye-laws, regulations or abuses the position vested on him. The government is expected to give a hearing to the mayor and deputy mayor for due explanation. Once they are removed from the office by the government, they are not eligible for election to their respective offices until the next ordinary election to the council. The Act also lays down certain grounds on which the member of the committee of the corporation can be removed. That is (a) when he becomes physically or mentally incapacitated for performing his duties; or (b) has been guilty of gross misconduct in the discharge of his duty.

The corporation is empowered to frame bye-laws, subject to the provisions of the Act, and also make its rules and regulations. However, no bye-laws made by the corporation under this Act shall have any validity until and unless it is sanctioned by

the government. The purpose of this provision is to examine whether there is anything in the bye-law that offends the existing law or the general policy of the government. A bye-law that is not confirmed, cannot be enforced. Thus, the state government exercises direct and effective control over the exercise of this power by the municipal corporation and has a final say in this connection. In addition, the Bangalore Municipal Corporation with the previous approval of the government, by notification make regulations not inconsistent with the provisions of this Act. As this is a delegated power by the Act to the corporation, it should be exercised in consonance with the provisions of the Act. The state government is also empowered with extensive powers in respect to making rules under the various chapters of the Karnataka Municipal Corporation Act, 1976.

The Bangalore Municipal Corporation can exercise only those functions which are specifically entrusted to it by the Act. Sections 58 and 59 of the Karnataka Municipal Corporation Act, 1976, contains a long list of municipal functions in the form of duties. There is no specific provision in the Act empowering the state government to withdraw any or all functions from the municipal corporation. Nevertheless, some important functions have been withdrawn from the municipal corporation from time to time either by enacting a relevant legislation or by issuing ordinances or making rules.

In Karnataka the state government though not interfering directly in the working of Bangalore Municipal Corporation, has brought about a gradual proliferation of competitive special authorities in our local administration. Important

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functions such as housing, slum clearance/improvement, planning and development, electricity, water supply and sewerage have been entrusted to the special authorities or retained by the state government departments.

However, the withdrawal of functions from the corporation not only opens the gate for direct control by the state government, it also tends to weaken local bodies and make them less effective. The establishment of competitive urban local institutions and state take over of functions have also led to the creation of an atmosphere of distrust towards urban local government which is ominous for the development of municipal self-government.

b. Operational Administration Control

The operational administrative control involves all kinds of supervision either by an executive department of the state government or by its agents and is exercised according to the provisions of the statute. However, there are also certain conventions of non-statutory control like advice, consultation, and sending circulars. The Government of Karnataka exercised its administrative control in the following ways.

The appointment of the commissioner of the corporation is with the state government. Although the commissioner receives his salary from the corporation fund, his monthly salary and allowances are determined from time to time by the state government. A person appointed as commissioner, holds office for a period of two years but his appointment may be renewed by the state government. In other words, the corporation has no say, except the provision to consult the mayor in the appointment of the commissioner, and the state government is the first and final authority in this regard. However, he can be removed by the government through a
two-third majority. Besides the government also appoints other officers and staff necessary for the efficient discharge of the functions of the corporation. No post in the corporation can be created without the sanction of government. In the event of the occurrence of any unusual mortality or outbreak of any dangerous disease within the city, the government, if it considers that immediate action is necessary, may, on its own motion appoint a special health officer wholly or partly at the expense of the corporation fund.30

The state government interferes in the internal administration of the corporation by exercising direct and effective control over the service conditions of the municipal officers. Every officer of the government appointed under Section (1) and (2) shall be paid by the corporation such salary as may be determined by the government from time to time which shall be disbursed from the corporation fund. He shall be entitled to leave and other privileges in accordance with the rules and regulations applicable to the government service to which he belongs. The corporation shall also make such contributions towards his allowances, pension and provident fund as may be payable under such rules and regulations by him or on his behalf.31 The government also has the power of appointment, dismissal or removal of officers, staff and other servants of the corporation.

The Government of Karnataka has been empowered by the Act to declare emergency. Section 93 provides that if the government is of the opinion that the stoppage or the causation of the performance of any of the essential service will be

31 Ibid., Section 82 (2), pp. 78-79.
prejudicial to the safety, health or the maintenance of service essential to the life of the community in the corporation, it may, by notification declare that an emergency exists in the city. When such a declaration of emergency is in operation no member shall withdraw or absent himself from his duties except in the case of illness or accident disabling him from the discharge of his duties. No member shall neglect or refuse to perform his duties or willfully perform them in a manner which in the opinion of such officer as the government may specify in this behalf, as inefficient.32

The above stated power of the government makes the state control over municipal corporation more rigid.

The state government is invested with the power to call upon the corporation to furnish extracts from any record under the control of corporation and with any statistics concerning or connected with the administration of the Act. Such extracts may be called for at any time, and the corporation is bound to furnish the same without reasonable delay. The government may, at any time require the corporation or the commissioner to produce any record, proceedings, correspondence, plan or other document, and to furnish any return plan, estimate, statement, account or statistics relating to the proceedings, duties or works of the corporation or any of the municipal authorities.33 The above stated powers entitle the state government to exercise the control with regard to general supervision over the administration of the corporation. The state government has also the power of inspection of corporation department office. For this purpose the state government may depute any officer to inspect or

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32 Ibid., Section 93 (a&b), p. 83.
33 Ibid., Section 94 (1), p. 84.
examine any corporation department or office or any service or work undertaken by
the corporation or any of the municipal authorities or any property belonging to the
corporation and report thereon. The corporation and every municipal authority and
officers shall be bound to afford the officer authorised access at all reasonable time to
the premises and properties of the corporation and to all records, accounts and other
documents the inspection of which he may consider necessary to enable him to
discharge his duties.  

If on receipt of any information or report obtained under Sections 94 and 95
government is of the opinion;

(i) that any duty imposed on any corporation authority or under this Act has not
been performed or has been performed in an imperfect; inefficient or
unsuitable manner, or

(ii) that adequate financial provision has not been made for the performance of
any such duty.  

The state government may, by an order, direct the corporation or the
commissioner, to make arrangements and financial provisions to their satisfaction for
the performance of the duty. The state government may in its order specify a period
within which action has to be taken.

In case any action directed by the state government under Section 96, is taken
by the corporation or the commissioner within the specified period mentioned in the
order, the state government is empowered to;

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34 *Karnataka Municipal Corporation Act (KMC) 1976*, Section 94 (2), p. 84.
35 Ibid., Section 96, p. 85.
(i) appoint an officer of the government to take the action so directed;

(ii) fix the remuneration to be paid to him; and

(iii) direct that such remuneration and the cost of taking such action shall be defrayed out of the corporation fund.

The government may also direct that anyone or more of the taxes authorised by Chapter X of this Act shall be levied or increased but not so as to exceed any maximum laid down in this Act.\textsuperscript{36} The state government may, in addition to or instead of directing the levy or increase of any of the said taxes, direct by notification that any such money which may in their opinion be required for giving effect to their orders be borrowed by debenture and on the security of all or any of the said taxes at such rate of interest otherwise as may be specified in the notification.\textsuperscript{37}

The above mentioned powers are unique in the Karnataka Municipal Corporation Act, 1976. This act also imposes a duty upon the commissioner to submit to the government, copies of all resolutions of the corporation.\textsuperscript{38} This duty is imposed on the commissioner for the purpose of keeping the state government informed regarding the activities of the corporation. This is relevant and important because the state government can exercise control over the corporation in the right perspective only when it receives information of all resolutions and actions of the corporation.

If the state government is of the opinion that the execution of any resolution or order of the corporation or of any other authority or officer subordinate thereto or the doing of any act which is about to be done or is being done by or on behalf of the

\textsuperscript{36} Ibid., Section 97, p. 85.

\textsuperscript{37} Ibid., Section 97 (3), p. 86.

\textsuperscript{38} Ibid., Section 98 (1), p. 86.
corporation is in contravention of or in excess of the powers conferred by this Act is likely to lead to a breach of the peace or to cause injury or annoyance to the public, body of persons or is prejudicial to the interest of the corporation, it may by order in writing suspend the execution of such resolution or order, or prohibit the doing of any such act after issuing a notice to the corporation to show cause within a date to be specified which shall not be less than fifteen days.\footnote{Ibid., Section 98 (2), p. 86.}

It is true that there should be some sort of state control over the administration of the corporation. The question is the extent of control. It is accepted that the existing system of control is negative in its approach. Hence, there is a need for the governments at the state level to take positive steps to make the corporations self-reliant. They must be, to some extent, under the control of the state government. Otherwise, they would not be local authorities but sovereign states and that status would take them outside the sphere of local government.

3. Financial Control

No government can perform any activity without money. Finance is the life-blood of a government. Municipal corporations in India have also been provided with some sources of revenue, but the sources of finances are not self-sufficient. The task before the municipal corporations in India are tremendous and the powers and resources at their disposal to fulfill these tasks are meagre. Generally, finance has been the chronic problem for the municipal corporations.

Besides, corporations have to function under double handicaps. Firstly, fast growing population, rapid industrialisation, immigration of rural population and
problems of urbanisation puts a heavy strain on them. Secondly, restrictions on the functions, ceiling on the amount of permitted taxes and debts, restrictions on sources of revenue and sanction of budget in special cases, requirement of prior approval of state government in the sphere of finances are some of the forms of control exercised by the state government. The local bodies do not find any separate place in the three lists of subjects enumerated in the Constitution of India. It divides the public resources of the country into two parts only; one for the union and the other for the states. Thus, the local finance has not been identified in the constitution. The state government shares some of their resources with the local bodies. This situation has made the states to value the local bodies according to their own choice. The financial position of local bodies has been such that they are not able to discharge their functions and duties completely and efficiently. They also depend upon the state government for loans and grants-in-aid. The states by giving grants exercise control over the activities of municipal corporations. The state government may also approve or disapprove their budget in case they are indebted to the government.

The municipal corporation as the unit of local government must be clothed with authority to levy and collect taxes just like any other government. Nevertheless a vital distinction lies between the local government and the state and central government. The former is not sovereign and the power of taxation is not an original one while the latter derives the power of taxation from the constitution itself. The taxes which the state legislatures are allowed to raise are enumerated in the seventh schedule of the Constitution of India. The state legislature can introduce all these taxes but it is usual that state government delegates some of its powers to municipal
corporation. When the municipal corporation imposes a tax, they act as agents of the state. Therefore, their powers are to be regulated by the statutes which empower them to make imposition. The state government mainly interferes with the power of taxation of the corporation by way of providing procedures for imposition of taxes in the statute or by abolishing or suspending particular taxes levied by a municipal corporation,\textsuperscript{40} or by way of imposing ceiling on the rates of taxes imposed by the municipal corporation; and by providing the method of assessment and collection of taxes.\textsuperscript{41} Thus the state government interferes with the corporation’s power to levy taxes by issuing general or special order. It may also require a corporation to increase, modify or vary the rate of any tax already improved. The corporation is bound to increase, modify or vary the tax as required. In case it fails to carry out the order of the government, the state government may pass a suitable order imposing, increasing, modifying or varying the tax. Any change in the rules or rates requires the approval of the state government. The state government may either refuse to accept or reject or modify them or return them to the corporation for further consideration.

The state government is also empowered to suspend or abolish or remedy tax imposed by the corporation under certain conditions. If it shall at any time appear to the government on complaint made or otherwise, that any tax or fee leviable by a corporation, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, the government may require the said corporation, within such period as it shall fix in this behalf to take measures for

\textsuperscript{40} \textit{Karnataka Municipality Corporation Act}, 1976, Section 107, p. 92.

\textsuperscript{41} Ibid., Section 109, p. 93.
removing any objection which appears to it exist to the said tax or fee, and if within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the government, it may, by notification suspend the levy of such tax or of such part thereof, until such time as the objection thereto shall be removed.\textsuperscript{42} The above power of the state government have been justified on the grounds that the corporation actually exercises powers to levy taxes as a delegate of the state government.

The Bangalore City Municipal Corporation, may in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise, on the security of all or any of the taxes, duties, fees and dues authorised by or under this Act, any sums of money which may be required,

(a) for construction work

(b) for acquisition of lands and buildings, or

(c) to pay off any debt due to government, or

(d) to pay a loan previously raised under this act or any other law previously in force.\textsuperscript{43}

In order to avoid excessive borrowing, the state government keeps strict vigilance over the extent of borrowing by the corporation. No loan can be raised by the corporation without the previous sanction of the state government whether loan is governmental or non-governmental. The following restrictions can be imposed by the Act of the state legislature;

\textsuperscript{42} Karnataka Municipal Corporation Act, 1976, Section 145, p. 110.
\textsuperscript{43} Karnataka Municipal Corporation Act, 1976, Section 154, p. 112.
(i) No loan shall be raised without the prior sanction of the government;

(ii) The amount of loan, the rate of interest and the terms including the date of floating, the time and method of payment and the like shall be subject to the approval of the government.

(iii) No portion thereof, shall, without the previous sanction of the government, be applied to any purpose other than that for which, it was borrowed, and

(iv) No portion of any sum of money borrowed under clause (a) sub-section (1) shall be applied to the payment of salaries or allowances to any corporation officers or servants other than those exclusively employed for the construction of which the money was borrowed.\(^4^4\)

The time for the repayment of any money borrowed under Section 154 shall in no case exceed sixty years.\(^4^5\)

Although the corporation is not legally debarred from open market borrowing, its credit worthiness stands in the way of such borrowings. Therefore, the corporation mainly depends upon the loans taken from the state government. The state government generally does not permit the corporation to take loans from other banks. It is the general complaint that loans are not utilised properly and their interest is so high that the corporation is not able to repay them. Therefore, in actual practice there is very little borrowing from the public by the Bangalore Municipal Corporation.

The Karnataka Government exercises a powerful control over the finances of the corporation through its grants-in-aid. Generally, the corporation for carrying out

\(^{4^4}\) *Karnataka Municipal Corporation Act*, 1976, Section 154, p. 112.

\(^{4^5}\) Ibid., Section 155, p. 112.
its responsibilities and executing the developmental schemes has to depend on the grants-in-aid by the state government and is so dependent on the grants-in-aid that it is not in a position to refuse it no matter what the conditions may be.

Grants-in-aid given by the government are adhoc and discretionary in nature largely depending on the funds that can be spared by them. Therefore, there is a need to frame well-defined principles which ensure continuity and certainty in the flow of the grants to the corporation, and to facilitate larger grants and avoid unnecessary delay.

According to Section 166 of Karnataka Municipal Corporation Act, 1976, the Commissioner of Bangalore Municipal Corporation will prepare and submit the budget estimates of the income and expenditure to the standing committee on taxation, finance and appeals. The finance committee in term submits the budget to the council for discussion and its approval. The corporation shall finally pass the budget estimate atleast three weeks before the beginning of the year to which it relates and shall forthwith submit a copy thereof to the government. The government may sanction the budget in its entirety or subject to certain modifications as it thinks.46

The most effective measure of exercising state control over the finances of the municipal corporation is audit of the accounts by the government or its agency. The main aim of the state government through the audit of accounts is to see that the public money is properly utilised and no amount is paid for any expenditure without proper authority and provision of funds in the budget. The Karnataka Government is empowered to make rules with regard to the accounts to be kept by the corporation.

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According to the Act, the corporation may create a post of Chief Accounts Officer, but the qualification of persons to be appointed to this post, will be prescribed by the state government.

The state is also empowered to conduct special audit. Section 150 of the Act provides that the state government may at any time direct special examination and audit of the corporation accounts by the auditors appointed by the state government. The reports of such audit will be submitted to the state government. Further, all charges, fees and expenses necessary will be paid by the corporation.\(^47\) This blanket power given to the state government to order for special audit at any time gives an upper hand to the government.

The Karnataka Government, realising the need for finance commission, has made the provision to constitute it under Section 503C of the Karnataka Municipal Corporations (Amendment) Act, 1994.\(^48\) The commission can function as a central loan institution to supply long term as well as short term credit to the municipal corporation on easy and liberal terms. This commission may also act as a guide to the corporation in financial matters and help it in augmenting its financial resources. A convention must be established by which net proceeds from all taxes should be exclusively available for the corporation.

The Bangalore City Municipal Corporation suffers from financial administrative, organisational and functional limitations. If true municipal governments were to exist, and flourish, then there is a strong need for considerable

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\(^47\) *Karnataka Municipal Corporation Act*, 1976, Section 150, p. 111.

\(^48\) Ibid., Section 503C, p. 253.
relaxation of control by the state government. The aim of the state should be to assist
and help the municipal government to train the people in the art of local democracy
even at the expense of administrative efficiency and not to discourage it because
autonomous powers are necessary to make self government a reality.

4.6 PROBLEMS OF CITY GOVERNMENT IN BANGALORE

The scientific and technological developments, developmental efforts and
rapid urbanization have enlarged the functional span and responsibilities of city
government in India. The present day municipal laws are ancient and have created
structures and institutions which are deprived of real powers and integrated
jurisdiction which is a pre-requisite to the effective discharge of their growing
responsibilities. The powers and functions which the city government possesses are
in fact derived from the state government.

When Karnataka emerged as a unified state after the linguistic reorganisations
of states in 1956, there was no uniformity in the rules and regulations governing the
urban government. The reorganised state of Mysore, incorporated not only the areas
of former Mysore state, but also the entire area of Coorg and some areas from the
states of Bombay, Madras presidencies and the Nizam’s state of Hyderabad. To bring
in a uniform type of urban government throughout the state of Karnataka, two new
sets were enacted by the Karnataka state legislature;

(a) The Mysore Municipalities Act of 1964 and

(b) The Karnataka Municipal Corporation Act of 1976

These acts though supposed to be very systematic and elaborate, had the urban
governments suffering from many problems like frequent suppression of the urban
governments by the state government, financial problems and structural defects. Realising the gravity of these problems, three regional *sammelans* were organised at Bangalore, Cuttack and Delhi during June 1989, by the Government of India when Mr. Rajiv Gandhi was the Prime Minister of India. The issues that were discussed were all related to strengthening and proper functioning of urban local government. To overcome these problems, the union government introduced the Constitution (65th Amendment) Bill in Parliament in August 1989. However the bill was defeated in Rajya Sabha. When Congress Government took charge once again in 1991, it was reintroduced and finally got the assent of the President on 20th April 1993. It was known as Constitution 74th Amendment Act of 1992.

This amendment introduced a new part – Part IX A in the Constitution. This part dealt with the issues relating to urban government. The provisions were grouped under the following heads.\(^49\)

(a) Structure and composition of municipalities
(b) Reservation of seats
(c) Election to municipalities
(d) Powers and functions of municipalities
(e) Finances of municipalities
(f) Planning at the district and metropolitan level
(g) Miscellaneous provisions

In accordance to the Amendment, the state government has amended its Municipal Corporation Act of 1976. Despite the new changes that have been included in the Act, the city government face certain problems. The problems faced by the Bangalore Municipal Corporation are as follows;

1. Bangalore which is nearly 500 years old has grown from a small-time settlement to the present day Silicon valley of India – accounts for more than 35% of India’s software exports. In recent years Bangalore is one of the most sought after global destination. Such being the case, the city has to be managed properly so as to attract outsiders. Its administrative structure is however an old one. At present the organisation of the city government seems to be at cross-roads. There are a number of authorities responsible for city administration. These authorities include Bangalore Development Authority (BDA), Karnataka Urban Water Supply and Sewerage Board (KWSSB), Karnataka Electricity Board (KEB), Bangalore Urban Water Supply and Sewerage Board (BWSSB), etc. All these institutions are involved in providing basic amenities to the city dwellers. The result is confusion and endless jurisdictional and financial disputes among various agencies. A confusing state of affairs is very much evident in Bangalore city. It is the corporation which has to maintain street lights. The Act specifies that ‘it shall be incumbent on the corporation to make reasonable and adequate provision by any means or measures which it is lawfully competent to use or to take, the lighting of public streets, municipal markets and places of resort rested in the corporation’. If any damaged or worn out lights is to be replaced, then it is the
responsibility of the Karnataka Electricity Board. Many a time this has led to delay causing inconvenience to the public.

The creation of several parallel authorities by the state governments to run the city administration is tantamount to the suffocation of municipal institutions and decreases their importance and the negation of the very principle of local self-government.

2. The second problem of the city government is that of the relationship of the deliberative wing (consisting of elected members) and the executive wing (appointees of the state government). The Municipal Corporation Act of the state still carry many remnants of colonial laws wherein the bureaucrats, in the form of city commissioners, have greater powers than the elected councils, and elected mayors are mere figure-heads without decision-making powers. Mayors have a tenure of one year though the tenure of the council is five years which prevents them from actualizing whatever vision and plans they may be having for the city. The relationship between both the wings have been hardly cordial. Unhappy relations at the top permeate to the lower levels and negate the entire atmosphere, thus having an adverse impact on the progress of development programmes.

3. No organisation can produce good results unless it is manned by trained and competent personnel. One of the main weakness of the civic body in Bangalore is the absence of well-organised and effective system of qualified personnel. The key qualities of an effective personnel are competence, impartiality, contentment, integrity and devotion to duty. Though a majority of the personnel lack these
ingredients, certain amount of competence, integrity and devotion to duty can be infected by motivating the personnel.

It has been assumed that the employees are motivated to perform better, if a system of rewards and penalties is directly linked to effective job performance. Employees do a better job if they have open promotional opportunities and are emotionally committed to the job. The urban society depends almost exclusively on the municipal bureaucracy for essential civic amenities. From this angle of vision, motivation of municipal employees in their jobs is crucial not only for municipal administration but also for the image of government as a whole.

There are other factors also which are responsible for low attachment to the work. One such is the system of deputation. For most of the posts in the corporation, the state government appoints the officers. As a matter of fact, most of the posts are occupied by officials who are deputed from other offices of the state. As a consequence, the benefits of promotion which should have accrued to corporation employees have been denied to them. Consequently, the officials working in such a system find their position to be relatively stagnant in the official hierarchy. When interviewed most of the officials admitted that if they got an opportunity to get into other services, state or central, they would readily go. Efficient functioning of these officials would appear to be utopian with the existing service conditions.

4. Another problem in the administration of the city government in Bangalore is the undue interference of the state government in the civic administration. City government today appears to be the gift of the ruling party at the state level and
perform such functions as are assigned to them. As a result, conflicts arise over the assignment of civic services to these bodies. When it comes to the question of relaxing of building bye-laws there is undue interference by the state government. According to the building bye-laws framed by the corporation, a new building or any home or commercial construction, while constructing should leave a space called as the set back space from the main road on its front or any side facing the road. Violation of their bye-law by contractors empowers the corporation to withhold the building licence and demolish the structure. The violators of the law appeal to the state government and to protect the interest of the law-violators and to pose themselves as protectors of the common people, the state government issues directions to the corporation to relax the bye-laws. Since the corporation is the creation of the state government and being subordinate to it, it has to accept the directions. This erosion of the legitimacy of the urban bodies can some day prove to be the death-knell of democratic spirit in the politico-administrative system of the country.

5. The fifth problem of city government in Bangalore is that of inadequate finances. Urban authorities find it difficult to plug the gap between resources and expenditure and in consequence, the standards of municipal services have been consistently going down. They have failed because financially they are ill-equipped to control or influence the developments initiated at higher levels and their finances are too restricted to cope with the demands generated as a result of these developments. The state government has successfully campaigned for getting a bigger share of central taxes like income-tax, excise and customs duties.
They have not been generous or fair in dealing with the demands of local bodies for an increase in their share of state taxes like entertainment tax, motor vehicles tax and the sales tax on petrol. The normal increase in their revenues from their present sources of taxation has been totally inadequate for meeting the growing demands on them. To make matters worse, much of it, in fact, has been absorbed by an increase in dearness allowance and other emoluments of their employees, with very little left for enlargement of civic amenities.

Another problem which is been faced by Bangalore Municipal Corporation is the lack of proper planning and development policies for systematic urban growth. In the absence of proper planning the cities are slowly choked to death. Besides, uneven distribution of urban population has led to the backwardness and low standard of living in some areas. It has created problems of congestion, slums, traffic bottlenecks, poor living environment and spurt in land prices. The Metropolitan Planning Committee is yet to be set up and in its absence, state-level agencies such as the Parastatal Development Boards are performing the planning functions. Other parastatal agencies and line departments allow backdoor control of the state government over local governance.

It is felt that all these problems and factors have reduced the efficient functioning of the system. There are ways and means by which this can be rectified. It is necessary to examine scientifically the municipal work situation and the mind frame of the executing authority. Only then would it be possible for one to diagnose precisely the causes of inefficient functioning of the system.
4.7 SUMMARY

Urbanisation which is an integral part of the process of development is accelerated by industrial and commercial activities. Rapid urbanisation is associated with the spatial growth of the city, irrational land use, high density of population, creation of slums, housing shortage, pollution of all kinds, health hazards and increased pressure on community and welfare services. Our cities are no longer seen as cradles of civilization and culture, but rather unattractive agglomerates. The modern cities know no boundaries. It is a new economic phenomenon and its management is in the hands of local authority or local government. The favoured form of city management is the municipal corporation. The ‘Bombay Model’ with its structure, role and functions dating to the Act of 1888 is replicated all over India with the exemption of West Bengal that has favoured the very different ‘Mayor-in-Council’ system.

Bangalore Municipal Corporation pattern follows the Bombay Municipal Corporation Act. The Bangalore Municipal Corporation is governed by the Karnataka Municipal Corporation Act 1976. There are three authorities to carry out the provisions and they are the council, the standing committee and the commissioner. The council consists of mayor, deputy mayor and the corporators and they form the deliberative wing. The commissioner and his officials form the executive wing. The coordination between the deliberative and executive wing is necessary for the smooth functioning of Bangalore Municipal Corporation. As decision-making is one of the most important functions of the commissioner in the executive wing, he has to be take
care of the three important factors that affect the decision-making process and coordination. They are;

(i) Citizen-Municipal Councillor relationship

(ii) The executive structure

(iii) The role of state government

In the citizen-councillor relationship of Bangalore Municipal Corporation, some corporators took interest of their areas, which was favourable to citizens, but affected the work of bureaucrats. In the executive structure one finds a tension area in executive-deliberative relations of BCC. The interference of the councillors in the work of bureaucrats and vice versa was visible during 1997, when few commissioners like A. Ravindra and Parthasarathy found it difficult to work in the Bangalore Municipal Corporation, due to tussle between the commissioner and corporation. Despite these differences, both try to compromise with each other.

In critical decision-making situations the state government has intervened to solve the problem of coordination and cooperation between the deliberative and executive wing. Inspite of interference by the state government there are certain issues of discord between the executive and deliberative wing. In Bangalore Municipal Corporation, complaints are common from both the wings. Municipal commissioners and officials are criticised for negligence of their duties, calculated callousness to public interests, bureaucratic attitude and undue delay. Similarly the corporators including the mayor are subject to criticism for undue interference in the working of the commissioner. The major issues of discord can be understood by
analysing the relationship between the commissioner and councilor, commissioner and the standing committee and the commissioner and the mayor.

The analysis of the councillor and commissioner relationship is that the commissioner in BCC has formally refused to dwell upon the question of their relations with the councillor. The commissioner being the chief executive officer of BCC has a very close relationship with the standing committee. All the administrative decisions require the ratification of the standing committee. Though the standing committee shares the executive authority with the commissioner, they make constant inroads into executive administration thereby affecting the clear bifurcation of executive administration from political interference. The relationship between the commissioner and mayor of BCC is more complex. There is lack of coordination between the commissioner and the mayor. Hence there should be certain guidelines for establishing the right type of executive-deliberative relationship.

The actual working of Bangalore Municipal Corporation shows that neither the bureaucracy is more powerful nor the elected representatives. There is a tussle for power between the two wings on account of the defect in the Act. The deliberative wing is made accountable, whereas the executive authority exercised by the municipal commissioner is not accountable. Hence the corporators of Bangalore Municipal Corporation appeal for a strong mayor with more powers. The councillors are of the opinion that mayor-in-council would be the apt form for the efficient working of BCC.

The KMC Act being the creation of the state legislature, its autonomy is restricted. It is subject to control by the state government. The Government of
Karnataka exercises its control over the municipal corporation in three ways – they are (i) legislative, (ii) administrative, (iii) financial control. If the municipal government has to function smoothly a case for considerable relaxation by state government is required.

The state government has amended its Municipal Corporation Act of 1976, to suit the changing conditions. Despite the new changes, there are certain problems being faced by the BCC – the existence of parastatal agencies along with the corporation which has hampered the city administration, the relationship between the executive-deliberative wing which is strained, lack of trained personnel, undue interferences by state government, lack of finances and lack of systematic planning policies. These problems have all culminated in reducing the efficiency of the Bangalore Municipal Corporation.