

The Delayed BBMP Elections and Governance Reforms in Bangalore

Mathew Prasad Idiculla

C B P S

CENTRE FOR BUDGET AND POLICY STUDIES

Maitri Bhavan, 1st floor [Above the United Lodge of Theosophists],
4 M.N. Krishna Rao Road, Basavangudi, Bengaluru - 560004, India
email : cbpsmail@gmail.com

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About the Author

Mathew Prasad Idiculla is a third year law student pursuing his B.A. LL.B degree from Christ College of Law, Bangalore (Now School of Law, Christ University). For his internship with CBPS in the summer of 2009, his research was on the working of the 74th Constitutional Amendment in Bangalore which culminated in the present paper. His research interests include the working of Democracy, Governance and Public Policy in the Constitutional and Legal framework.

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CBPS

The Centre for Budget and Policy Studies (hereinafter referred as the Centre) is a non-partisan, non-profit, independent society established by a group of professionals based in Bangalore and registered under the Karnataka Registration of Societies Act in February 1998 (no 777 of 1997/1998). The President is Dr. S. Rajagopalan and the Secretary M.S. Ramaprasad and Director is Dr. Vinod Vyasulu.

The objective of the Society is to contribute through research to understanding and implementing a process of long run, sustainable, equitable development in countries like India. Equity, as we understand it, extends across time - future generations must not be deprived of resources because of irresponsible use - and class and gender - all human beings have inalienable rights that society must ensure.

An area in which the CBPS has made a contribution is in the context of the ongoing process of democratisation and decentralisation following upon the 73rd and 74th amendments to the Indian Constitution. In this context, budgets of different governmental bodies are important statements of policy priority. Budget analysis at local levels is an area where much needs to be done. An example is the work of the Centre in studying the budgets of two zilla panchayats [Dharwad and Bangalore (Rural)] in Karnataka. This report, formally released by the Governor of Karnataka, Her Excellency Smt. Rama Devi on July 4, 2000, is being used in, programmes to orient those who have newly been elected to local government bodies. The CBPS is currently working on a study of the finances of a few city municipal councils in Karnataka.

One way of meeting our objective is by providing inputs into ongoing debates in society on matters of policy priority by collecting and analysing information and presenting scenarios on different options that face the public. Industry is one such area. The functioning of different sectors of industry, its impact on employment, livelihoods, productivity and the like, and the different options open to this country, in the midst of major global changes like the advent of the WTO, need careful study and debate. CBPS did a study and published a monograph. Another area of importance is an understanding of the nature of the local economy. The Centre has worked on this issue and a manual on the method to calculate District Income in India, sponsored by the Planning Commission, is being published by Macmillan India.

Another area of importance is ecological and environmental sustainability. The interface between local bodies and environmental programmes is another area of focus. CBPS has studied the working of programmes like drinking water, watershed development and joint forest management to see how local bodies can contribute to the meeting of national objectives.

CBPS was a partner in a campaign called PROOF (Public Record of Operations & Finance, along with 3 other Bangalore based organisations. The PROOF campaign provides an opportunity for citizens & the corporation of Bangalore (BMP) to join hands and demonstrate that public money is being used for public good. This will be achieved by systematic BMT performance report & reviews, substantiated by performance indicators & explanatory statements.

CBPS will remain a small body of professionals who will work by interacting and networking with others who share such interests. Working groups for different studies with professional membership will be set up, and will work with minimal infrastructure. Full use will be made of modern technology in this process. The results of such work will be used in training, in dissemination of results and in follow up programmes.

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At the very outset, I would like to thank Dr. Vinod Vyasulu for allowing me to work with CBPS on this topic, for continuously guiding me in my research and for fine-tuning the draft document. I would also like to thank Dr. Poornima Vyasulu, for encouraging me to take up this topic for research, Dr. Shashikala Sitaram, for comments on a previous draft and meticulous analysis and pointers on the final draft, Madhusudhan Rao, for continuous tips and guidance during my research, and everyone else at CBPS for their support. Thanks are also due to former Mayor P.R. Ramesh for sparing his time while providing me valuable information on the election delay. I am also indebted to Dr. Jose Verghese, Head of Department, School of Law, Christ University and the Management of the institution for providing me an opportunity to intern during my summer break.

FOREWORD

Today in India, reform of governance is an important issue in our political life. An important element in this respect is democratically elected local governments. While constitutional amendments have deepened the nature of democracy, in Bengaluru, the state government has been delaying elections to the city government, commonly called ‘urban local body’ for three years. This is at a time when major investments need to be made to enable the city to provide a base for its expanding economy.* For example, a Metro is now being built. There have been protests** that a local government could have heard and addressed if it had existed.

The delay has been caused by the state government and several political parties have been involved in this in the last three years. From the lack of enthusiasm to hold these elections, we cannot help but wonder why politicians at the state and union level feel so threatened by politicians with a local base. Is it because elections to the Lok Sabha, recently completed, were fought on issues of drinking water, sewage

* Vinod Vyasulu: Global Bengaluru: 21st Century Challenges, CBPS, 2009.

** This has been documented in another report of CBPS by Chinmay Bilya, forthcoming.

and the like which are really municipal matters? If these are taken over by corporators, then what will Members of Parliament do? What will Members of the state Assemblies do? This is indeed a serious question.

Mathew Idiculla has documented the process of delay in detail. This documentation should be useful to all who would like to learn lessons from this unfortunate episode in our urban history. Even orders of the Court have not succeeded in getting the state to hold these elections. The Court has also shown extraordinary patience, when faced with contempt of Court petitions, in this matter. What can we do to reform the system that has become so rigid? Why have attitudes to local government become so type cast? Why do we have a Bangalore City Minister in the state, but no elected city government and no Mayor? Why is there so much resistance to the idea of an empowered Mayor who can supervise the civil servants effectively? Why does no one seem to consider the absence of an elected Corporation a denial of democratic rights of citizens? Why are citizens themselves so passive and apathetic in this matter?

A point that has been lost sight of in the noise about the delayed elections is that *this has been another opportunity lost*. If the elections are held on the basis of the old practice and law, then the chance to reform local government in Bangalore

will be lost for at least five years. The BMP has been enlarged into the BBMP, but the legal framework within which it is to work has not been put in place. In focusing only on the holding of elections, there has been no debate about the nature of city government. Yes, there has been the Kasturangan Committee which has made interesting and novel recommendations. ABIDE too has made suggestions. But for them to be implemented we need a new law. Debate is needed to decide between the two- or other options; and this debate has not taken place. And for the results of such debate to be implemented we need a new law. There has been no talk of such a law in this noisy debate. The question of passing it has not even arisen. This interregnum in democracy could have been used to pass legislation that would make the city government more effective. This is indeed a failure of the thinking Bangalorean!

It may be useful for us to recall that there is such a thing as the Theory of Federalism. India is a federal state that many other countries look up to.^{***} India has rich experience of division of functions, of inter-governmental relations, of fiscal devolution and so on. The constitutional amendments of 1993 have taken this much further. *Bangalore's city government must be seen as an integral part of an Indian federal structure that is*

^{***} See George Anderson, *Federalism: An Introduction*, Oxford University press, Ontario, 2008.

incomplete when there is no local government in place. Discussing the failure to hold these elections in isolation of the larger issue of the functioning of federalism in India will not help us to grasp the essentials of the underlying processes. For example, there is the suggestion that a Metropolitan Planning Committee, as required by the 74th amendment, be established. This would be part of the third tier of government in a federal set up. If it is headed by the state chief minister—as suggested by the Kasturirangan Committee—then we have a mismatch between the division of powers and the way intergovernmental relations are to be conducted. The MPC should be headed by someone at that level, not by the head of the state government. This is only one instance of the value of building on federal thinking.

I hope this work by Matthew Idiculla will help us to understand our problems better, and thus contribute to more effective local governance that is so essential if this city is to face the many challenges that confront it.

Vinod Vyasulu

Director

1. BACKGROUND

1.1. The need for effective urban governance

City Governments have always played a vital role in the history of mankind and is widely considered to be the most ancient bodies of democracy in the world. The Greek city-states of Athens, Sparta and Corinth have been recorded to be the forum for discussion of governance issues. India also has always had local government institutions in one form or another since Indus valley civilization. Kautilya's treatise 'Artha Sastra', the first written work on political economy and governance, predates Plato's "Republic" and clearly details out the functions of the city-state. However, much has changed since the Mauryan era and the present form of city government in India can be traced to the 'Lord Ripon Resolution' of 1882 in which municipal authorities were made responsible as "units of self-government."¹ However since Independence, the need for good urban governance has only increased because of the increased pace of urbanisation.

The urban population of India has rapidly increased in recent years. From about 79 million in 1961, the number of persons living in urban areas has increased to over 285 million by 2001 and the figure is expected to cross 400 million by 2011. The number of Metropolitan cities has also increased from 23 in 1991 to 35 in 2001.² The increasing urban population can be seen as one of the many shifts India has

been witnessing in the last few decades. Urbanisation goes hand in hand with other shifts like industrialisation and modernisation. While the percentage contribution of the primary sector (primarily agriculture) to the National Income has become less than half since Independence, that of the manufacturing sector has doubled and the service sector now constitutes about half of the National Income. India's economic policies of 1991 unleashed the forces of economic liberalisation and globalisation to new levels and this has had a direct impact on the urbanisation process. Though the majority of Indians still live in the villages, due to international demands and national economic policies, the importance of urban India is at the moment higher than ever before and is only bound to increase in the future. This is an important theme in Nilekani's recent book.³

Rapid urbanisation has raised serious concerns over the delivery of basic services to its citizens. The Indian cities were never meant to cater to such an increasing population and hence the infrastructure and civic amenities available

¹ Ref: PRIA, "Report and Database on Urban Governance in India post 74th Constitutional Amendment Act". Available at <http://www.pria.org/en/mi-thematic-groups/mi-urban-governance/mi-ug-background>

² Ref: <http://www.gisdevelopment.net/application/urban/overview/urbano0037.htm>

³ See Nandan Nilekani, *Imagining India: Ideas for the New Century*, Ch: "Notes from an Accidental Entrepreneur" and "Our Changing Faces: India in the City", Penguin - Allen Lane, 2008

to the dwellers are not enough. As most of the Indian cities, the preferred locations for concentration of economic activities, are not prepared for such transformation, the challenges the cities face with the market centric growth are continuously mounting. Rapid urbanization in India has also increased the absolute number of urban poor. In 2004–2005, the number of urban poor in India was about 80.8 million which constitutes 25.7% of the urban population. The majority of the urban population lives in overcrowded housing conditions with very poor access to basic services. The lives of many are characterized by poor housing facilities with no ownership rights, limited access to water, toilets and other sanitary facilities, unhealthy living conditions, irregular employment, low levels of education, inadequate access to health services etc.⁴ All of this makes the sustenance of the city and its citizens an arduous task which needs to be performed by formalized but effective democratic institutions. These problems and also the very fact that India has a proud democratic tradition highlight the need for an effective Urban Local Body to provide good urban governance. Urban governance system, being vested with the responsibilities to tackle the major problems that the inhabitants face, has hence assumed so much importance that there is a need to analyse its working.

⁴Ramakrishna Nallathiga, “Institutional innovations of Urban Governance: Some examples of Indian cities“, *Urban India*, Vol. XXV, No. 2 (2005): 1-28. Available at <http://www.cgg.gov.in/workingpapers/Urban%20Governance%20-%20Urban%20India.pdf>

1.2. The 74th Amendment

The year 1992 saw the enactment of the 73rd and the 74th Amendment to the Constitution of India whereby Rural and Urban Local Bodies were made mandatory as per the Constitution. Though most of the States had enacted laws to administer the urban areas previously, the devolution of powers and functions to local bodies were not mandatory or uniform across the country as the Local Government Bodies were covered in the State List of the Constitution. The third tier of Government became constitutionally mandated when the 73rd and 74th amendments to the Indian Constitution were passed in 1992. Before the passing of these Amendments, India worked in a two-tier federal form of governance. By the 73rd and the 74th Amendment, every State was now required to have elected panchayat bodies in the village, block and district levels in the rural areas (as per the 73rd amendment) and Nagar panchayats, Municipal Councils and Municipal Corporations in the urban areas (as per the 74th Amendment). As the local bodies are still under the State List of the Constitution, the various State Governments have amended their Municipal Acts so as to bring them in conformity with the Constitutional provisions.

What the Constitutional Amendment has sought to achieve is the empowerment of Municipal Bodies through

mandatory devolution of functions, funds and functionaries to these elected bodies. The Statement of Objects and Reasons to the 74th Amendment Act begins as “In many States, Local Bodies have become weak and ineffective on account of a variety of reasons, including the failure to hold regular elections, prolonged supersessions and inadequate devolution of powers and functions. As a result, Urban Local Bodies are not able to perform effectively as vibrant democratic units of self-government.” Article 243W of the Constitution inserted by the 74th Amendment, empowers the State to make laws that endow the Municipalities with powers that enable them to function as institutions of self-government and provide for the economic development and social justice of the people. Under Article 243U of the Constitution, elections to the Municipal Bodies have to be held before the expiry of five years of the term of the previous council unless the council is dissolved in which case it has to be held within 6 months from the date of dissolution.

The Twelfth Schedule to the 74th Amendment, which consists of a list of 18 functions, has been inserted into the Constitution to guide State Governments in the assignment of various functional responsibilities to the Municipalities. In response, most State Governments have included the 18 functions in the list of mandatory functions to be performed by Municipalities in their respective acts. The functions of the Urban Local Bodies amongst others include urban

planning for social and economic growth, regulation of land use and construction of buildings, water supply, public health, sanitation, solid waste management, slum improvement, urban poverty alleviation, public amenities like street lighting, urban amenities like parks and playgrounds etc.

The 74th Amendment also mandates minimum representation of Scheduled Castes and Scheduled Tribes (as per its proportion in the population of the Municipality) and women (33%). The different bodies which the Constitution mandates the State Governments to create for better urban governance as per the Amendment are the State Election Commission for regular and fair conduct of Municipal elections, Wards Committees in each ward to carry out various functions of the urban body, District Planning Committees and Metropolitan Planning Committees for decentralized planning and State Finance Commissions to decide upon the sharing of Central and State funds with local bodies. Ward Committees have been constituted in Andhra Pradesh, Chhattisgarh, Delhi, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu and West Bengal.⁵ District Planning Committees

⁵ For a review of the implementation of the various bodies which the 74th Amendment mandates in the different states, See NIUA, “Impact of the 74th CAA- Consolidated Report Vol. 1“ Available at http://www.niua.org/Publications/research_studies/74caa_v1/Impact%20of%20the%2074th%20CAA-Consolidated%20Report%20Vol%20-%20I_summary.pdf

have been constituted in Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Haryana, Karnataka, Kerala, Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu and West Bengal. However the Metropolitan Planning Committee has been constituted only in the state of West Bengal. The Kolkata Metropolitan Planning Committee is under the Chairmanship of the Chief Minister of the State and Vice-Chairmanship of the minister in charge of Municipal Affairs and Urban Development. Two-third of the total 60 members of the Committee are elected members of the local bodies and the rest are nominated.

1.3. Bangalore Governance Structure

Bangalore had a population of just over a million in 1971. Today, with 56.86 lakh people as per 2001 census, it is the fifth largest Metropolitan City in the country. The population of Bangalore increased from 41.30 lakh to 56.86 lakh during the decade 1991-2001, representing a decadal increase of 37.7%, making Bangalore one of the fastest growing cities in India.⁶ With its diverse population and global culture, it is a cosmopolitan metropolis that has become the preferred destination for Information Technology and Bio-Technology industries. The salubrious climatic conditions,

⁶ For a discussion on the growth and development of Bangalore, See Vinod Vyasulu, "Global Bengaluru: 21st Century Challenges", CBPS Working Paper, Bangalore, 2009.

excellent parks and gardens and expansive tree cover which the city possesses have earned Bangalore the “Garden City” tag. With 66 Fortune 500 companies, 682 MNCs, 1,685 IT/ITES and 131 Biotech companies, Bangalore is now called the “Silicon Valley”. Bangalore is also headquarters of several public sector industries such as Hindustan Aeronautics Limited, National Aerospace Laboratories, Bharat Heavy Electricals Limited, Hindustan Machine Tools etc. The existence of a powerful textile industry along with heavy industry and high technology industry is supported by quality academic institutions and skilled workforce. Hence, Bangalore is a rapidly growing city that presents the challenge and the opportunity of having an accountable and efficient Urban Local Governance system.

The Bruhat Bengaluru Mahanagara Palike (meaning Greater Bangalore City Corporation) was structured in January 2008 by adding 7 City Municipal Councils, 1 Town Municipal Council and 110 villages surrounding Bangalore with the erstwhile Bangalore Mahanagara Palike. The area of the Corporation hence increased from 226 sq. km of the BMP to 800 sq. km under the BBMP. As per the Government Notification which sought for the increase of the size of the Corporation, the BMP was extended to form the BBMP with an aim to “Improve and co-ordinate infrastructure development for road and transportation network, water supply and UGD,

Solid Waste Management, upgrade quality of urban civic services, strengthen administrative capacity to ensure better enforcement of various rules/regulations as also better co-ordination in service delivery, optimize expenditure on establishment.”⁷

The Bangalore City Corporation, the Bangalore Mahanagara Palike and Bruhat Bengaluru Mahanagara Palike, the different names of the Municipal Corporation at different times, have been functioning on the basis of the Karnataka Municipal Corporation (KMC) Act, 1976. The KMC Act applies to all those areas recognized as a Municipal Corporation by the State in Karnataka. This act replaced the Bangalore Municipal Corporation Act, 1949 as the law governing the Corporation and its functions. The Bangalore Municipal Corporation was constituted in December 1949 by the amalgamation of City Municipality and Cantonment Municipality under Bangalore Municipal Corporation Act, 1949. From the 70 ward Corporation of the Bangalore City Corporation, the BMP ended with 100 wards. Since then, though elections have not been held to these wards, by Amendments to the KMC Act, the number of wards for the BBMP was first increased to 148 and later 198. Though enacted in 1976 before the third tier of governance was constitutionally mandated, this Act was subsequently

⁷Ref:http://www.bmponline.org/accountdept/Greater_Notification1.PDF

amended in 1994 to make it in consonance with the requirements of the 74th Amendment to the Constitution enacted in 1992. With the Amendment, Ward Committees in every 3-4 wards, State Election Commission to hold and monitor local elections and reservation of seats for SC/ST and women became obligatory.

The Bangalore Development Authority (BDA) was also constituted in 1976 by the Bangalore Development Authority Act, 1976 with an aim to control, monitor, and facilitate urban development in Bangalore Metropolitan Area. By an Amendment to the Karnataka Town & Country Planning Act, 1961 the BDA has also been made the Local Planning Authority for Bangalore and adjoining areas. Though Article 243ZE of the Constitution of India by the 74th Amendment mandates the formation of a Metropolitan Planning Committee in all cities with population over 10 lakhs, such a planning committee has not been established in Bangalore. As per the Karnataka Municipal Corporations (Ward Committee) Rules, 1997, Ward Committees have been formed as per the Act and each Ward Committee in Bangalore comprises of 3-4 wards. The Ward Committee has to meet at least once every month and shall be open to public participation. The functions to be discharged by the 30 Ward Committees in Bangalore include: Collection and removal of garbage and accumulated water, health immunization, improvement of slums, maintenance of statistics, redressal of public grievances,

organizing people's participation and monitoring the implementation of the decisions by the Corporation.

Under Section 64 of the Karnataka Municipal Corporation Act, 1976, the Commissioner of the Municipal Corporation is vested with the executive powers of the Corporation. He/ she is a non elected member, appointed by the State Government in consultation with the Mayor of the Corporation. However, the Commissioner can be removed by the members of the Corporation by a resolution which has the support of at least two-third of the members. Though the Commissioner is the executive head, he/she has no rights to vote or move a resolution in the meetings of the corporation which, as per the Act, is to be presided over by the Mayor. The Mayor for the Corporation, along with the Deputy Mayor, both councillors in the Corporation, is elected by the councillors among themselves and shall hold the office for a year. Section 60 of the Act also empowers the Mayor to give directions to the commissioner with regard to the implementation of resolutions regarding the discharge of the obligatory and discretionary powers of the corporation. The Commissioner can delegate his/her powers to his subordinate officers and Zonal Joint/Deputy Commissioner, who shall exercise the powers accordingly to carryout functions as necessitated under the KMC Act. In discharge of duties by the Commissioner, policy subjects are to be presented before the Standing Committees, constituted of councillors of the

Corporation, for taking suitable decision on the subject matter. The 8 Standing Committees for Bangalore under the Act are - Taxation and Finance, Public Health, Education and Social Justice, Accounts, Appeals, Town Planning, Public Works and Horticulture.⁸

⁸Ref: The Karnataka Municipal Corporations Act, 1976

2. THE DELAYED BBMP ELECTIONS

Since the passing of the 74th Amendment and the confirmatory Acts, three rounds of elections to the Urban Local Bodies have been held in Karnataka. The first election was in 1996, the second in 2001 and the third in 2008. The delay in holding the third round of election in the Municipalities in Karnataka have been largely due to the process of delimitation of wards which were carried out by the State Government. However, Bangalore is the only Municipality that still has no elected body running the city administration even almost three years after the term for the previous city council ended. Though the Constitution mandates elections to the local bodies be held once in every five years, the first election to the Bruhat Bengaluru Mahanagara Palike has been continuously delayed on various grounds. After the term of the council got over on November 23, 2006, none of the three deadlines of October 2, 2008, March 9, 2009 and July 31, 2009, set by the High Court for conducting the BBMP election, have been followed by the State Government and State Election Commission. The delay and the subsequent events are narrated below.

2.1. Diary of Events

November 23, 2006

The official term of 5 years of the Bangalore Mahanagara Palike (BMP) ends without the holding of elections. Move to extend the area of BMP already mooted.

December 31, 2006

The Congress party petitions Governor T.N. Chaturvedi and urges him to direct the Government to announce elections to the civic bodies at the earliest. The party threatens to launch a State-wide agitation against Kumaraswamy Government [JD(S)], if the elections are further delayed.

January 2, 2007

On the contention of petitioner M. Nagaraj, a former councillor of the BMP, that the Constitution of the Bruhat Bengaluru Mahanagara Palike (BBMP) was only a ruse to delay the elections to the civic body, a Division Bench of the Karnataka High Court holds that it was for the petitioner to prove to the court and place materials before them to substantiate the charge that the Government had deliberately formed the BBMP to delay the elections. The petitioner reasoned that if the Government was serious about the formation of a greater Bangalore agency, it could have done

it much earlier and not on the eve of elections to the civic body.

January 16, 2007

The Bruhat Bengaluru Mahanagara Palike (BBMP) is officially formed by merging the 100 wards of the BMP, along with 7 City Municipal Councils (Rajarajeshwari, Dasarahalli, Bommanahalli, Krishnarajapuram, Mahadevapura, Byatarayanapura and Yelahanka), one Town Municipal Council (Kengeri) and 110 villages around Bangalore. The total area of Bangalore increases from the 226 sq km under BMP to nearly 800 sq km under BBMP.

January 31, 2007

The Government informs the Karnataka High Court that it needs 182 days to notify the State Election Commission (SEC) to hold elections to the newly constituted BBMP. The State had filed the affidavit after a former councillor from BMP and Ex-Mayor of BMP P.R. Ramesh filed Public Interest Litigation petitions challenging the delay in holding elections.

January 3, 2008

The State Government asks Bangalore Urban Deputy Commissioner (DC) M. A. Sadiq to prepare a new proposal for delimitation of BBMP wards in accordance with the existing Assembly constituencies. The DC had already prepared two proposals for 145 wards in BBMP limits and was sent to the State Government. The first proposal was independent of

Assembly constituencies and the second proposal was based on the Kuldeep Singh Committee's proposal of delimitation of Assembly constituencies, both of which the Government discarded.

March 24, 2008,

The Government approves the publication of the draft notification relating to the delimitation of wards within the limits of the BBMP. The draft notification is valid for 45 days during which period people can file objections. Principal Secretary, Department of Urban Development, K. Jothiramalingam says that delimitation of the wards and the revision of rolls had been completed and it was for the Government to decide when to hold the BBMP elections. Due to the Assembly elections in the State in May, elections to the BBMP council is proposed to be held after the new Government assumes office.

July 2, 2009

The Karnataka High Court directs the State to conduct elections to the BBMP within three months (November 2, 2009). The High Court issued directions on a petition filed by the former Mayor P.R. Ramesh questioning the delay in holding elections to the civic body. The former Mayor also challenged the appointment of the administrator contending that it could not be done unless the Corporation Council was dissolved.

July 28, 2008

The State Election Commission (SEC) writes to the State Government asking it to furnish a list of wards of the BBMP and the reservation roster following the July 2 High Court Order. Though the delimitation committee carried out the process of increasing the number of wards from 100 to 145 the Government is yet to take a decision on the delimitation of wards.

Aug 3, 2008

Ex-Mayor P R Ramesh sends notice to the State Election Commissioner demanding the election to be held within a fortnight as per the High Court order on July 2.

September 30, 2008

The division bench of the Karnataka High Court orders contempt notice to Chief Secretary Sudhakar Rao, State Government and M R Hegde, State Election Commissioner. This follows a Civil Contempt petition filed by P R Ramesh who had said that the State government had failed to implement the High Court order dated July 2 to conduct elections within three months. The plaintiff stated that despite the High Court order to conduct polls within three months, the calendar of event was yet to begin and the representations given to the State Government in this connection had fallen on deaf ears.

October 7, 2008

The SEC M R Hegde files an interlocutory application seeking a directive to the State to complete delimitation and reservation. The SEC has mentioned that it can hold the elections only after the Government completes both ward delimitation and reservation lists and pass them to the SEC. The Government has also sought an extension of the election schedule.

November 10, 2008

On a petition demanding the immediate conduct of the BBMP elections, a division bench of the High Court orders the State Government and the State Election Commission to conduct the BBMP elections before March 9, 2009. The division bench observes that this date cannot be further extended by the Government and SEC for whatever reasons.

February 17, 2009

The Cabinet decides to constitute a Cabinet Committee to look into the Kasturirangan report on reforms in BBMP administration. Education Minister Vishveshwara Hegde Kaageri said that the panel would look into various aspects of the report before implementing it.

March 31, 2009

A division bench of the High Court directs the Government and the State Election Commission to hold the

elections before the end of July. The State Government had filed the interlocutory application after the SEC filed an application seeking a direction to the state government to hand over the reservation and delimitations of wards at the earliest. Expressing its inability to conduct the polls in March due to the Lok Sabha elections, the Government had sought time till November-end.

May 8, 2009

The Karnataka Cabinet announces that the BBMP will now consist of 198 wards and the election of the new corporators will be held before the end of July. Earlier, each ward constituted a population of 40,000, but now it will cater to 30,000 in core areas and 20,000 in other areas. Apart from the 198 corporator there are 20 nominated corporators, 27 MLAs, 11 MLCs, 12 MPs which makes the size of the Council to be 268.

May 13, 2009

Alleging that the BJP was conspiring to delay elections to the BBMP, several former Mayors from the Congress meets Governor Rameshwar Thakur and submits a memorandum seeking immediate elections. They allege that the State Government had a hidden agenda in its move to increase the number of wards in BBMP to 198 as it was seeking to control the city administration which is unconstitutional.

June 5, 2009

The Governor approves the State Government's proposal of extending the number of wards in BBMP to 198 by an Amendment to the Karnataka Municipal Corporation Act. The government issues guidelines for the delimitation process to carve out the wards so that Bangalore Urban deputy commissioner can submit a proposal on the fresh delimitation soon.

June 17, 2009

The State Government issues a notification on the draft delimitation of wards and invites objections from the public to the delimitation, if any. As the last date for receiving objections is June 30, the public gets only 13 days to file objections unlike the regular procedure whereby the public get 30 days. However the government launches the website www.bbmpwards.org whereby the voter card holders, can file objections and suggestions online.

June 30, 2009

The deadline for receiving objections on the draft notification of delimitation of wards gets over. The Deputy Commissioner receives more than 1500 statements from the citizens on the draft notification. The DC states that officials in the BBMP are going through the suggestions and after scrutinizing them the final notification would be sent on July 4th or 5th.

July 15, 2009

The State Government issues the final notification on the delimitation of wards which has increased from 147 to 198. After scrutinizing the objections, the final notification of the wards has been laid out with an average of 25,000 people per ward.

July 20, 2009

The State Election Commission files an Interlocutory Application which seeks time of 8 weeks for the preparation of the electoral roles. The SEC also said that the Electronic Voting Machines (EVMs) which it ordered for will only be supplied by mid-August.

July 23, 2009

On a PIL demanding the holding of the BBMP elections as per the High Court order, the State Government seeks 30 days time to complete the reservation process of the BBMP wards. A Division Bench headed by the Chief Justice of the High Court directs the State Government to file a progress report on the steps taken for the holding of the BBMP elections by August 14, 2009. The Division Bench rejects another PIL which demanded the implementation of the recommendations of the Kasturirangan report for the coming BBMP election on the ground that the High Court cannot dictate policy decisions of the State.

August 17, 2009

As per the High Court direction to update the Government's progress in holding the BBMP elections, the State Government tells the High Court that reservation of the wards will be complete in a week. The Advocate general says that the reservation process could not be completed due to the assembly by-polls.

2.2. Democracy in an Eclipse

The inordinate delay in holding the elections to the Bruhat Bengaluru Mahanagagara Palike is difficult to justify on any count. The term of the BMP got over on November 23, 2006 and even more than two and a half years later, Bangalore does not have an elected body. Article 243R of the Constitution of India, inserted by the 74th Amendment, mandates that every city must have an Urban Local Body whose seats shall be filled by persons by direct election from the territorial constituencies of that area. Article 243U(3)a explains that elections to such a body must take place before the expiry of the term of the previous elected council. This means that the elections should have been held before November 23, 2006 when the term of the BMP ended. However, if the Government wanted to constitute a bigger municipal body, they should have dissolved the previous body as per the Constitutional provision of dissolution that gives the

Government the time to conduct elections within six months from the period of dissolution. As the elected body was never dissolved, the requirement of holding elections within six months did not apply for the State Government. So without the presence or dissolution of an elected body, the BBMP started to function from the January of 2007 and the elections to it was continuously postponed.

The reasons for the delay have been various but never substantial as seen in the previous section. It is surprising that by citing the difficulty in the delimitation of the wards from 100 to 147, the State Government dragged the case for almost two years but the second delimitation process whereby the Government increased the number of wards to 198 hardly took two months. What can be understood from these events is that there is, for the first time, some urgency now on the part of the State Government to conduct the elections to the BBMP. It can be said that it was always the lack of political will that delayed the election procedures. There are speculations that the ruling government(s) never wanted to conduct the elections because it was unsure of the party's victory and only when it was confident of winning it has shown some urgency in the holding of the elections. However the fact that some urgency is now shown by the Government in the holding of elections can indeed be seen positively as the citizens would soon be involved in the democratic functioning of the local Government. However this does not explain how

and why democracy at the local level through an elected body, as the Constitution mandates, could be in an eclipse in Bangalore for more than two and a half years.

So the issue that would be forever reminiscent of the BBMP election fiasco would be how a constitutionally mandated third tier of government be absent for so long. Could the Central Government be run for three years by the bureaucrats without the Parliament? Such comparisons, though may appear to be extreme, is not so unreasonable for after the 73rd and 74th Amendments, the panchayats and municipalities, like the State and Central Governments, are constitutionally mandated bodies which should work as institutions of self-government through timely elections. A simple reading of the Statement of Objects and Reasons for the enactment of the 74th Amendment to the Constitution of India would clarify the point that one of the reasons for Amendment was the “failure to hold regular elections” to the local bodies by the various State legislations. Hence it was considered necessary that the Constitution be amended for (among three other reasons) “Ensuring regular conduct of elections” to the Urban Local Bodies.

The Amendment also created an independent body called the State Election Commission (SEC) which is vested with the task of “superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all

elections to the Municipalities” under Article 243ZA. The SEC in Karnataka came into existence on May 26th 1993, to conduct elections to both urban and rural local bodies. However under Section 21 of the Karnataka Municipal Corporation Act, the determination of the area and the extent of each ward and other divisions are to be done by the State Government. Similarly the Government determines the wards that are to be reserved for Scheduled Castes, Scheduled Tribes and women. As the role of the SEC is mainly restricted to the preparation of electoral rolls, the SEC cannot intervene or act on the delay taken for the determination of wards by the urban development department. If the SEC has no power to ensure the regular conduct of elections, the rationale of its existence comes into question. Moreover, the preparation of electoral lists can be done on the basis of the rolls which are already prepared by the Election Commission for the Assembly elections of the State. Though Article 243ZA of the Constitution does not specify that the SEC should be entrusted with the responsibility of delimitation and reservation of the wards, the converse is also not stated. So in states like Gujarat, Kerala, Maharashtra and West Bengal, the SEC has also been empowered with the task of delimitation and reservation.⁹

⁹ Ref: PRIA, “Report and Database on Urban Governance in India Post 74th Constitutional Amendment Act“. Available at http://www.niua.org/publications/research_studies/urban_governance/UNDP-ch-2.pdf

Another issue is whether the judiciary has the capacity to effectively enforce the Constitutional requirement of forming the third tier on the State Government. What Bangalore witnessed this time was a judiciary that granted an extension for holding the election every 3-4 months. Though the High Court criticized the State Government and the SEC for its apathetic attitude towards holding of the election, there was no order, except the Contempt Order passed on September 30, 2008, that was strong enough to force the State Government and the SEC to conduct the elections in time. Though a very debatable facet of the Indian judiciary, judicial activism would have been, at least in the present case where the people of Bangalore are not able to receive remedy from the other arms of the State, a worthy option which that the honourable judges of High Court could have resorted to for ensuring that the Constitutional mandate of local self-governance is upheld. By setting a roadmap for the conduct of elections, by giving deadlines to the government and SEC for each of the different steps in holding the election, continuously monitoring the meeting of these deadlines and ensuring that the directions of the court are followed through Court Orders, the High Court could have ensured that the elections did not get delayed.

It is still not clear when Bangalore will have its local administration run by its locally elected representatives. The

previous delimitation was complete in July 2008 but the Government did not take any decision on it until recently when it again decided to increase the number of wards. The final notification of the wards was out on the 15th of July after giving the citizens the right to file for objections for 13 days. The next job will be to issue the draft notification for the reservation of wards. However this process, which rests with the State Government, is taking a lot of time. After similarly considering the objections raised for the draft notification, the final notification has to be issued for the reservation of wards. When this process is complete, a communication will be sent to the SEC about the Government's preparedness in holding the elections. After Government sends in all the details to the SEC, the responsibility lies with SEC to announce the date of the polls.

The question is how one can prevent such a delay in the elections from occurring again in Bangalore or anywhere else in India. Delay in holding elections is not a phenomenon that is restricted to Bangalore alone, but a trend for many ULBs in India. The problem of delayed elections have been experienced by all the Municipal Corporations in Uttar Pradesh in 2005¹⁰ and in Karnataka too, elections to the Urban Local Bodies never took place as it should have in November 2006

¹⁰ See a discussion of the delay in local elections at UP in http://www.localgovernmentindia.org/nagarpalika_newsdetail.asp?newsid=17&month=9&year=6

but were postponed on various grounds till it was held in 2008.¹¹ The main reason for the delay of BBMP election, like many other ULBs, was that while forming a bigger local body for Bangalore, delimitation for the wards became necessary and this delimitation was the sole responsibility of the State Government. Now if any State Government wants to delay, for whatever reasons, the holding of the local elections it can do so by conducting a delimitation process which lasts for years.

Handing over the task of delimitation and reservation to the SEC by an Amendment to Article 243ZA of the Constitution could ensure that in all the States, it would be the SEC which does this job. For better co-ordination regarding electoral rolls and unblemished conduct of the elections, all the SECs can be held accountable to the Election Commission of India. It is the EC which anyway conducts the Assembly elections in the State and if the SEC is merged with or works under the supervision of EC, there could also be systematic understanding of the fate of the elections to different local bodies at a national level. An active judiciary which works as a check on the Government and the SEC regarding its compliance with the Constitutional requirement of timely election would also further the end of ensuring the presence of an urban elected body at all times.

¹¹ See Shashikala Sitaram, "A postponed monsoon wedding" *Deccan Herald*, August 21, 2007 in www.deccanherald.com/CONTENT/Aug212007/editpage2007082020336.asp

3. Urban Governance Reforms for Bangalore

The delay in holding the BBMP election presents an opportunity for Bangalore to perhaps change or alter the structure of local governance under which it has been working over the years. There is also a sense of scepticism among the people about the ability of the present governance system to deliver the civic amenities effectively. Hence the need for understanding Bangalore centric urban governance reforms during this period is vital. In this section only the structural governance reforms for Bangalore are discussed. The two major governance reforms that are proposed for Bangalore are the ABIDe Bengaluru Region Governance Bill and those put forth by the Katurirangan Committee Report. It is to be noted that there has not been much debate/discussion on either the ABIDe bill or the Katurirangan Report. In the following sections, an attempt is made to highlight some of the issues of the two major reform proposals.

3.1. The ABIDe Bengaluru Region Governance Bill

The Agenda for Bangalore Infrastructure Development (ABIDe), an organ of the State Government, has made a draft

bill for better administration of the city of Bangalore and the Bangalore Metropolitan Region.¹² It aims to create a structure of governance that is responsive, transparent and directly accountable to the urban citizen, wherein the urban citizen will be the central focus of governance.

Neighbourhood Area Committee

One of the major changes which the bill proposes is the creation of Neighbourhood Area Committee. This body falls below the existing ward committees and shall necessarily include the entire geographical territory in which all persons mentioned in the electoral rolls of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths are ordinarily resident. So a Neighbourhood Area normally consists of the areas in the wards which one or a few polling booth covers. Each Neighbourhood Area Committee shall have a convener who shall be elected by the persons whose names appear in the electoral rolls of the polling booths in such Neighbourhood Area, from among themselves in accordance with the prescribed procedure. The convener shall remain in his

¹²The ABIDe Bengaluru Governance Bill can be accessed at <http://abidebengaluru.in/report/show/8>

position for a period of five years but is not be eligible to stand for election as a councillor or Mayor. The Committee should also include a specific number of persons whose names appear in the electoral rolls of the polling booths in such Neighbourhood Area, nominated by the corporation in consultation with the councilor of the corporation representing the ward and the convener of the Neighbourhood Area.

Committee.

The Bill provides that no activities like change of land use, change of status in developmental plans, traffic restrictions, parking restrictions, operation of commercial establishment or anything which will in any manner impact the present status of a Neighbourhood Area, shall be permitted by the Corporation unless the Neighbourhood Area Committee has provided a no objection certificate. The Neighbourhood Area Committee may also exercise rights and powers like generation of proposals and development programmes to be included in the developmental plans of the Ward Committee, supervising such development works through voluntary labour, get information about the Ward Committee's every decision and the rationale behind it concerning the jurisdiction of the Neighbourhood Area and other matters like promoting harmony and unity among various groups of people, impart awareness about cleanliness, preservation of the environment, etc. A Neighbourhood Area Committee also has the functions of identifying the most eligible persons from the Neighbourhood Area for beneficiary schemes of the Government, verifying the eligibility of persons receiving welfare assistance from Government or the Corporation, recommending various developmental activities like the location of streetlights, street water tapping points,

public sanitary facilities, identifying and implementing the deficiencies in the existing developmental activities and co-operating with the Ward Committees in the provision of amenities in and development of the Neighbourhood Area.

Directly Elected Mayor

The other major and more talked about reform which ABIDE's draft bill proposes is the direct election of the Mayor. The Mayor, according to the bill, shall be elected by the all the persons whose names appear in the electoral rolls of the Corporation and the elections shall be held at the same time and in the same places as the ordinary elections of the councilors. The Mayor shall also be an ex-officio member of the council with fixed term of office of five years. The Mayor shall preside over every meeting of the Corporation. He/she shall have general powers of inspection and may give direction to the Commissioner with regard to the implementation of any resolution of the Corporation or a Standing Committee in the discharge of any obligatory and discretionary functions of the corporation, and the Commissioner shall comply with such directions. The Mayor may also call for any record of the Corporation from the Commissioner.

3.2. The Kasturirangan Committee Report

The Expert Committee on Governance in the Bangalore Metropolitan Region and Bruhat Bengaluru Mahanagara Palike headed by Dr. K. Kasturirangan, which the state government constituted, submitted its report on March 2008.¹³ It calls for a major shift in the planning paradigms and a significant restructuring of the political and administrative machinery to enable better strategic planning and co-ordination amounting to better metropolitan governance.

The Metropolitan Planning Committee

The Kasturirangan Committee insists that the State Government must set up the Metropolitan Planning Committee (MPC) for the Bangalore Metropolitan Area (BMA) which covers the territorial area presently covered by the Bangalore Metropolitan Region Development Authority (BMRDA) and includes the districts of Bangalore Urban, Bangalore Rural and Ramanagaram. The Committee recommended that the MPC should have 63 members out of which 42 are to be elected and remaining nominated. The nominated members can

¹³ The Kasturirangan Committee Report can be accessed at [http://www.kuidfc.com/website/webpage.nsf/8f50067eff32acf3652574190040e0a2/0214c48af06bc65a652574190040ae1a/\\$FILE/Dr.%20Kasturirangan%20Committee%20Report%20on%20BBMP.pdf](http://www.kuidfc.com/website/webpage.nsf/8f50067eff32acf3652574190040e0a2/0214c48af06bc65a652574190040ae1a/$FILE/Dr.%20Kasturirangan%20Committee%20Report%20on%20BBMP.pdf)

include MLAs, MLCs, MPs, representatives from the manufacturing, service, trade and real estate industries and people with expertise on education, environment, law etc.

The Report suggested that the Chief Minister of the State shall be the Chairperson of the MPC and that the Mayor of BBMP be the Vice Chairperson.¹⁴ The tenure of the members nominated by the State Government is to be three years while that of the councillors five years. The Committee also expressed that the MPC should be invested with both planning and coordinating functions, necessary executive powers including power to review and suggest changes and in certain cases, overrule plans of the ULBs, review plans prepared by the BBMP and other ULBs and the power to control land use.

Administrative Reforms

One of the major recommendations of the Committee is that the BBMP should have a Mayor who is directly elected by the people with a fixed term of 5 years. This reform was mooted because of the need for a more powerful politically accountable leader at local government level with a democratic mandate. To enable this, the Committee also

¹⁴ For a different view on the working of the MPC see CBPS: The MPC in Bangalore. Paper presented at a CIVIC meeting in September 2007. A report on the discussion of the same is available at <http://www.civicspace.in/files/newsletter-Sep%2007.pdf>

recommended that the Mayor, and not the Commissioner, should be vested with the executive powers of the Municipal Government and the Commissioner must be responsible and accountable to the Mayor and the Corporation. The Commissioner of BBMP should be selected by a high powered Search Committee set up by the State Government who may advertise for the position by specifying the qualifications and experience necessary for the job. However it is the Mayor who appoints one of the candidates short listed by the Search Committee as the Commissioner.

The report suggested that the Mayor should be assisted by a Mayoral Committee which consists of 8 councillors chosen by the Mayor, who would be heading subjects such as Finance, Projects, Municipal and Social Services, Administration, Planning etc. The Committee also suggested that the BBMP area to be divided into 8-10 zones each comprising about 20 wards. Each Zone is to have a Zonal Committee which consists of the Councillors from each ward in the Zone who supervises service delivery and project implementation in the Zone. The Zonal Committee is also be given the power to issue directions to the particular Zonal Office of the BBMP.

Organisational Restructuring

The Kasturirangan Committee Report also recommended the restructuring and redefinition of the roles

of the Bangalore local government bodies. The Committee recommended that the Bangalore Development Authority (BDA) is to be given jurisdiction over the entire Bangalore Metropolitan Region (BMR) (The original BMRDA area which is larger than the BBMP as it includes Bangalore's urban, rural and Ramnagaram districts) The BDA is to take on the role of a metropolitan level infrastructure development agency and be reconstituted as a Company under the Companies Act. Similarly the Bangalore Water Supply and Sewerage Board's (BWSSB) jurisdiction should be enlarged to cover the whole metropolitan region. So the BMRDA would work as the overall regulatory authority over land use and the administrative arm of the Metropolitan Planning Commission (MPC) but will not be directly involved with project implementation.

As the Bangalore Urban District, for the most part, includes the BBMP, apart from Anekal TMC and some adjoining rural areas, the Committee recommended that Bangalore Urban District, in order to reflect its urban character, may be confined exclusively to the BBMP area. By merging Anekal TMC and the other rural local bodies into Bangalore Rural or Ramanagaram district the Zilla Panchayats (ZP) in the BMR can then be reduced to two districts. To accommodate the reforms proposed by the Committee and to provide for the vastly expanded jurisdiction of the BBMP, the report recommends that there should be a

separate new legislation for the BBMP. To incorporate the extended mandate for the MPC proposed in the report, the Committee suggested that the BMRDA Act should be amended to designate functions for the Bangalore Metropolitan Area Planning Council (BMAPC) and be renamed the “Bangalore Metropolitan Area Planning Act” (BMAP Act). Similarly the report suggests that the BDA Act be renamed as the Bangalore Metropolitan Development Authority Act (BMDA Act) with necessary amendments.

3.3. Towards a well-governed Bangalore

Considering the fix that Bangalore is in, without an elected local body, it would be imperative to consider how the city can rise from the despairing situation and have an effective governance structure. As there is also a sense of contempt among the people about the present system of administration, there is a need to analyse the alternatives that are mooted for Bangalore. In fact, one of the reasons given by the State Government to delay the holding of the elections was that it wanted to consider the recommendations of the Kasturiranjana report. Such a report, prepared at the request of the State Government itself, is not binding on the State. When repeatedly questioned about whether the Government plans to implement the report, the officials have been vague or have evaded the question. The general feeling is that the Government, though it constituted a cabinet

committee to look into the proposals of the report, has not taken the report or its content seriously. The High Court, on a petition demanding the implementation of the recommendations of the Kasturirangan report, before the forthcoming BBMP elections, has held that it has no authority to enforce any report submitted to the State Government. Even if some of the recommendations of the Committee are implemented by the State, it would mean the start of a new innings of Metropolitan governance in Bangalore.

Even ABIDE's draft bill for Bangalore governance does not seem to be getting enough attention from the State despite the fact that the ABIDE, like the erstwhile Bangalore Agenda Task Force (BATF) is an arm of the State Government and is headed by the Chief Minister. The most important governance reform which the bill proposes, i.e. the creation of a Neighbourhood Area Committee below the Ward Committee, arises out of the Community Participation Law which the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) necessitates. JNNURM is a project launched by the Government of India in December 2005 and is aimed at developing 63 identified cities by focusing on efficiency in urban infrastructure, improving service delivery mechanisms, enhancing community participation and building accountability of Urban Local Bodies. Under the JNNURM,

States which apply for funds must implement a Community Participation Law or a Nagara Raj Act which suggests the creation of the third tier in the Urban Local Body called 'area sabhas' whose jurisdiction is based on polling station limits.¹⁵ There is however, no provision in the Constitution which endorses the creation of such a third-tier. The content of the Model Nagara Raj Bill was primarily a result of the work presented by Bangalore's Janaagraha Centre for Citizenship and Democracy. Not many States have however passed this bill.

The Model Nagara Raj Bill, introduced by the Ministry of Urban Development of the Government of India can only be a "model" bill for India as local government is still under Entry 5 of the State List in the Seventh Schedule of the Constitution. This means that though the Constitution of India provides for the establishment of local bodies, the Parliament has no right to pass any law regarding it as it is under the exclusive domain of the State Government. If local government were placed under the concurrent list, it would have allowed both the Centre and the State to make laws on the subject and this would have lessened the confusion regarding local governance structures and yet provide the

¹⁵ The Model Nagara Raj Bill can be accessed at <http://www.unh.edu/democracy/conference2009/pdf/PRIA-CommunityParticipationLaw.pdf>

State the power to enact more region specific laws as per its needs. In that way the Model Nagara Raj Bill could have become a central act governing the Urban Local Bodies in the country. But this would again mean resorting back to a top-down system of decentralization.

One of the limitations of ABIDE's proposed bill is that, except for the provisions of Neighbourhood Area Committee and directly elected Mayor, it is almost a copy of the existing Karnataka Municipal Corporation Act, 1976. Though proposed as a Bangalore specific law, the changes in the ABIDE's bill from the KMC Act can be best termed as cosmetic. The important fact to be noted here is that though as per the bill the Mayor becomes directly elected with a term of five years, unlike the Kasturirangan recommendations where the Mayor also becomes the Chief Executive, the powers and functions of the Mayor still remain the same in the former. The need for a directly elected Mayor for the whole of Bangalore without any executive powers vested in him/her is not clear. This would have the additional disadvantage of the public holding one person- who has limited powers- responsible. It would create a perceived sense of accountability in the minds of the people. Perhaps this perception of accountability is better than the current situation where the accountability channels

are not clear.

The Kasturirangan Committee recommendations, on the other hand, can be considered as novel as it has deviated from the forms of urban governance that existed before. Other than the fact that it proposes the creation of a directly elected Mayor with executive powers, the other striking feature is that it proposes the creation of a Metropolitan Planning Committee for Bangalore. The MPC, though a constitutional requirement under Article 243ZE for every metropolitan area, has only been constituted in the state of West Bengal. Like in the city of Calcutta, the Committee recommends that the MPC should be under the Chairmanship of the Chief Minister of the State. As per the recommendations, the MPC, covering an area higher than the BBMP, has wide powers including the power to overrule the plans of the BBMP. This report does not moot for the creation of any Area Sabha or Neighbourhood Committee in the polling both level to further decentralize democracy. If the recommendations are followed, the councillors, Ward Committees and the Corporation might work subserviently to the MPC and the third-tier, formed for decentralization, might work in a centralized manner under the MPC headed by the Chief Minister.

The immediate issue that comes up at this juncture is

the question of enhancing people's participation in urban local bodies.¹⁶ If the aim of the 74th Amendment was to give power to the people, why is that even after 17 years of its passing, urbanites feel alienated from the institutions of local governance? The fact that the 74th Amendment has not really trickled down to a level where citizens are supreme is a contention of many. The creation of Area Sabhas or the Neighbourhood Area Committees as a third-tier below the Ward Committee and the Corporation/ Municipality seems to be a way by which the gap can be filled. The Area Sabha, like the Gram Sabha in the villages, might serve as a forum for the discussion and articulation of the needs of the citizens.

Presently, the planning function and many of the service delivery functions are not with the Municipal Corporation. These functions, which as per the Twelfth Schedule to the Constitution, are to be performed by the Urban Local Bodies, are presently performed by organs created by the State Government called para-statals. The different para-statals in Bangalore like the Bangalore

¹⁶ See Shashikala Sitaram, "Citizens' Participation, Urban Governance and Right to Information", CBPS Working Paper, Bangalore, October 2008 on how the RTI Act can actually be effectively used by the citizens. See Also Vinod Vyasulu, "Budget Transparency, Accountability and Citizen Participation" CBPS Working Paper, Bangalore, May 2003 and Seema Dargar, "City Government, Budget Analysis and People's Participation in India", CBPS Working Paper, Bangalore, June 2003, on how the "PROOF campaign" was used by the citizens.

Development Authority, Bangalore Metropolitan Region Development Authority, Bangalore Water Supply & Sewerage Board, Bangalore Metropolitan Transport Corporation, Karnataka Slum Clearance Board etc, created for efficient service delivery, do not have local elected representatives for consultations or decision making. Hence these bodies cannot be, in any way, held accountable by the people. The Urban Local Bodies are only left with few functions such as Solid Waste Management, Public Health and Urban Amenities thus giving it minimal authority and importance. Article 243W of the Indian Constitution specifies that the State may pass laws to endow Municipalities with powers that enable them to function as “institutions of self-government.” But given that most of the functions in the Twelfth Schedule are assigned to the different para-statal, the ULBs cannot become local self governments.

Apart from the para-statal, Bangalore has also seen extra-constitutional bodies, like BATF (and ABIDE too), constituted by the State for the development of the city. The BATF was constituted by the State Government during the Chief Ministership of S.M. Krishna in 1999 for the “orderly development of the City.” The BATF, comprising of industrialists, entrepreneurs, professionals and prominent

citizens, went about applying public-private partnership models for the infrastructural development of the city. The ABIDE, constituted by the present BJP Government under B.S. Yeddyurrapa, is the successor of the BATF with similar functions assigned to it. The multiple authorities and para-statal have become effective in bypassing the constitutionally mandated Municipal Corporation.

In this regard, the Metropolitan Planning Committee becomes important because it can work as a planning body with efficiency within the democratic framework. The Constitution of an MPC for Bangalore would mean that the agency responsible for urban planning and development would not be unaccountable and non-constitutional like the present BDA and the BMRDA. The Constitution stipulates that at least 2/3rd of its members should be from the local bodies of the metropolitan area. Dissolving or reducing the powers of para-statal like BDA and BMRDA and making the other para-statal like BWSSB and BMTC accountable to the BBMP and the MPC would mean that accountability in service delivery is ensured. Having an MPC which would have at least 2/3rd elected members and also experts on governance and administration would mean that democracy is not sacrificed for the sake of efficiency or vice-versa.

The question is - can Bangalore have a democratically accountable and efficient local government that has the urban

citizen as its central figure? It would be very difficult to expect efficient governance if the existing local governance system continues, more so because the number of councilors have doubled and the size of the Corporation area quadrupled. Hence merely holding the elections does not seem to solve the problems that the citizens of Bangalore face. Though its content can be contested, the need for a law governing Bangalore at this juncture appears to be a necessity or at least a worthwhile option. However, there needs to be public debates on the content of such a citizen centric law in regard to what reforms Bangalore should have - Neighbourhood Area Committee, Metropolitan Planning Committee, or both.

The need for a directly elected Mayor also has been discussed by the people of Bangalore at large and is also advocated by the reform proposals. However the character of such an office also needs to be sorted out since a directly elected Mayor without any executive powers is redundant and a Mayor with powers of appointment of Commissioner and the Mayoral Committee can also pose a problem if he/she is not from the political party which is in majority. The via media available would be to have a directly elected Mayor who is the chief executive but without the sole powers to appoint the Commissioner and the Mayoral Committee. Another option would be to follow the Kolkata model where

the Mayor and the Mayor in Council forms the executive head where both would belong to the political party that wins the majority of seats in the Corporation. The underlying argument is that, the elected councillors and the Mayor, who has the people's mandate, must have the power to take all the important decisions.

It is worthwhile pointing out that there have been public consultations which vouch for MPC.¹⁷ This consultation also addressed the need of having para-statal that are accountable to the Corporation, in addition to the reforms of Neighbourhood Area Committee and directly elected Mayor with executive powers. This further show that the three major governance reforms that have been proposed by different committees/bills, i.e. Neighbourhood Area Committees below the ward committees for further decentralization, a directly elected Mayor with executive powers and the Metropolitan Planning Commission for planned development of the metropolitan area, can work concomitantly for Bangalore to have a democratic, decentralized, participatory, efficient and accountable city government.

¹⁷ In the first public consultation held by ABIDe Task Force on July 12, 2009 this was aired.

4. Concluding Reflections

Despite the growth potential of Bangalore, there is presently no authority at the local level that is democratically accountable to the people. It is ironical that for most of the people of Bangalore, this has not made much difference. The awareness levels of the people and their mind sets makes one wonder whether the respect India proudly places on the principles of democracy and Constitutional supremacy is prevalent among the masses. Over the last three years, there have been many civic and citizen issues that needed to be solved. The public perception has been one of – that the government does not perform effectively. Whether this is the non-existent local government or the State Government – people are not clear. There have been campaigns like “*Jaago Re BBMP*” and “*Send a Rose to BBMP*” shown on private news channels that hoped to rejuvenate life into the Municipal Authority. However not much discussion has taken place on the bigger issue of delayed elections, nor has there been any reasonable justification from the State Government that validates the anarchy that persisted in Bangalore.

It must be satisfying for many that most of the election preparation steps have been recently completed. The question on the cynic’s mind is whether holding of the elections will solve any of the major civic problems which Bangalore faces today. Will a BBMP run with an elected body be any better?

Ideally, its functioning must be substantially better. The allegation by some is that the governance structure has become so cumbersome that it poses many restrictions whether or not there is an elected body. The answer may be that we need governance reforms. But again there is scepticism about the effectiveness with which governance reforms can function. But even the critiques would agree that the possibility of improvement in service delivery is higher with governance reforms.

However, the State does not seem to be taking much interest in implementing any of the reforms it initiated before the forthcoming BBMP elections. So far, there are no indications that one would be ready with concretised reform strategies that could be introduced to the new council that would be formed. If this time is lost, one has to wait till 2015 to see a new local governance system for Bangalore. However some of the urban governance reforms like the Metropolitan Planning Committee and Neighbourhood Area Committee can be implemented even after the election to the Municipality is over by the passing of a new law. This actually presents a ray of hope as such reforms can be widely debated among the elected councillors of BBMP; the councilors can also ensure people's participation.

Perhaps more than any governance reform, the need

of the hour is the reformation of the urban minds. Why is that the elected representatives from local bodies are not given half the importance that the State and Central representatives are given? Why does the city vote for the State and Central candidates on the basis of the local issues? Why is there no frenzy over the delay in holding the local elections? The hysteria the tree cutting in Lal Bagh or a boy falling into a drain get does not get reflected when there is undue delay in holding elections. The truth is that the tree lovers had to struggle to meet and hold discussions with the officials on the Metro controversy. The young Abhishek's death in a drain posed a question among the people as to who should be held responsible. Having a local body elected by the people would have solved the accountability issues. The various infrastructural problems, drainage and waste management problems, the corruption issues in BBMP raised by the Lokayukta or the problem of underutilization of the JNNURM funds are also manifestations of the problem arising out of the absence of a local body.

The malady that has crept up in the minds of most people in India is that of undervaluing the significance of the Urban Local Bodies and its representatives. Due to the mass protests against the politicians following the Mumbai attack on 26/11, it was the Chief Minister of Maharashtra who had

to eventually step down. Unlike Giuliani during 9/11, the Mayor of Mumbai was nowhere to be seen and more importantly no one bothered to look for him.¹⁸ It is important that people do give the locally elected representatives their due, as they are democratically elected and represent the will of the people. Unless one is out of this mindset where one analyses, criticizes and praises only the State and Central Government representatives for every local issue and instead start a more vibrant and participatory democracy at the local level where it is most possible, one cannot enjoy democracy which is both accountable and responsible. Till such a time, the tenets of the 74th Constitutional Amendment would only remain on paper.

¹⁸For a discussion of how the public perceived the 9/11 and 26/11 in regard to government accountability, See Nilekani Nandan, "It's Time to Think Local", *Times of India*, 13December,2008. Available at http://timesofindia.indiatimes.com/Opinion/Editorial/TOP_ARTICLE_Its_Time_To_Think_Local/articleshow/3829429.cms