



# Citizens' Action Forum

## The Fifth Estate

23/Mar/2015

To The BBMP RESTRUCTURING COMMITTEE

We are writing this letter in the context where cabinet has decided on BBMP trifurcation, even before the Final Report of the committee is out, solely setup for giving recommendations wrt to “restructuring BBMP and give its recommendations to address the pressing issue of Bengaluru’s future governance and administration. Further the Honourable Chief Minister, Karnataka – Shri Siddaramaiah has clearly backtracked on giving financial independence to BBMP as stated in his interview to Times of India. (paper clipping attached). Our fears that this exercise of BBMP trifurcation was mainly only to postpone the BBMP elections have come true, and more so the “trifurcation” is being done without transparency nor a scientific understanding of the need and complete solution. In this context we from CITIZENS’ ACTION FORUM (CAF) want to record our objections and suggestions on the BBMP trifurcation and the process in which it is being done.

At the onset we from CAF strongly disagree with the argument that bi/trifurcating BBMP the Governance issues of Bengaluru will be solved. In this context we strongly urge you to ensure a “white paper on - reasons for the Governance Deficit” to be brought out which will also examine the justification for the merger in 2007, the reasons for subsequent inadequacies and list a clear roadmap for ensuring effective governance for Bengaluru.

About CAF- we are a not- for- profit society formed by a group of RWA’s and concerned citizens, civil society leaders, interested in bringing transparency and accountability by increasing citizen participation in matters of Governance through structured citizen participation are persistent in our demand that pressing issue of Bengaluru’s future governance and administration can only be successfully approached and solved only by implementing the 74<sup>th</sup> CAA in letter and spirit

- 1) We foresee that mere bi/trifurcation will decrease the power of our municipal elected representatives and instead make the bureaucrats more powerful. We believe it is important to give more power to our elected representatives who are accessible to citizens and can sort out their civic problems. Division would only multiply costs and the problems also gets divided and with an increment of inefficiency of set-ups the cumulative problem will be larger than the present one.

- 2) Presently BBMP is not a professional body with no work ethics and work culture is corruption ridden, there is no concept of loyalty, accountability & discipline. Workers/Engineers are not afraid of any disciplinary/punitive action. (A la Rs.1500/- crore scam, where files were set on fire). In this terrible scenario We want Accountability of the executive cadres of BBMP cadres – we are firm in our demand that the report be detailed his regard and relevant information must be in the public domain and easily accessible.
- 3) We insist on a clear change in implementation of service rules of BBMP officials. There needs to be internal accountability and not just "transfers" This can happen by change /modifications of the Lokayukta bill, BMTF Bill and making the vigilance department of BBMP report to the Lokayutka, BMTF.
- 4) We want a clear road map for power decentralization in true sense and a strong vigilance mechanism to ensure accountability.
- 5) We believe each zone has to function as a Responsibility Centre and a Profit centre. There has to be a complete delegation of Authority and Responsibility to each of the (8) zones. Each zone has to be headed by a competent person, who can work without fear or favour and political pressure with a fixed tenure.
- 6) BBMP should have its own staff especially the technical /engineering personnel. Presently with lent hands (Engineers are on deputation from PWD/ Rural Dept), we understand is not legally tenable BBMP is unable to take any disciplinary action against erring lent hands. Parent Departments also will not take any action as no crime/fraud is committed in their departments and not loss to them, which has lead to a nexus between politician, contractor and engineer.
- 7) The GO DATED 22/09/2014 mentions that the report has to be submitted within 3 months, post which an addendum to the GO was made on 20/11/2014. We already see a delay in the process and the GO is not clear about the timelines for acting upon the advice received. In case of any delay in the BBMP elections this will in turn result in a delay to formulate an MPC, and without a "Chairperson" the ward committees will become defunct which is not acceptable.
- 8) We strongly differ with a very narrow point of view of the GO, which holds the size of BBMP having become too large and unwieldy to be managed as a single Corporation and the problems stem from this reason. But if we are to examine whether size of BBMP really matters or does the reason for BBMP's inefficiency lies elsewhere then on this ground the earlier smaller BMP should be have been the very epitome of efficient administration and similarly the smaller nagara palikas should be very efficient. But as it well known the prime rationale for the amalgamation into BBMP was the poor governance and negligible infrastructure provisioning in the CMC / TMC and villages. Hence a case was made earlier that by integrating it with BMP and forming BBMP, as there was scope to optimize expenditure and bring in efficiencies of service delivery through access to better resources centrally. This has not materialized due to unbridled corruption, lack of transparency in planning and execution of various projects and non existence of an audit with zero accountability for tax payers' money within BBMP.

- 9) We need a scientific understanding of the need and process as we have seen earlier and also reported in the media that 198 wards were created merely to accommodate superstitious beliefs of some of the elected representatives in power at that time which reeks of unscientific decision making.
- 10) The financial resources of our Maha Nagara Palike is also under severe pressure because except for the levying of Property taxes, the license fee for Hoardings and advertisements and rentals for its properties they have no authority to collect money. It has resulted in a skewed financial situation where the planned expenditure is far in excess of the revenue. This has resulted in a pathetic dependence on the dole outs by the State Government and every State Government uses **as** this as a political tool to exercise absolute control over the local administration. This in one stroke makes the elected representatives ineffective and redundant. The trifurcation obviously would mean expenses which in the present scenario is a very difficult proposition.
- 11) We from CAF believe that to efficiently govern the largest, geographical urban area it is imperative to run the city in accordance with the tenets of the 74<sup>th</sup> Constitutional Amendment Act. Which brings urban governance as close to the people as possible. The amendment has suggested to the State Governments, to bring in as many as 18 functions under the direct control of the local government. This includes basic services like Garbage Clearance, Water Supply, Electricity, Transport, Traffic management among others, were supposed to be brought under the control of the Municipality so that the citizens through their elected representatives can have a direct say in how these services are managed.

As you appreciate the fact that the 74<sup>th</sup> CAA further stipulates the formation of a Metropolitan Planning Council for all municipalities having a population of over 10 lakhs to act as the overarching authority for the overall planning and implementation of the urban area. It also suggested a mandated devolution of funds directly to the local government through the mandatory recommendations of the State Finance Commissions. Even 20 years of such a constitutional directive most of the State Governments in the country have failed to implement the provisions. This is purely based on the fear of losing control over the local administrations across the State.

We know Your government has always pledged commitment to democratic decision-making and justice for the *aam aadmi*, which strengthens our demand that the State Government must also set up a functional Metropolitan Planning Committee (MPC) for the Bangalore Metropolitan Area as we believe it's non constitution is a continuing breach of the requirements of the 74th Constitution Amendment Act, 1993. Further we also urge a discussion on the BMRGA bill in the assembly, which can create a structure that would become the local planning authority for the city and the metropolitan region with **Functional** and **Financial** Empowerment.

- 12) In Bangalore we have a situation where - in addition to BBMP acting as the elected local government we have a multiplicity of "Parastatal" agencies like BWS&SB in charge of water and sewage, BMTC for public transport, Bangalore City Police for maintenance of law and order and traffic management, BESCOM for power distribution, all of them report directly to the State Government bypassing the local municipal administration. Hence to ensure true functionality for MPC it is essential to **restructure acts governing "Parastatals"** and MPC has to be vested with both planning and coordinating functions with the necessary executive powers which need to be conferred by law and regulation to perform this role. The institutional hierarchy of MPC with the overall decision making power must be established clearly where related statutes such as the Karnataka Town and Country Planning Act, 1961 (KTCP Act) and the Bangalore

Metropolitan Regional Development Authority Act, 1985 (BMRDA Act) should also be amended to accommodate the **primacy of the MPC**. There is a dire need to implement a strong governance bill for Bengaluru,

- 13) Further, it is crucial to ensure that the ward committees are made functional complete with their chairperson and their input to the plans must be taken to ensure citizen centric plans. Ward Committees must be reconstituted in an effective manner.
- 14) In the same breath we seek a Comprehensive Development Plan (CDP) developed for the city with inputs from citizens and also gaining a scientific understanding of the carrying capacity of the city, with a focus on citizen centric governance that guarantees transparency and accountability of the bureaucrats and elected representatives.
- 15) Further if there are reforms in Municipal administration in the State - like a Directly-elected Mayor with a five year term, a system of Public Hearings for deciding on projects that can be taken up and such similar systems to make the administration in sync with the aspirations of the citizens.
- 16) We are already seeing a delay in the process i.e. if we go by the original GO DATED 22/09/2014 it mentions that the report has to be submitted within 3 months, post which an addendum to the GO was made on 20/11/2014. Further the GO is not clear about the timelines for acting upon the advice received we quote "To advice the government to create suitable government systems and infrastructure to Bengaluru including increased services expected by citizens' " which may take months or even years to implement. – the final report from the committee must insist on a timeline for completion of the process that includes framing of laws and rules. In this scenario it becomes very important to ensure a functional MPC and Ward Committees will become defunct without a "Chairperson" who is the councilor is in place at the earliest.
- 17) We are also apprehensive that mere bi/trifurcation will decrease the power of our municipal elected representatives and instead make the bureaucrats more powerful. We believe it is important to give more power to our elected representatives who are accessible to citizens and can sort out their civic problems.
- 18) Further the quality of life in the city has reached an abysmal low in the city and bifurcation/trifurcation of BBMP which has a very limited role in ensuring a smooth functioning of the city should be the last thing, make it better. Measures like **decentralization of administration and mandated devolution of funds to BBMP independent of the State Government. In addition to the above if the Area Sabha, the Ward Committees and the Metropolitan Planning Council are formed and operationalised as per the provisions of the 74<sup>th</sup> amendment the city would be governed better.**

Finally we reiterate that commitment to the 74<sup>th</sup> constitutional amendment act must be the guiding principle in ensuring BBMP gives a good governance there is justice for the common man and we hope our prayers will not go unanswered.

Sincerely yours

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PS: Please find an addendum with detailed concerns and suggestions to ensure a better quality of life in Bengaluru.

#### **ADDENDUM 1**

**OUR OBJECTIONS TO THE GO no. NaAaE484 MNY 2013 dated Sept 22, 2014 AND POSSIBLE SOLUTIONS TO ENSURE GOOD GOVERNANCE TO BENGALURU.**

**Our reasons for this demand include the following –**

The quality of life in the city has reached an abysmal low, it is very clear that the basic reason for the inefficiency of administration is on account of total lack of Governance for which the successive State governments are responsible. Hence instead of the present move of forming the committee to suggest suitable ways and means of bifurcation/trifurcation of BBMP which we have shown will only lead to greater inefficiency, more bureaucracy resulting in lesser availability of financial resources for development and utter chaos because of lack of coordination in implementation and consequent skewed development of the city as BBMP has a very limited role in ensuring a smooth functioning of the city, in fact if need be it should be the last thing, along with other measures like **decentralization of administration and mandated devolution of funds to BBMP independent of the State Government. In addition to the above if the Area Sabha, the Ward Committees and the Metropolitan Planning Council are formed and operationalised as per the provisions of the 74<sup>th</sup> amendment will bring the Government and Governance much closer to the citizens and this is the true essence of democracy.**