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# ROLE OF URBAN LOCAL GOVERNANCE IN DEVELOPMENT IN INDIA: AN ASSESSMENT OF BENGALURU MUNICIPAL ADMINISTRATION

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## ABSTRACT

Urban Local self government play a major role in urban development process. This level of government has enormous functions and inadequate source of finances. The role of Urban Local governance in India has become extremely challenging because the local government should ensure that public demands are fulfilled and their grievances are properly addressed, many policy reforms have been undertaken by the Indian Government to make local governments strong. When we specifically speak about Karnataka, Karnataka legislature has passed

The Bruhat Bengaluru Mahanagar Palike (BBMP) Act 2020. Which replaces Karnataka Municipal Corporation Act, 1976. This research paper describes the form of urban local government in the context of recent municipal reform, their duties, composition, legislation, management, functions, powers, municipal finances. Focuses on state control on local self government development, and discusses the lacunas present in the recent Act.

**Keywords:** Urban local self government, policy, reforms, development, legislation, Corporation.

## **INTRODUCTION**

Indian Constitution has provided three tiers of federal structure Union, State and Local specifying powers and responsibilities for all tiers of the governments , so it is the desired intention of the Constitution that all tiers of government should work in coordination with one another within the limits of the Constitution. The third tier generally termed as local self government and it has two wings namely, rural and urban, the constitutional status has been provided to these local governments through 73rd and 74th Amendment Acts, 1992. Local self government operating in the urban areas are called as urban local self government , these Amendment Acts are the direction to the state to transfer of power and responsibilities to the local governments with respect to the preparation for development and implementation of legislation and schemes which are required to enable the urban local self government.

## **RESEARCH PROBLEM**

There is still no proper coordination and communication between the authorities and boards for effective working of the BBMP Act.

## **RESEARCH OBJECTIVES**

1. To understand the effective working of the legislation.
2. To analyse the efficient public participation.

## **RESEARCH QUESTIONS**

1. Whether it desires for greater efficiency in performance of public services?
2. How t (BBMP) Act replaces the provisions of Karnataka Municipal Corporation (KMC) Act.?

## **HYPOTHESIS**

The current law which is governing urban local bodies is inadequate.

## **RESEARCH METHODOLOGY**

The methodology undertaken to this particular study is doctrinal, and relied upon all the secondary sources, government articles and websites to basically understand the meaning of local self government and urban local self government , and to know its significance.

## **SCOPE AND LIMITATION OF THE STUDY**

The local self government has gained power from the virtue of the Indian Constitution through 73rd and 74th Amendment Acts, and this power has been given to redress the grievances faced in the rural areas and when it comes to urban, the urban local self government has the power like municipal corporations, how it exercises its powers, functions and duties, discusses about the distribution of municipal finances and describes the policy reform to strengthen urban local self government, limits the study only to the context of Bengaluru Municipal Administration and analysis of BBMP Act and replacement of KMC Act.

## **LITERATURE REVIEW**

1. <https://www.google.com/amp/s/www.thehindu.com/news/cities/bangalore/ordinance-for-amendment-of-kmc-act-bbmp-act-promulgated>.

This article particularly speaks about the lacunas of KMC Act and how it got replaced by the BBMP Act, it scrutinises on the fee collection for various purpose and holds that these charges are deemed unenforceable, after reviewing the researcher finds out the lacunas present in recent policy reform as well , as there is no power to municipal authorities to decide city's budget.

2. [https://dpal.karnataka.gov.in/storage/pdf-files/53%20of%202020%20\(E\).pdf](https://dpal.karnataka.gov.in/storage/pdf-files/53%20of%202020%20(E).pdf).

This government article describes each and every provisions of Act, beautifully explains the importance of urban local self government in Bengaluru, and opines in some provisions that fee should be collection when these provisions are being violated, after reviewing this article there are some gaps which should be bridged between the powers of municipal authorities and the state government.

3. <https://niti.gov.in/planningcommission.gov.in>.

This article focuses to what extent the planning commission has strengthened urban local self government , and explains how important it is to address the grievances of the rural. When it was reviewed by the researcher it was found that it is not effectively implemented neither it was seriously taken to implement.

4. <https://bangalorerural.nic.in/en/dudc-department/>

This is the website of urban local self government department which describes the powers functions of municipal authorities, when it was critically reviewed by the researcher it was found that there is no such powers given to municipal authorities relating to appointment of other municipal commissioners and termination of any disciplinary action.

5. [http://cbps.in/budgets\\_karnataka/urban-local-bodies-ulbs-karnataka](http://cbps.in/budgets_karnataka/urban-local-bodies-ulbs-karnataka)

This article discusses about the distribution of budget to the local self government, when it is urban local self government, how much of finance should be distributed among these . When it was analyzed by the researcher it was found that state has excessive control on the budget system.

6. <http://www.pbrdp.gov.in>

This Article speaks about the 73rd and 74th Amendment Acts under Indian Constitution, how it has positioned local self governments , its importance and explained the implications relating to it. Efficiently working of Panchayat Raj system in India from ancient era , and when it was studied by the researcher, it was found that there is lacuna in efficiently working and Implementation of legislations relating to local self government.

When the concept of local self-government was inserted as a provision under the Indian constitution by the 74th Amendment Act, 1992 the concept of urban local bodies was also emerged through that which means it included municipal corporations, and it also provided state governments to delegate powers to its functioning, like for an instance to collect revenue and elections were made mandatory for local self-government.

There was prior enactment which was known as Karnataka Municipal Corporation Act, 1976

(KMC Act), which had many loopholes due to which the recent bill was passed in the year 2020, where the addition was, made regarding new zonal committees for three-tier municipal corporations, and also accumulates more taxing powers. Therefore, provisions related to the BBMP Act 2020 are mentioned below.

## **FUNCTIONS**

Through the 74th Amendment Act, the urban local bodies have got enormous powers, functions, and responsibilities as well which include planning of urban areas, water supply issues, use of land, and improvisation of slums into urban local areas. But these functions overlap with the other organizations as well. For instance, in Bengaluru, there are authorities like Development authorities that look after the use of land and the other board known as Karnataka Slum Clearance which is to reform the habilitation of the slum areas.

Through this recent BBMP Act, the municipal corporations have got more powers in which they can implement developmental schemes through which they can bring improvisation in those areas there are overlapping powers and functions when it comes to the BBMP Act and the other authorities which are mentioned above as an example. so it becomes difficult to know who has what power to exercise, so there is no clear idea whether these authorities will still exercise their powers when the recent Act has been enacted.

Thus, it creates a challenge between the two, because if the two or more authorities are functioning the same then there will be an overlapping of the powers given to them, there comes the concept of ambiguity, and absurdity, and because of this tension, there will be loss of resources as well. Hence, it creates a tension between the two where it further leads to the declining the importance of urban local bodies and their autonomy, it has also been observed that if the urban local bodies lose their autonomy then there will be a loss and impact on governance, development and effective services.

There was a survey conducted by the expert committee on urban infrastructure in the year 2011 where it gave some recommendations regarding the separation of powers must be very much specifically mentioning what urban local bodies should function, their jurisdiction must be also mentioned and the other authorities which are mentioned should be responsible and accountable to the municipality.

## **MUNICIPAL FINANCES**

When it comes to the collection of revenue and the municipal finances India is considered the weakest because it has limited effectiveness of revenue since these corporations have very limited power and capacity to raise the funds from their resources, according to the statistics it serves only one percent of the GDP in the year 2017 and 2018, through this we can conclude it by saying that it does not autonomous power to raise funds for its activities rather it should be funded by the state government and central government since these municipal corporations depend on the state government and central government.

Other states like Haryana, Jharkhand, Uttarakhand, Bihar, Rajasthan, and Uttar Pradesh are in a very bad condition which means the poor financial condition because of which these have limited powers to raise funds and levy taxes and issues of managing the system, for instance when we take the example of the Bihar state, it has been assessed as the poor because of delaying the grants, inadequate funds and delays in tax and use of land.

But Karnataka has been ranked the highest in India when it comes to the collection of revenue, grants from the finance commission, and through these recent Acts, which have given taxing powers to the urban local bodies by imposing taxes on the professionals and entertainment.

When the survey was conducted, it was drawn by the recommendations that the central government and the state government should give additional funds to the urban local bodies due to which these bodies can strengthen themselves in the concept of finances, and there should be reforms in the taxes relating to the subject of land and property and when technology is used which covers more property even these should be taxed and the debt bonds should be issued in the urban local bodies developmental projects.

## **POWERS OF THE MUNICIPAL OFFICIALS**

The executive department of the state elects the municipal officials and commissioners and these officials and commissioners differ from state to state because the other states have the executive powers with their commissioners and not the state, when it comes to municipal corporations the executive power is vested with the mayor in council, in other countries such as London, New York, these particular mayors are elected and held as executive heads, during

this research we can identify that the commissioner in present has turned into the mayor and which violates the burning desire of self- governance.

The concept of the mayor and commissioners have been separately designated under the recent BBMP Act, 2020, where both of these authorities exercise many executive functions, the mayor looks after the approval of contracts and mainly focuses on the preparation of the budgets, he also needs to discharge all his duties, whereas the chief commissioner functions deal with the property issues like selling or leasing which is owned by the municipal corporations and making rules and regulations relating to public streets.

The survey which was conducted in the year 2011 which is known as The Expert Committee on Urban Infrastructure gave recommendations that the particular commissioner should act as city manager and should be very much transparent while exercising his powers, a model was made by the Urban Development Ministry in the year 2003, which specifically said that the executive power should be given to the standing committee which shall be empowered by the mayor, deputy mayor and other elected members of the councils.

## **MANAGEMENT OF HUMAN RESOURCES**

Through the survey was conducted, the administration of municipalities are having less number of human resources which leads to less number of services is being served, so when a large number of people are recruited as human resources these people are untrained, unskilled, and not qualified in any particular skill because of which there is no innovation like how to use new methods for delivering the services.

The Act specifically says that the municipal corporations can make by-laws which will help to perform the duties which were due by the human resources which were employed under this particular act, but the loophole which was found during the research was there is no such provision mentioned under this act regarding the recruitment and promotion of these particular human resources. By taking into the consideration of 74th Amendment Act the comptroller and auditor general of India gave its report in the year 2020 stating that the power to recruit staff, pay, transfer, promotion, and power to assess the staff requirements everything which is related to the municipal corporations are vested with the state government itself, so the loophole which was identified in this paper was regarding that these municipal corporations should have the

power to appoint the human resources which are accountable to them and also should maintain proper management of staff.

Other state governments including states like Maharashtra, Tamil Nadu, and Kerala gave the power to recruit and staff human resources for urban local bodies, and when it is compared to other state governments the power of recruitment and staffing of these human resources is given to the municipal corporations itself but finalizing these staff resources is vested with the state government itself.

Answering to the first objective is that whether this recent BBMP Act is working efficiently, when it is compared to the latest and recent statistics we can adopt a thought that out of 18 functions which are assigned to BBMP under the 12th schedule of the Indian constitution, it is functioning only 11, there is lack in co-ordination between the municipal authorities and the other boards which are authorised to deal with some subjects, no proper coordination can also be a ground for not working efficiently because if there is proper coordination and communication between the authorities then BBMP won't be declining its importance by not maintaining proper coordination. This particular Act is made to strengthen the metropolitan cities that is why the particular Act is made to each metropolitan cities and also this Act has been discussed when public at large,

Rather there are many advantages relating to this Act, as it is independent in nature, and it mainly focuses on the term decentralization because it feels very important to have decentralized governing principle. The main purpose of this Act is to serve public participation either it be men, women a vulnerable group, it becomes important that decentralization is done due to the betterment of urban local bodies i.e none other than people itself, then people holds supreme authority as per constitution so it's significant to make public participate in local governance and also we can also say that it serves local empowerment as well.

The previous Act was very narrow, limited in its essence when calculating efficiency of the city, but this new Act has made many changes relating to widening up its scope regarding the modifications and the improving efficiency in decision making. The biggest loophole of this new Act is that it is really weak in the matters of administration and structure. As it is clearly mentioned that the KMC Act in its statements and reasons it has specifically stated where it is in the totally opposite view as compared to the new Act where it is specified it is independent legislation made.



When we speak about the other objective which is of inclusion of members of parliament in local self governance, as this particular provision has been inserted through 74th Amendment Act, so the state government still continues to interfere in between, so there is no independence regarding the urban local bodies because if there any inclusion of members of parliament or councils where they fall under the ambit of their constituencies so there would be an limit to urban local bodies as they are the just local corporations. The powers functions of a mayor, chief commissioner mentioned under this Act has become really strange arrangement because this can totally destroy chain command.

Here the hypothesis been clearly approved that KMC Act to govern the urban local bodies was in adequate and not sufficed as its statements of objects and reasons were unclear and opinionated.

### **Conclusions and Suggestions**

Through this research, we can find out that there was urgency in having independent legislation for urban local bodies, though the earlier Act much helped in understanding the needs and demands of the people while making new act since there was only one legislation which would govern the urban local bodies in the metropolitan cities because the set of functions which are carried out by urban local bodies were same, but there was in need of enacting a new legislation because it would help people participation which is the most important thing, like for an instance providing them with proper water management, sanitation facilities facilitating waste disposal management etc. I would say that both the acts had played an vital role in understanding the demands of the society which lead to the enactment of the Acts, each and every metropolitan cities have different needs which needs to be fulfilled.

The suggestion we can give by this research is to have strict and effective coordination and communication between the authorities because if there is no proper coordination then there is no point in effective implementation of the particular act. It will decline its importance if it's not working effectively by adhering and listening to the concerned authorities and boards.