

Janaagraha Centre for Citizenship and Democracy

Recommendations on Draft BBMP Bill 2020

A detailed clause by clause analysis with recommendations

Janaagraha
1-11-2020

Janaagraha's Recommendations on Draft BBMP Bill 2020

Basis	Provision in Draft BBMP Bill,2020	Janaagraha' s Recommendations ¹
Chapter 3 - Constitution of the Corporation		
Establishment of Bruhat Bengaluru Mahanagara Palike	<p>Section 4(2) The Governor can include or exclude areas from the jurisdiction of the Bruhat Bengaluru Mahanagara Palike by notification in the official gazette, after taking into consideration the following factors:</p> <ol style="list-style-type: none"> 1. Population 2. Density of population 3. Revenue generated from the area 4. Percentage of population employed in non-agricultural activities 5. Economic importance of such area and 6. Such other factors 	<p>1. Amend section 4(2) to also include the aspects of spatial development plan, trade, transport and livelihood linkages to demarcate the jurisdiction of Bruhat Bengaluru Mahanagara Palike in addition to the listed 'six' factors.*</p>
	<p>Section 4(3) New areas shall be included in the jurisdiction of BBMP only if:</p> <ol style="list-style-type: none"> 1. The population is less than 5 lakhs; 2. Density of the population is three thousand/ five thousand 3. Revenue generated should not be less than 10 Crores and 4. Population engaged in non-agricultural activities should not be less than 50% 	<p>2. Amend section 4(3) to create expert committee every ten years immediately after Census to evaluate extension of BBMP limits to merge adjoining urban areas/transition of rural areas, recommend on zonal divisions, and ward delimitation.*</p> <p>3. Add a new provision to create an integrated city spatial data centre within BBMP entrusted with responsibility for a single digital base map for the city.</p>
Appointment of Corporation Administrator	<p>Section 7 (3) Notwithstanding anything contained in this Act, on the appointment of an Administrator under this section, during the period of such appointment, the corporation and all authorities working under the Corporation charged with carrying out the provisions of this Act or any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred</p>	<p>4. Amend section 7 (3) to provide for continuation of decentralised platforms such as ward committees and area sabhas in whatever manner even if just administratively rather than politically, when BBMP is under the authority of Corporation Administrator.</p>

¹ The **language of bill** across sections should be **gender sensitive**

² * denotes, recommendations that have been accepted in part or in full in the BBMP Bill, 2020

Janaagraha's Recommendations on Draft BBMP Bill 2020

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	or imposed on them by or under this Act or any other law, and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator or by other officers Authorised by the Administrator.	
Delimitation of Wards	Section 8(1) State Government will be responsible for delimitation of the wards	5. Amend section 8 to transfer responsibility of delimitation to State Election Commission from state government.
	Section 8(2)(a) The Corporation shall be divided into not more than 225 wards	6. Amend section 8 (2a) to provide for expert committee (Referred in recommendation '2') to provide inputs to SEC based on well-defined principles, so as to achieve a reasonable ratio of councilor to constituency , say less than 30,000, instead of the current ceiling of 225 wards. *
Declaration of Assets	Section 11 Every councillor should declare all the assets owned by him and his family members, within one month of commencement of his term.	7. Amend section 11 to mandate elected representatives to undertake comprehensive disclosure of interests along with assets, and state to legislate detailed rules.
Division of Corporation into Zones	Section 13(2) The State Government shall establish a zonal demarcation committee with representation from the government, corporation and eminent members of the public. The committee to recommend to the government on the zonal demarcation and the basis to undertake the demarcation as well. Section 13(4) The number of zones under the corporation shall not exceed 15	8. Amend Section 13 (2) to remove the limit of '15' zones and instead mandate an assessment and revision every ten years . The expert committee, (as referred to in recommendation '2'), can provide recommendations to the Mayor / Council, to decide on the number of zones.
Chapter IV - Elections		
Election to Municipal Corporations	Section 14(3)	9. Amend Section 14 (3) to provide for single electoral roll i.e. to provide for using electoral rolls used for Lok

Janaagraha's Recommendations on Draft BBMP Bill 2020

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	The officer designed by the State Election Commission shall maintain a list of voters for each ward of such municipal area	Sabha / Vidhan Sabha elections for council elections as well.
Disqualification of councilor	Section 20(2) (1) A person shall be disqualified in the following circumstances for being chosen as a Councilor if he:- ...(2)If any councilor during the term for which he has been elected,- b) votes or takes part as a Councilor in the discussions of any matter,- i)in which he has conflict of interest; or ii) in which he is engaged at the time in any proceeding against the Corporation	10.Section 20(2) (b) (ii) to be clarified/more tightly drafted as the underlying rationale is not clear.
Publication of results	Section 22 The names of persons elected and nominated as councilors, Mayor or Deputy Mayor of the Municipal Corporation shall be published in the Official Gazette.	11.Amend section 22 to publish results of selection of chairperson/members such as zonal committee, standing committee, ward committee and area sabhas in the official gazette, in addition to councillors, mayor and deputy mayor.
Chapter 6 - Mayor, Deputy Mayor, Chief Commissioner, Zonal Commissioner, Zonal Committee, Standing Committee, Ward Committee, Area Sabha		
Discharge of functions of the Mayor	Section 43 The Mayor shall discharge all functions as assigned to him by the Corporation and this Act.	12.Amend section 43 (1) to clearly delineate the general powers of the Mayor. * <ul style="list-style-type: none"> • Mayor shall give such directions and orders as may be necessary for efficient management and development of BBMP, including directions or orders to implement any resolution of Council/Committees • Mayor shall also give such directions and orders as may be necessary for inter-agency co-ordination, pan city governance

Janaagraha's Recommendations on Draft BBMP Bill 2020

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		<ul style="list-style-type: none"> Mayor shall exercise administrative powers to implement provisions of any law relating to BBMP made by State Legislature Mayor shall supervise acts done by officers and employees of BBMP Mayor shall authorize payment and repayment of monies of BBMP Mayor shall exercise such other powers and perform such other related functions as may be conferred upon or entrusted to him by law made by the State Legislature
Tenure of Chief Commissioner	Section 45(3) Chief Commissioner shall hold the office for two years subject to the pleasure of the Government.	13.Amend section 45(3) for Chief Commissioner to have a minimum tenure of three years from two years.
Appointment of Zonal Commissioner	Section 49 (1) The State Government can appoint the Zonal Commissioner, a person not below the rank of Principal Secretary for each zone and	14.Amend section 49 (2) to have zonal commissioners in the rank of 'secretary'/other instead of currently 'principal secretary', given 15 principal secretary level officers may not be practical. *
Establishment of Zonal Committee	Section 52 1) Each Zone of a Municipal Corporation shall have a Zonal Committee consisting of the following members: a) The Zonal Commissioner, who shall be chairperson of the Zonal Committee; b) All the Councilors elected from the wards within the Zone; c) An Engineer who is in-charge of the particular zone- Member; d) One person who is an expert in waste management nominated by Government; and e) One person who is an expert in urban governance nominated by Government.	15.Amend section 52 (1a) to provide for elected representative to chair zonal committee instead of Zonal Commissioner.* 16.Amend section 54 (1) to have health / sanitary/planning officials as members of the zonal committee in addition to engineers. 17.Amend section 52 (4) to provide for percentage of members as the quorum for zonal committee meeting instead of the currently provided absolute quorum of six. *

Janaagraha's Recommendations on Draft BBMP Bill 2020

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	<p>2) The State Government shall by way of Rules specify the qualifications, appointment process, and honorarium of the expert members of the zonal committee.</p> <p>3) The Zonal Commissioner shall call for a meeting of the zonal committee at least once a month and the minutes of every zonal committee meeting shall be recorded, submitted to the Chief Commissioner and published on such mediums as may be specified within fifteen days from the date of such meeting.</p> <p>4) The quorum for a zonal committee meeting shall be six.</p>	
<p style="text-align: center;">Establishment of Standing Committee & Powers and Functions of the Standing Committee</p>	<p>Section 54 (1) There shall be the following Standing</p> <p>a)Committees for the Corporation,- b)Standing Committees for taxation and finance; c)Standing Committees for public health; d)Standing Committees on infrastructure; e)Standing Committees on waste; f)Standing Committee for appeals; g)Standing Committee for establishment and administrative reforms; h) Standing Committee for markets. i)Town Planning j)Ward level Public works k)Education l)Social Justice m)Horticulture</p> <p>2) Each Standing Committee shall consist of fifteen councilors who shall be elected by the Council.</p>	<p>18.Amend sections 54 and 55 to rationalize the number of standing committees, bringing it down from 15 to fewer, and include new standing committees for emerging areas / focus areas for Bengaluru such as technology, mobility, climate change (including natural environment, air pollution, flooding, and lakes), women and child development and water. Also, empower them to exercise effective oversight over their subject matter, review performance of all civic agencies and state departments delivering services in Bengaluru, summon officials, enforce accountability for service delivery to citizens & grievance redressal. State to notify rules in this regard. *</p> <p>19.Expand remit of standing committee on public health to include sanitation and of markets to</p>

Janaagraha's Recommendations on Draft BBMP Bill 2020

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	<p>3) Each Standing Committee shall have a chairperson who shall be appointed by the members of such standing committee on its first meeting.</p> <p>4) The duration of the Standing Committee shall be one year.</p> <p>5) The Mayor and Deputy Mayor shall be the ex-officio members of all the standing committees.</p> <p>Section 55</p> <p>(1) Subject to the provisions of the Act and the rules made thereunder, the powers and functions of the Standing Committee shall be as follows:-</p> <p>a) The Standing Committee for taxation, finance and appeals shall deal with all matters relating to finance, taxation and appeal and all matters not specifically assigned to any other Standing Committee;</p> <p>b) The standing committee for public health shall deal with all matters relating to public health;</p> <p>c) The Standing Committee on infrastructure shall deal with all matters relating to infrastructure;</p> <p>d) The Standing Committee on waste shall deal with all matters relating to waste;</p> <p>e) The Standing Committee for appeals shall hear all appeals required under the Act;</p> <p>f) The Standing Committee for establishment and administrative reforms shall deal with all matters relating to establishment and administrative reforms; and</p>	<p>include estates. Reorient focus of the standing committee on horticulture to public spaces including parks, playgrounds and others.</p>

Janaagraha's Recommendations on Draft BBMP Bill 2020

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	g) The Standing Committee for markets shall deal with all matters relating to the markets.	
Composition of Ward Committee	Section 57(3) Officers of Bangalore Development Authority, BWSSB, BESCOM and Police officers in charge of the ward shall be ex-officio members and can attend the meetings without any right to vote	20. Amend section 57 (3) to provide for BMTC officer to attend ward committee meetings (BESCOM, BWSSB, BDA, Police are already covered). Further, clearly state 'police' to cover both 'law & order' and 'traffic' . Also, mandate attendance of officers from other state departments/other parastatals delivering services within the ward , as required/summoned by Ward Committee.
Meetings of the Ward Committee	Section 59(1) The ward committee shall meet at least once every month to discharge the duties	21. Amend section 59 (1) to mandate ward committee meetings to be held on first Saturday of every month in respective ward offices . 22. Add a new provision to mandate ward offices to display ward budgets and current projects underway for public viewing and scrutiny. *
Functions of the Ward Committee	Section 60(3) The recommendations submitted by the ward committees shall be advisory in nature	23. Amend Section 60 (3) to cause BBMP to submit action taken report with reasons on the recommendations of ward committees .
Allocation of Funds to Ward Committee	Section 61 (1) The Zonal Committee shall allocate funds to the Ward committee out of the budget earmarked for the particular zone for maintenance of services	24. Amend section 61 to ensure 25% of BBMP budget (Capex + O&M) is allocated to wards. Such allocation to be guided by clearly defined principles such as population, area, road length, % slum households/urban poor etc. and not equal allocation to all wards .

Janaagraha's Recommendations on Draft BBMP Bill 2020

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Ward Committees and Area Sabhas	Section 56 – 68 There shall be a Ward Committee for each Ward of the Corporation.... ... An Area Sabha shall perform and discharge the following functions and duties, namely...	25. Amend sections 56 to 68 to adopt provisions of Model Nagara Raj Bill including election of area sabha representative, rights and powers of area sabhas and ward committees, particularly their roles in planning, budgeting and works monitoring, ward information and statistic committee to maintain and update economic information, land use information and infrastructure index etc.*
Chapter 7 - Power and Functions of the Corporation		
Powers and Functions of the Corporation	Section 69(1) The Municipal Corporation shall have the power and responsibility to prepare and implement schemes for urban development and social justice in relation to the matters enumerated in the First Schedule, subject to the provisions of this Act and the provisions of the other Acts, rules and such other provisions as may be prescribed in this behalf: Provided that it shall be the duty of the Municipal Corporation to render necessary services to the inhabitants of the municipal area in respect to the matters enumerated as core functions in the first schedule.	26. Amend section 69 to provide for detailed activity mapping of core / general / sectoral functions between state/ BBMP/ Zonal committees/ Ward Committees/ Area Sabhas.
	Section 69(2) Recognizes BBMP as an 'institute of self-government'	27. Amend section 69(2) to recognize BBMP as ' city government '.
First Charge on Municipal Fund	Section 71 1) The core functions of the corporation shall constitute the first charge on the municipal fund. (2) Subject to the satisfactory performance of the core functions and the availability of municipal funds the Corporation, undertake or perform, or promote the performance of	28. Amend section 71 to provide for state to build BBMP's capacities in terms of finance, human resources and administration so that BBMP is able to undertake all functions as per first schedule of this bill. The bill currently provides that BBMP's first charge on the municipal fund should be only core functions.

Janaagraha's Recommendations on Draft BBMP Bill 2020

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	any of the general functions or sector-wise functions referred in the First Schedule	
Chapter 10 – Taxes		
Taxes which may be imposed	<p>Section 83</p> <p>1) Subject to general and specific orders of the government, a corporation shall impose the following taxes at rates not exceeding those specified in the Act:</p> <p>a) A tax on buildings or vacant land or both situated in the jurisdiction of the corporation.</p> <p>B) A tax on profession, trades, callings and employments.</p> <p>c) A tax on entertainments.</p> <p>D) A duty on certain transfers of property in the form of additional stamp duty.</p> <p>e) Any other taxes which may be assigned by law for the assessment and collection by the Corporation.</p>	<p>29. Include a provision to assign certain percentage of GST to BBMP on the lines of Maharashtra.</p> <p>30. Provide for a Bengaluru Infrastructure Investment Fund on the lines of National Infrastructure Investment Fund with 49% holding by state government and remaining from private sector focussed on transport, water and sanitation and roads</p> <p>31. Put in place an institutional mechanism for formula-based sharing of stamp duties and registration charges, motor vehicle registration charges etc.</p>
Description and class of tax on buildings or land or both	<p>Section 85(2)</p> <p>1. The tax on buildings/ vacant lands will be based on Unit area method.</p> <p>2. The rate of the tax would be determined by the Corporation and be liable for revision every 3 years and may be increased to 15% every third year.</p>	<p>32. Amend section 85 on property tax to :-</p> <ul style="list-style-type: none"> • Provide for capital valuation method instead of current unit area value method • Mandate publishing of ward-wise demand and collection data, especially defaulters' data on BBMP website, newspapers* • Provide for periodic enumeration of properties based on integrated single property register for city*

Janaagraha's Recommendations on Draft BBMP Bill 2020

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Chapter 11 - Finance, Accounts and Audit		
Preparation of the Corporation Budget	<p>Section 106 The Mayor shall prepare a budget estimate for the corporation, after taking into consideration the budget estimates submitted by the zonal committees. The estimate shall consist of</p> <ol style="list-style-type: none"> 1. Receipts and payments of the previous financial year and the expected receipts and payments for upcoming financial year 2. Compliance on medium term fiscal plan 3. Rates at which various taxes, surcharges, cess and fees shall be levied by the Corporation for the immediately succeeding financial year; and 4. The amount of money to be raised as a loan amount of money allocated to each zonal committee and the basis for the utilization of such amounts. 	<p>33. Amend section 106 to mandate the budget document to include:-</p> <ul style="list-style-type: none"> • <i>Category / function wise budgetary allocation</i> • <i>Ward wise budgetary allocation</i> • <i>Category / function wise budgetary allocation</i> • <i>Property tax collections and outstanding dues by Ward</i> • <i>Revenue foregone as a result of property tax exemptions</i> • <i>List of defaulting individuals/organizations for outstanding dues, excluding property tax</i> • <i>Number of employees, and contract employees by department and total employee cost</i> • <i>Operational classification of total budgeted expenditure</i>
Comprehensive Debt limitation policy.	<p>Section 109(1) The Corporation shall frame a Comprehensive Debt limitation policy. Corporation may borrow by way of loan or any other form of credit provided it is permitted in according to the Debt Limitation Policy.</p>	<p>34. Amend section 109 (1) to provide for the state legislature rather than BBMP to draft comprehensive debt limitation policy.</p>

Janaagraha's Recommendations on Draft BBMP Bill 2020

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Appointment of Chief Financial Officer	Section 113 The Corporation shall appoint Chief Financial Officer (CFO) who shall guide the Corporation on all financial matter and perform duties as allocated by the Mayor or the Chief Commissioner from time to time. He shall be of a rank and designation as specified by the government.	35. Amend section 113 to provide for lateral entry of Chief Financial Officer (CFO) . The CFO shall be responsible for financial sustainability and overall financial management in the BBMP .
Adopting the Karnataka Municipal Accounting and Budgeting Rules (KMABR), 2006 & Karnataka Local Funds Authorities Fiscal Responsibility Act (KLFAFRA), 2003	NIL	36. Adopt Karnataka Municipal Accounting and Budgeting Rules * (KMABR), 2006. Some of the key provisions of KMABR that are missing in the bill are:- <ul style="list-style-type: none"> • Annual Financial Statements within 31 May • Audit within 31 July • Annual Performance Report within 30 September • Internal audit • Public consultation on budgeting 37. Adopt Karnataka Local Fund Authorities Fiscal Responsibility Act (KLFAFRA), 2003 which provides for fiscal sustainability and stability through Medium Term Fiscal Plans (MTFP), fiscal transparency. *
Integrated Financial Management System	NIL	38. Provide for a comprehensive and integrated financial management information system for BBMP (immediately) and for city civic agencies, which can serve as a City Resource Planning platform. (Act can provide for a high level digital infrastructure, including the need for a single IT backbone and State to notify detailed rules).
Establishment of Treasury Division	NIL	39. Establish a Treasury division in the BBMP that is entrusted with integrated treasury management, including liquidity and debt management.

Janaagraha's Recommendations on Draft BBMP Bill 2020

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Establishment of a Land and Property Management Division	NIL	<p>40. Establish a Land and property Management division in the BBMP that is entrusted with:-</p> <ul style="list-style-type: none"> • <i>Creating a GIS Based database of all property</i> • <i>Ensuring optimum utilization of land and property both in terms of appropriateness of usage and revenues earned</i> • <i>Evaluating potential for joint developments/ PPPs</i> • <i>Advising BBMP on monetization and utilization of land in core city areas and approach to executing the same etc.</i>
Chapter 12 – Streets		
Power to make new public streets	<p>Section 118</p> <p>(1)The Zonal Commissioner may at any time with the previous sanction of the Chief Commissioner,-</p> <p>a)lay out and make new public streets;</p> <p>b)construct bridges and sub-ways;</p> <p>c)turn or divert any existing public street;</p> <p>d)widen, open, extend or otherwise improve any public street; and</p> <p>e)lay down and determine the position and direction of a street or streets in any part of Bangalore notwithstanding that no proposal for the erection of any building in the vicinity has been received.</p> <p>(2)The Bangalore Development Authority shall assist the Municipal Corporation in carrying out its functions.</p>	<p>41.Remove section 118 (2) that mandates BDA to assist BBMP in carrying functions pertaining to make new public streets.</p>
	NIL	<p>42.Add a new provision mandating road design standards with detailed specifications on at surface, below surface and above surface aspects and notify the same for arterial, sub arterial, collector and local roads;</p>

Janaagraha's Recommendations on Draft BBMP Bill 2020

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		<p>separate standards to be drawn up for slums</p> <p>43.All works to be based on prevalent procurement guidelines and delegation of authorities with stringent criteria and justification needed for awarding emergency works and making payments for the same</p>
Chapter 17 – Waste Management		
Functions of the Ward Committee	<p>Section 152</p> <p>(1) The Ward Committee shall organize collection of municipal solid wastes through any of the methods, like community bin collection, house-to-house collection, and collection on regular pre-informed times and schedules;</p> <p>(2)The Ward Committee shall devise collection of wastes from slums and squatter areas or other localities including hotels, restaurants, office complexes and commercial areas;</p> <p>(3)The Ward Committee shall remove at regular intervals all solid wastes so collected under clause (1) and clause (2) for disposal on daily basis, and</p> <p>(4)The Ward Committee shall arrange for making use of biodegradable wastes from slaughterhouses, meat and fish markets, and fruits and vegetable markets in an environmentally acceptable manner.</p> <p>(5)The Ward Committee shall also ensure that solid waste is collected from public spaces such as parks, markets, roads, streets, gardens and similar areas that fall within the respective ward.</p>	<p>44.Ward Committees appear to be entrusted with executive responsibilities meant to be handled by respective department of the BBMP. This does not appear to be in order. There is a need for clear, specific activity mapping as suggested in recommendation '24' and corresponding redrafting of this section. All aspects of functioning of ward committee to be based on model Nagara Raj bill.</p>
Chapter 15 – Public Health		

Janaagraha's Recommendations on Draft BBMP Bill 2020

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City sanitation master plan	NIL	45.Mandate BBMP to prepare city sanitation master plan in coordination with BWSSB covering liquid and solid waste management and related aspects of public health. Such master plan to be in consonance with spatial development plan of the city prepared under supervision of MPC.
Chapter 18 – Urban Heritage		
Heritage conservation Committee	Section 163 The Heritage Conservation Committee shall comprise of - Chief Commissioner (Chairperson)	46.Amend section 163 (3) to provide for BBMP Mayor to be the chairperson of the heritage conservation committee and the Chief Commissioner to be the Member Secretary.
Chapter 19 – Licenses and Fees		
Ease of Doing Business and Ease of Living	NIL	47.Consider approaches such as trust and verify to factor ease of doing business and ease of living parameters e.g. online single window system for approvals and renewals of licenses, automatic renewal etc.
Chapter 20 - Powers Regarding Rules and By-laws		
Corporation security force	Section 183 (1) There shall be constituted and maintained a force to be called the corporation security force,- (i) for the better protection and security of the property owned by the corporation; (ii) for aiding the officers of the corporation in the detection and investigation of any matter relating to leakage of revenue or any tax payable to the corporation; (iii) for effective communication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act, any rule, bye-law or regulation or order made under it.	48.Given the acute shortage of capacity in frontline functions and services, priority should be address the same rather than create another such force for a function that can well be done through private contractors/other departments of BBMP.

Janaagraha's Recommendations on Draft BBMP Bill 2020

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Establishment of Metropolitan Planning Committee	<p>Section 195 (6) (7) The BMPC shall prepare a draft development plan for the whole metropolitan area, taking into consideration the plans prepared by the local authority within the metropolitan area, matters of common interest between the local authorities, overall objectives and priorities set by the Gol and state government and the extent and nature of investment likely to be made in the area. The BMPC shall also consult with such institutions and organizations as the Governor may direct.</p>	<p>49. Amend section 195 to empower Bengaluru MPC to not just plan but also integrate/coordinate between agencies (state departments and civic agencies) AND hold them accountable for service delivery. Therefore there is a strong case to expand the remit of MPC to have a governance role, but with adequate representation of mayor/councilors/BBMP/city MLAs rather than as a state government entity.</p> <p>50. Metropolitan area to be notified by the state. The state may revisit the current metropolitan area of 8,005 sq km with the help of experts, and if found too large, arrive at a reasonable metropolitan area.</p> <p>51. MPC to oversee the creation of strategic spatial plans encompassing economic strategy, transport strategy and sectoral plans (water, sanitation and waste management, public health, housing, environment, climate change and resilience, heritage, safety and</p>

Janaagraha's Recommendations on Draft BBMP Bill 2020

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		<p><i>security, services for urban poor and migrants etc)</i> for the metropolitan area. BDA to be the sole planning authority of the city and to be the technical secretariat of MPC, BBMP and Zonal Committees in creating metropolitan, municipal and zonal plans respectively. These plans created by BDA are to be approved by MPC, BBMP and zonal committees respectively.</p> <p>52. Add a new provision to provide for formal mechanism for inter-agency coordination within BBMP limits, all agencies (state departments & civic agencies) that provide services in BBMP limits to be accountable to Mayor/Council for service delivery to citizens within BBMP limits. All work in the city above ten crores to be awarded OR approved by BBMP. Standing committees to have supervisory and monitoring powers over finance/ accountability for service delivery and grievance redressal. Parastatals such as BDA, BWSSB, BESCOM, BMTCL, BMRCL etc to have representation from BBMP in their boards.</p> <p>53. Besides spatial development plan, MPC to also have cause to be put in place a metropolitan level long term financing plan covering BBMP and other civic agencies and state departments, and based on the same a unified medium term fiscal plan and budget for the city, which in turn becomes basis for MTFPs and budgets of BBMP and civic agencies</p> <p>54. MPC to be responsible not just for spatial planning but also digital</p>

Janaagraha's Recommendations on Draft BBMP Bill 2020

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		<p>infrastructure and governance plan for the metropolitan area covering broadband access, wireless connectivity.</p> <p>55.State to put in place a robust information technology backbone for governance of Bengaluru metropolitan comprising open data standards, 100% electronic capture and processing of transactions at source, phased elimination of manual records and capture, processing and disclosure of all transactions at disaggregated/individual transaction level.</p> <p>56.MPC to form a City Economic Council as a platform for trade and industry to engage with government on creating a conducive environment for attracting investments and talent, so as to promote entrepreneurship and job creation, and innovation focused on MSMEs/SMEs in the Bengaluru metropolitan area.</p>
<p style="text-align: center;">Members of Metropolitan Planning Committee</p>	<p>Section 195 (2) to (4) The Metropolitan Planning Committee shall consist of thirty persons of which,- a)such number of persons, not being less than two-thirds of the members of the Committee, as may be specified by the Government shall be elected in the prescribed manner by, and from amongst, the elected members of the corporations, the Municipal Councils and town Panchayats, and the Adyakshas and Upadyakshas of Zilla Panchayats, Taluk Panchayats and Grama Panchayats in the Metropolitan area in proportion to the ratio between the population of the city and other municipal area and that of the areas in the</p>	<p>57.Amend section 195 (2) to provide for heads of all parastatal agencies to be part of the MPC. BBMP Mayor to be a duly empowered ex-officio member of MPC.</p> <p>58.Amend Section 195 (4) to provide for the Chief Commissioner of BBMP to be the Secretary instead of the Commissioner, BDA.</p> <p>59.Add a new provision to create 'Bengaluru Infrastructure and Financing Corporation' (BIFC) for financing and developing major infrastructure projects in Bengaluru. BIFC would specialize in</p>

Janaagraha's Recommendations on Draft BBMP Bill 2020

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	<p>jurisdiction of Zilla Panchayat, Taluk Panchayat and Grama Panchayat;</p> <p>(b) such number of representatives of, -</p> <p>(i) the Government of India and the State Government as may be determined by the State Government, and nominated by the Government of India or as the case may be, the State Government;</p> <p>(ii) such organisations and institutions as may be deemed necessary for carrying out of functions assigned to the committee, nominated by the State Government;</p> <p>(3) All the members of the House of the People and the State Legislative Assembly whose constituencies lie within the Metropolitan area and the members of the Council of State and the State Legislative Council who are registered as electors in such area shall be permanent invites of the Committee.</p> <p>(4) The Commissioner, Bangalore Development Authority shall be the Secretary of the Committee.</p>	<p>optimizing land and property owned by state government agencies and BBMP.</p> <p>60.Ensure simultaneous amendments to the Karnataka Town and Country Planning (KTCP) Act, 1961 to ensure integration of recommendations that we have submitted herewith. Further, it is highly recommended that KTCP Act is revisited given that the Act has not undergone comprehensive revision in over 50 years. Also, Bengaluru's opportunities and challenges require a context specific planning framework which is not offered by the current KTCP Act.</p> <p>61.Provide separate legislations for the three areas of planning (including building bye laws), environment and heritage with detailed rules and regulations, given their significance to a city, its character and survival and growth in the long-term and the extent of detailing required. The current provisions in the BBMP Bill, 2020 are inadequate and require distinct legislative focus. Few recommendations to be considered for amending the KTCP Act and for creating a separate planning legislation for Bengaluru are provided in Annexure 1.</p>
Preparation of draft development plan	<p>Section 195 (7)</p> <p>The Metropolitan Planning Committee shall, in preparing the draft development plan-</p> <p>(a) have regard to,-</p> <p>(i) the plans prepared by the local authorities in the Metropolitan area;</p> <p>(ii) matters of common interest between the local authorities including coordinated spatial planning of the area, sharing of water</p>	<p>62.Amend section 195 (7) to also include provisions stipulated by the Model Nagara Raj Bill on the role of ward committees and area sabhas in neighborhood planning. Also, incorporate provisions for engaging zonal committees in zonal planning (BDA can be the technical secretariat for zonal planning). Detailed</p>

Janaagraha's Recommendations on Draft BBMP Bill 2020

Basis	Provision in Draft BBMP Bill,2020	Janaagraha' s Recommendations ¹
	and other physical and natural resources, the integrated development of infrastructure and environmental conservation; (iii) the overall objectives and priorities set by the Government of India and the State Government; (iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the State Government and other available resources whether financial or otherwise; (b) consult such institutions and organisations as the Governor may, by order, specify.	guidelines to be part of a spatial planning legislation.
Functions under First Schedule	First schedule includes core functions, general functions and sector-wise functions	<p>63. Amend first schedule to include curating orientation session/ tool kit (online and offline) to learn basic Kannada language, local culture and city's history for the city migrants on voluntary basis.</p> <p>64. Amend first schedule to mandate BBMP to draw up plans to specifically address basic services and infrastructure to migrants and urban poor.</p>
New provisions – Human Resources		
Strengthening of Municipal Services	NIL	<p>65. Provide for strengthening municipal human resources drawing linkage to the existing Karnataka Municipal Corporations Common Cadre and Recruitment Rules, 2011 covering the following:- (a dedicated cadre for Bengaluru can also be considered)</p> <ul style="list-style-type: none"> • <i>Mandate BBMP to develop a medium and long term workforce plan</i> • <i>Mandate BBMP to put in place quantitative performance metrics at staff and department level*</i> • <i>Mandate assessment of staffing norms every ten years</i>

Janaagraha's Recommendations on Draft BBMP Bill 2020

Basis	Provision in Draft BBMP Bill,2020	Janaagraha' s Recommendations ¹
		<ul style="list-style-type: none"> • Include detailed skills and competencies (both technical and managerial) • Provide for comprehensive performance management system • Mandate continual training and training policy* • Provide for training linked promotions • Provide for interventions including but not restricted to lateral recruitment, short service commissions etc. <p>66. Provide for appointment / termination / transfer/ disciplinary action of employees including that of the Chief Commissioner and Zonal Commissioners can only happen with the prior approval of the Mayor/ such authorities as delegated by the Mayor</p>
New provisions – Transparency and Accountability		
Addressing Citizen Grievances	NIL	<p>67. Provide for a service ombudsman, 'Lokayukta for Bengaluru' to redress citizen grievances related to service delivery and failure of civic agencies. Such ombudsman will be within the overall 'Lok Ayukta' institutional architecture and have power to investigate corruption suo motu and resolve inter-agency disputes.*</p> <p>68. Extend section 155 of the bill on grievance redressal pertaining to solid waste management, to all municipal services.*</p>
Establishing a Citizen's Charter	NIL	<p>69. BBMP to have a citizens' charter with time bound service delivery and penal consequences and compensation for non-adherence. The same should be published in public domain including on BBMP website.</p>

Janaagraha's Recommendations on Draft BBMP Bill 2020

Basis	Provision in Draft BBMP Bill,2020	Janaagraha' s Recommendations ¹
Adopting Public Disclosure Law	NIL	70.Improve provisions on public disclosures by adopting the ‘Karnataka Right to Information (Disclosure of Information by Authorities providing Municipal Services) Rules, 2009’ . In addition, mandate the disclosure of quarterly and annual audited financial statements, particulars of major works, service level benchmarks and details of plans, income and budget.
Adopting Open Data Standards	NIL	71.BBMP to adopt open data standards and principles in respect of annual report of work done, municipal and ward level budgets, raw and synthesized data on civic works, quarterly, annual audited financial reports and tendering and contract details and progress of work. Data to be also made available on public domain. Open data ensures that the data is capable of being downloaded in bulk and available for automated processing, auditing and analytics.
Live Stream Council Meetings	NIL	72.Mandate the live streaming of BBMP's council proceedings . BBMP is the first city and so far the only city to live stream its council proceedings. So, it would be ideal to institutionalize the same by law. Similarly, mandate all meetings – standing committee / zonal committee / ward committee to be streamed live .
BBMP Council TV	NIL	73. A BBMP council TV along the lines of the Lok Sabha / Rajya Sabha TV would radically improve transparency and build trust with citizens.
New Provisions – Technology		
Digital Governance	NIL	74.BBMP to notify a digital governance policy as per rules to be notified by state government.

Janaagraha's Recommendations on Draft BBMP Bill 2020

Basis	Provision in Draft BBMP Bill,2020	Janaagraha' s Recommendations ¹
		<p>75.Mandate BBMP to capture all transactions electronically at source and through the entire lifecycle of transactions e.g. from DPR to tender to selection to work order to measurement book to quality certification to running bill payments/final settlements to contractors in the case of civil works.</p> <p>76.Prohibit manual record-keeping in BBMP in a phased manner.</p> <p>77.BBMP to capture financial data at disaggregated level (as individual transactions) and in open data format, and not in aggregated form.</p>
IT Systems	NIL	<p>78.Mandate that the IT systems which is used to capture and depict financial (and performance) data should confirm to open architecture framework, to ensure robust security of systems and data, and maintain privacy of individual data.</p> <p>79.BBMP and eventually all civic agencies in Bengaluru to be covered under Karnataka Municipal Data Society and their information systems as a shared services centre / Bengaluru-specific back office transaction processing centre to avail cost and service efficiencies in respect of transaction and document processing and citizen response.</p>

Janaagraha's Recommendations on Draft BBMP Bill 2020

Annexure – 1

Given below are the recommendations to be considered while amending the Karnataka Town and Country Planning Act, 1961 and for creating a separate planning law for Bengaluru:-

1. Provide for a state spatial planning board which is mandated with planning policies and reforms for the state, and is the final approving authority for regional spatial plans
2. Provide for spatial planning instead of the current land use master plan system with a clear link to budgets and MTFPs
3. Provide for decentralized planning and approval framework – metropolitan plan, municipal plan, zonal plan, ward plans and area plans
 - a. Area plans to be approved by the respective ward committees, ward plans to be approved by the respective zonal committees and BBMP to approve the zonal plans and create municipal plan consolidating zonal plans in congruence with the metropolitan plan.
 - b. MPC to approve BBMP's municipal plan and state to approve the metropolitan plan created by the MPC.
 - c. BDA to be the technical secretariat to develop metropolitan, municipal and zonal plans. BDA to receive approval from MPC for metropolitan plan, BBMP for municipal plan and respective zonal committees for zonal plans.
 - d. All the plans are to be in concurrent or nested timeline of validity
4. Mandate spatial plans at each level to integrate the plans and priorities of various sectoral public departments and agencies
5. Mandate spatial plans and sectoral plans to have clearly articulated objectives and metrics to measure outcome
6. Provide for enabling policies on land pooling
7. Provide for enabling policies on land titling
8. Mandate for citizen participation in preparation of each level of plan and invite public scrutiny after preparation of plan; Provide for codified public consultation for large infrastructure projects