

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**

**ORIGINAL JURISDICTION**

**WRIT PETITION No. \_\_\_\_\_/2016**

**PRESENTATION FORM**

**Serial No.**

**Address for service**

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**BETWEEN**

Mr. Rajeev Chandrashekhar & Anr.

**AND**

State of Karnataka and others

Sl.No.	Description of Paper Presented	Court fees Affixed on the Paper	
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2.	On Process Fee		
3.	On Vakalath		
	<b>TOTAL</b>		

**Number of Copies Furnished**

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**Date: 01.06.2016**

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**Bengaluru**

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**

**Writ Petition No.                      / 2016**

**BETWEEN:**

Mr. Rajeev Chandrashekhar  
& Anr.

**....Petitioner**

**And**

State of Karnataka and  
others

**...Respondent**

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**Bengaluru**

**Advocate for Petitioners**

**01.06.2016**

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**Writ Petition No. \_\_\_\_\_/2016 (PIL)**

**BETWEEN:**

Mr. Rajeev Chandrashekhar  
& Anr.

**....Petitioner**

**And**

State of Karnataka and  
others

**...Respondent**

**LIST OF DATES**

<b>Sl. No.</b>	<b>Date</b>	<b>Event</b>
1.	01.06.1993	The Constitution (Seventy-Fourth) Amendment Act, 1992, inserting Part IX-A to the Constitution of India, including Article 243-ZE of the Constitution of India, was brought into force.
2.	01.06.1994	The Karnataka Municipal Corporations (Amendment) Act, 1994, inserting Section 503B (Metropolitan Planning Committee), was brought into force.
3.	03.01.2014	The Bangalore Metropolitan Planning Committee Rules are notified.
4.	06.01.2014	This Hon'ble Court in its order dated 06.01.2014 passed in WP No. 21436/2005 recording compliance of an earlier order, requiring the State to constitute the MPC
5.	17.03.2014	This Hon'ble Court, by its order dated 17.03.2014 in WP No. 21436/2005, restrained the Bangalore Vision Group (BVG) constituted by the State from taking any further actions. The BVG was

		constituted by the State to opine on matters relating to infrastructure planning and development.
6.	28.04.2016	The State of Karnataka issues a Government Order constituting the Bangalore Blueprint Action Group, in the place of BVG, to plan and provide recommendations on matters relating to metropolitan area planning and infrastructure development.
7.	01.06.2016	Hence this Writ Petition

### SYNOPSIS

Pursuant to 74<sup>th</sup> Constitutional Amendment, Article 243ZE was inserted to the Constitution of India, requiring the constitution of a Metropolitan Planning Committee for every Metropolitan Area. Furtherance to the said insertion, the Karnataka Municipal Corporations Act, 1976 was amended in 1994 to provide for the constitution of the Metropolitan Planning Committee in Karnataka. However, despite the lapse of over 19 years, it was not until 2014 that there was a Metropolitan Planning Committee (MPC) that was constituted for the notified Metropolitan Area of Bengaluru. Even this constitution of the MPC was pursuant to the intervention of this Hon'ble Court, wherein this Hon'ble Court had; at this instance of a public interest litigant, directed the Respondent State (vide orders in WP No. 21436/2005) to expedite and promptly constitute the MPC. Pursuant to the constitution of the MPC, the office bearers; as required under Article 243ZE were elected/nominated, as the case maybe, in February 2016. During the pendency of WP No. 21436/2005, the State had constituted the Bangalore Vision Group (BVG) to submit

recommendations in matters relating to planning and infrastructure development. The BVG was briefly restrained from taking any actions by this Hon'ble Court in WP No. 21436/2005

As things stood thus, the Respondent State has constituted the Bangalore Blueprint Action Group (BBPAG) with objects relatable to that of the BVG vide Government Order dated 28.04.2016. Challenging the actions of the State in failing to strengthen the existing MPC and arbitrarily constituting the BBPAG, the Petitioners have preferred the instant writ petition.

**Bengaluru**

**01.06.2016**

**Advocate for Petitioners  
Nalina Mayegowda**

**IN THE HIGH COURT OF KARNATAKA, AT BENGALURU**

**(Original Jurisdiction)**

**Writ Petition No:\_\_\_\_\_ / 2016 (PIL)**

**Between:**

1. Mr. Rajeev Chandrasekhar,  
Member of Parliament  
Aged about 52 years,  
S/o. Air Cdr M.K. Chandrasekhar (Retd.)  
Residing at No. 375, 13th Main  
3rd Block, Koramangala  
Bengaluru- 560034
2. Namma Bengaluru Foundation  
A registered public charitable trust  
Having its registered office at  
No. 3J, N.A. Chambers  
7<sup>th</sup> C Main, 3<sup>rd</sup> Cross, 3<sup>rd</sup> Block  
Koramangala,  
Bengaluru- 560 034  
Represented by its Authorised Signatory  
Shri. Sridhar Pabbisetty

**Petitioners**

**AND:**

1. State of Karnataka  
represented by the  
Chief Secretary to Government  
VidhanaSoudha  
Dr. AmbedkarVeedhi  
Bangalore 560 001
2. Bruhat Bengaluru MahanagaraPalike  
Corporation Building, NR Square  
Bangalore-560 002  
Represented by its Commissioner
3. Urban Development Department  
VikasaSoudha,  
Bangalore – 560001  
Through its Additional Chief Secretary

4. Bangalore Development Authority  
T. Chowdaiah Road,  
Kumara Park West  
Bangalore – 560020  
Represented by its Commissioner
5. Karnataka State Election Commission,  
State Co-Operative Sales Society Building (Reg),  
1st Floor, No.4, Cunningham Road,  
Bangalore – 52  
Represented by the State Election Commissioner
6. Bangalore Metropolitan Region Development (BMRDA),  
No. 1, Ali Askar Road,  
LRDE Building,  
Bangalore – 560052  
Represented by its Commissioner

**MEMORANDUM OF WRIT PETITION UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA**

The Petitioners above named most respectfully submit as follows:

1. The Petitioners have filed this writ petition, being aggrieved by the Government Order bearing No. NAE 97 Coordination 2014, Bengaluru, dated 28.04.2016 (the **“Impugned G.O.”**), whereby the Respondent State has sought to constitute the Bangalore Blue Print Action Group (BBPAG), with objectives *inter alia* to enhance the quality of life of citizens by improving basic infrastructure facility, system improvement, accumulation of resources, transparent administration, especially plans including e-governance and ensure participation of citizens,



organisations and corporations, to develop a blueprint which aims at enhancing the quality of life of citizens, to supervise and advice implementation of various city projects and coordinating with various city agencies towards timely completion of the project with assured quality, etc. The Impugned G.O., in addition to setting out the agenda for the BBPAG, has also listed out the members of the said action group, which includes members from both statutory bodies under the direct supervision of the Government of Karnataka and also members from civil society. The Petitioners are aggrieved by the Impugned G.O. inasmuch that the constitution and functioning of the BBPAG is in apparent conflict with the constitution and functioning of the Bangalore Metropolitan Planning Committee (BMPC), established pursuant Article 243-ZE of the Constitution of India and Section 503B of the Karnataka Municipal Corporation Act, 1976 (the “**KMC Act**”). A copy of the Impugned G.O., being Government Order bearing No. NAE 97 Coordination 2014, Bengaluru, dated 28.04.2016 is produced herewith as **Annexure A**.

2. Petitioner No. 1 is a Member of Parliament in the Rajya Sabha since May 2006. Petitioner No. 1 holds a Bachelor's Degree in Electrical Engineering from the Manipal Institute

of Technology, Mangalore University, Karnataka, a Master's Degree in Computer Science from Illinois Institute of Technology, Chicago (which has also recognized him as a distinguished Alumnus) and has attended Management Programmes at Harvard University, Boston. Petitioner No. 1 was the illustrious member of the team that developed Pentium Chip that revolutionized the computing technology in the world. Petitioner No. 1 was initially elected to the Rajya Sabha in 2006 and subsequently won election unopposed to the Rajya Sabha in 2012. As a Member of Parliament, Petitioner No. 1 has espoused various issues of public importance, including the need for transparency in the interplay between business and public administration; and the need for immediate improvement in standards of governance, etc. Petitioner No. 1 has also been in the forefront of the battle for transparency in the grant of public largesse's by the State and for the protection of the State's assets and natural resources such that they be used for the benefit of the community in tune with inter-generational equity. Petitioner No. 1 has successfully espoused these causes with relation to the 2-G spectrum allocation and the Petitioner No. 1's position that thousands of crores of rupees of loss caused to the exchequer, was ultimately upheld by the Hon'ble Supreme

Court of India in the recent 2-G litigation. Prior to becoming Member of Parliament, Petitioner No. 1 was one of India's foremost telecom entrepreneurs and was a pioneer in developing India's first and largest Greenfield telecom infrastructure. He was the youngest National Presidents of the Federation of Indian Chambers of Commerce and Industry (FICCI), India's apex industry body. As the President of FICCI, Petitioner No. 1 was in the forefront of initiating governance reforms in the matter of how business deals with government. The Petitioner No. 1, as a representative of the people, has championed the cause of constitutional rights of the citizens such as freedom of speech and expression, voting rights of armed forces personnel, right to privacy of all classes of citizens, and closely working towards bringing public participation and accountability in matters of public governance. The Petitioner has initiated multiple public interest actions before this Hon'ble Court as also before the Hon'ble Supreme Court of India on a wide range of issues including land – both public and government, rights of local communities to public infrastructure; right to privacy and the right to freedom of speech and expression vis-à-vis the internet and intrusive regulation of the internet by the State. The Petitioner has successfully challenged the

archaic and unconstitutional Section 66A of the Information Technology Act, 2000 before the Hon'ble Supreme Court. The Petitioner No. 1's appeal before the Hon'ble Supreme Court of India regarding the right of defense personnel to vote devoid of any restrictions, led the Hon'ble Supreme Court to permit such defense personnel to exercise their right of franchisee in the last general elections, without demur, pertaining to the quantum of time they may have spent in such locations. Petitioner No.1 is a resident of Bengaluru and has been vocal on various aspects relating to the administration and welfare of the residents of the city of Bengaluru. Even recently, Petitioner No.1 has, pursuant to various representations demanding transparency/accountability of the Bengaluru Bruhat Mahanagar Palike (BBMP), presented a petition before this Hon'ble Court seeking appropriate directions for an audit of the BBMP by the office of the Comptroller and Auditor General of India (CAG) and the same is pending consideration before this Hon'ble Court.

3. Petitioner No. 2, i.e., Namma Bengaluru Foundation, is a public charitable trust with the objectives of, *inter alia*, assisting and participating in developmental activities for

the general public of Bengaluru. The true copy of the Trust Deed as well as the authorisation for filing the present petition is being filed with the vakalatnama. Petitioner No. 2 aims to serve the people by proactively participating in and addressing various problems faced by Bangalore and its citizens, through advocacy, partnership and activism. Petitioner No. 2 is actively involved in hosting various public awareness programmes such as fire safety awareness, water conservation awareness, garbage segregation and waste management, etc. to promote civic awareness amongst general public. Petitioner No. 2 has also filed various public interest litigations before this Hon'ble Court pertaining to rampant encroachment of public lands in the city of Bangalore and the State of Karnataka and also pertaining to illegal occupation and developments in and around the lakes in the city of Bangalore, causing deleterious effect to such lakes and to the general well being of the public, underscoring the serious abdication of duty by authorities concerned, in ensuring a wholesome planning for the City of Bengaluru. Petitioner Nos. 1 and 2 are filing the instant petition in public interest to espouse the cause that impacts the lives of every citizen resident in the metropolitan city of Bengaluru. It is submitted that Petitioner No.2 is

particularly concerned about the constitution and, effective and objective functioning of the Bangalore Metropolitan Planning Committee. To this end, Petitioner No.2 has instituted a Writ Petition before this Hon'ble Court in WP No. 48720/2014, wherein Petitioner No.2 herein has, *inter alia*, challenged the constitutional validity of Section 503B (2)(a) of the Karnataka Municipal Corporation Act, 1976 relating to the composition of the Metropolitan Planning Committee as being in violation of Article 243-ZE(2)(b) of the Constitution of India. The said Writ Petition is pending consideration before this Hon'ble Court.

4. While Respondent No.1 in the instant Writ Petition is the Government of Karnataka represented by the Chief Secretary, the Petitioners have also sought to array BBMP (Respondent No.2), Urban Development Department (UDD) (Respondent No.3), Bangalore Development Authority (BDA; Respondent No. 4, which has been statutorily assigned the duty of drafting the Development Plan for the city of Bengaluru), Karnataka State Election Commission (KSEC; Respondent No.5 is the Statutory body, overseeing the election of office bearers to the BMPC) and the Bangalore Metropolitan Region Development Authority (BMRDA; Respondent No. 6, which has been permitted to

co-exist with the BMPC pursuant to Karnataka Municipal Corporation Act, 1976 [Amendment Act No. 60 of 2013]).

5. It is submitted that pursuant to the Constitution (Seventy-fourth) Amendment Act, 1992, Article 243-ZE was inserted to the Constitution, which mandated *inter alia* the establishment of a Metropolitan Planning Committee for every metropolitan area. In furtherance to the mandate under the Constitution of India under Article 243-ZE, the KMC Act was amended by way of the Karnataka Municipal Corporation (Amendment) Act, 1994 (Act No. 35 of 1994), to provide for Metropolitan Planning Committee (MPC) by inserting Section 503B to the KMC Act. Section 503B of the KMC Act is extracted hereunder:

**503B. Metropolitan Planning Committee.-** (1) *The Government shall constitute a Metropolitan Planning Committee for the Bangalore Metropolitan Area to prepare a draft development plan for such area as a whole.*

*Explanation.- For the purpose of this section "Bangalore Metropolitan area" means an area specified by the Governor to be a metropolitan area under clause (c) of Article 243P of the Constitution of India.*

(2) *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 jurisdiction of Zilla Panchayat, Taluk Panchayat and Grama Panchayat;*

*(b) such number of representatives of,-*

*(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;*

*(ii) such organisations and institutions as may be deemed necessary for carrying out of functions assigned to the committee, nominated by the State Government;*

*(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.*

*(4) The Commissioner, Bangalore Development Authority shall be the Secretary of the Committee.*



(5) *The Chairman of the Metropolitan Planning Committee shall be chosen in such manner as may be prescribed.*

(6) *The Metropolitan Planning Committee shall prepare a draft development plan for the Bangalore metropolitan area as a whole.*

(7) *The Metropolitan Planning Committee shall, in preparing the draft development plan,-*

*(a) have regard to,-*

*(i) the plans prepared by the local authorities in the Metropolitan area;*

*(ii) matters of common interest between the local authorities including co-ordinated spatial planning of the area, sharing of water 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.*

(8) *The Chairman of the Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the State Government.*

6. As is demonstrably evident from a conjoint reading of Article 243ZE of the Constitution of India and Section 503B of the KMC Act, it is the constitutional and statutory intent to vest the MPC with duties *inter alia*, to prepare and draft a development plan for the Bangalore Metropolitan Area (as defined *vide* Notification No. UDD 356 MNJ 2005 (P), dated 18.06.2013), sharing of water and other physical and natural resources, integrated development of infrastructure and environmental conservation, by consulting such institutions and organizations as the Governor may, by order, specify. The aforesaid notification bearing Notification No. UDD 356 MNJ 2005 (P), dated 18.06.2013 is produced herewith as **Annexure B.**

7. It is submitted that the importance of MPC has been constantly reiterated by various independent committees and other statutory authorities. Pertinently, the 'Report of Expert Committee on Governance in the Bangalore Metropolitan Region and Bruhat Bangalore Mahanagara Palike' dated March 2008 and chaired by Dr. K. Kasturirangan (the "**Kasturirangan Report**"), has observed the following in asserting the role that has been

contemplated for MPC, particularly in the context of the City of Bengaluru.

*“5.11 The range and variety of plans developed by different levels of government on the same subject matter within the BMR has resulted in inconsistent planning and wide resource gaps. Presently, in Bangalore there is no MPC that plays a co-ordination role for synergising all these planning functions exercised and ensuring that there are no overlapping jurisdictions and conflicts. The role of BMRDA as a reviewing and co-ordinating authority has had at best limited success for a variety of reasons. To enable the MPC to carry out a co-ordinating and integrating role, we need to develop and put in place a clear hierarchy of planning institutions and plans where the MDP under the MPC should co-ordinate and override all other plans developed by other state functionaries and local bodies in the metropolitan region. The Constitution provides that the MPC will have a reference jurisdiction whereby important decisions by other levels of government must get the MPC approval as well as a review and clarification power over local government plans. **This institutional hierarchy whereby the MPC is conferred with the overall decision making power in this area must be established in the statutes to be drafted for creation of the MPC in Karnataka. Related statutes such as the KTCP Act and the BMRDA Act should also be amended to accommodate the primacy of the MPC.**”*

[Emphasis supplied]

A copy of an extract of the Kasturirangan Report, including Chapter 5 – Planning for Bangalore Metropolitan Region, from the said Report is produced herewith as **Annexure C**. It is not out of place to mention that the Report on the BBMP Restructuring Plan dated June 2015, which revisited the entire conspectus of the organizational structure of BBMP, reiterated the importance of the MPC in the planning and development of the city, including recommendations as to the membership of the MPC. A copy of the executive summary of the Report on the BBMP Restructuring Plan dated June 2015 is produced herewith as **Annexure D**.

8. Although the KMC Act was amended in 1994 to provide for the establishment of Metropolitan Planning Committee(s) as contemplated under Article 243-ZE, it was not until 2013, that the Respondent State had taken any effort to establish a Metropolitan Planning Committee for the City of Bengaluru. Specifically, it is only after the lapse of nineteen years since the insertion of Section 503B in the KMC Act that the draft Bangalore Metropolitan Planning Committee Rules, 2013, were notified (the “**BMPC Rules**”). Pursuant to the above, the BMPC Rules came into force on January 4, 2014. It is pertinent to note that the BMPC

Rules were brought into effect pursuant to the order dated January 3, 2014 passed by a Single Judge Bench of this Hon'ble Court in WP No. 21436/2005. As per the aforementioned order, the Respondent State was directed to notify the BMPC Rules within 48-hours of that order. Therefore, it was only in compliance of the order dated January 3, 2014 that the Respondent State had notified the BMPC Rules on January 4, 2014. A copy of the BMPC Rules as notified on January 4, 2014 is produced herewith as **Annexure E**. A copy of the order dated January 6, 2014 passed by this Hon'ble Court in WP No. 21436/2005, recording the compliance of the State Government of the order dated January 3, 2014, directing the notification of the Rules for the constitution of the BMPC, is produced herewith as **Annexure F**.

9. In the interregnum, the Respondent State created the Bangalore Vision Group (hereinafter referred to as "BVG"), the purpose of which was to come up with an integrated vision for the development of Bangalore. The BVG was to be headed by the Chief Minister, alongwith 4 MLAs as vice-chairs, and 5 members from general public.
10. It is submitted that this Hon'ble Court in WP No. 21436/2005, whilst examining *inter alia* the constitutional

validity of Section 14-A, Karnataka Town and Country Planning Act, 1961, had by way of its order dated March 17, 2014 restrained the BVG from carrying out any functions as may be contemplated upon its constitution. A copy of the order dated March 17, 2014 passed in WP No. 21436/2005 is produced herewith as **Annexure – G**. It is pertinent to submit that the interim order granted on March 17, 2014 was periodically continued till June 18, 2014.

11. It is relevant to submit that this Hon'ble Court, in its order dated March 21, 2014 in WP No. 21436/2005, while discussing about the propriety in the establishment of the BVG, has observed thus:

*“In the instant case, it is useful to notice that for 20 long years, the State of Karnataka under several dispensations did nothing to constitute the Metropolitan Planning Committee under Section 503(B) of the Karnataka Municipal Corporation Act, 1976, though the amendment was brought about to the statute pursuant to an amendment of the Constitution of India. Petitioner having brought to the notice of the Court about the inaction, lethargy and indolence on the part of the successive governments, led to the present dispensation issuing a notification for constitution of the Metropolitan Planning Committee. If that is so, then the question necessarily arises, as to what power is exercised by the*

*State in the constitution of the Vision Group for development of Bangalore, Annexure D."*

A copy of the order dated March 21, 2014 passed in WP No. 21436/2005 is produced herewith as **Annexure – H**.

12. It is respectfully submitted that WP No. 21436/2005 was disposed of by this Hon'ble Court on October 29, 2014. A copy of the final order in WP No. 21436/2005 is annexed herewith as **Annexure J**. Certain observations in the final order made by the Hon'ble Single Judge are extracted herein below for ease of reference:

*10. By and large, the decision of the Division Bench of this Court is to regulate the activities of the public at large who are residing in residential area or in the land falling within corporation limits & metropolitan area. While sanctioning the change of land use from residential to commercial either by the Corporation or by any local body, it was suggested to follow mandate of the Constitution. With that idea, a committee was sought to be constituted as is envisaged in Article 243ZE of the Constitution of India read with S. 503 [sic.] of the Karnataka Municipal Corporations Act. In furtherance thereon and at the instance of some of the interested public, an order has been passed to constitute a committee. Be that as it may, the very mandate of Article 243ZE of the Constitution of India has to be implemented in total spirit. So far, in the absence of such committee being constituted, the activities have*

been carried out at the official level or at the local body level as a matter of convenience. After one fine day, some people started raising their voice to protect the unhealthy growth of the city saying that due to illegal sanctioning of change of land use from residential to commercial purpose, nuisance is being caused affecting the peaceful living in the residential area. Might be for the reason of overpopulation and requirement of need to be served at the doorsteps such changes should have been considered by the local bodies granting permission or otherwise for change of land use from residential to commercial use. **As and when city grows, ultimately the local bodies or the persons in the bureaucracy or the officials of the concerned government department have to take a decision according to the mandate of Constitution and a separate body has to be constituted.** Normally such power is being exercised in the usual course by framing rules from time to time, as per the convenience of the citizens. Of Course, **this Court has directed for compliance of the mandatory provisions of Article 243ZE of the Constitution of India, in the sense, it is not as if no such permission is denied, but to enable and to regulate the activities, a direction was given by this Court to constitute a body either by election or by nomination.** As such, there is no total ban on the activity of conversion/change of land use. **What is being envisaged by this Court is to regulate the activities and a decision to be taken at the higher/appropriate level. Of course, this is an undisputed fact and also Constitution of India**



***mandates. Now it has become necessary to have a uniform law for the regulation of planned growth of land use and development and for the making and execution of town planning schemes in the State.***

XXX XXX XXX

15. [...] It is for the BDA and the State Government to follow the mandate of S. 14-A of the Act since this petition is being disposed to place such matters pending consideration before the High Level Committee constituted by notification dated 4.1.2014.

XXX XXX XXX

***17. The elected body constituted to deal with, as reported to this Court, should start functioning. Body constituted in its form gives wider representation and to deliberate and take reasoned decision thereby unbridled power conferred on any one of the person is scuttled. At least, meeting shall be fixed as and when necessary at regular intervals so as to enable the local body to take up all those applications pending and it should be cleared, in accordance with law. [...]***

[Emphasis Supplied]

It is submitted that thereafter, elections for 18 members of the MPC were conducted on September 16, 2014. However, against the spirit of the observations of this Hon'ble Court, the MPC has not convened a single meeting since its

conception. It is also pertinent to note that the term of the the 18 elected members, being co-terminus with the term of the BBMP Council, had come to an end in April, 2015. It is also pertinent to note that thereafter, elections for the 18 vacancies was only completed in February, 2016. It is proposed that the first meeting of the MPC is to be convened on June 1, 2016.

13. It is most respectfully submitted that it is a constitutional mandate embodied in Part IXA of the Constitution which envisages a strategic planning for the ends of a holistic and comprehensive development of a Metropolitan area. Article 243ZE of the Constitution of India is directed towards facilitating such all around development being mindful of the necessity to integrate development of infrastructure with that of environmental conservation. It is trite that such visionary ends have been encapsulated in the constitutional document by no less than a constitutional amendment bearing in mind the relative importance of planned growth which alone is able to cure or prevent the malady of chaotic growth of urban areas often leading to the failure of administrative mechanisms resulting in deprivation of the citizens in such areas from the provisions of basic amenities which a welfare state is

bound to provide. For often, in large metropolitan areas, where different organs of the State are entrusted with the provision of basic amenities such as electricity and water, fail to work at tandem resulting in unfruitful development of certain areas/layouts, where even though certain infrastructures are provided, failure of electrification or provision of potable water causes the failure of such developmental works. It is humbly submitted that in all such instances, it is the citizenry which faces the brunt of such unplanned growth.

14. It is humbly submitted that lack of planning and resultant lack of coordination and transparency breeds large scale corruption in public life. It shall not be out of place to mention that the laudable 74<sup>th</sup> Amendment to the Constitution, which incorporated Article 243ZE to the Constitution of India, being mindful of the same, aims at democratic decentralization and greater accountability between citizens and State apparatus, as has also been noted by the Hon'ble Supreme Court in *K. Krishna Murthy v. Union of India*, (2010) 7 SCC 202. It is in the light of the above, that in establishing the Metropolitan Planning Committees, the Constitution mandates that such Committees shall be constituted with not less than two-

thirds of its members being elected from among elected members of the Municipalities and Chairpersons of the Panchayats in any Metropolitan area. Any erosion of such democratic character bestowed on the MPCs for the planned development of metropolitan areas is a severe blow to democratic principles and is an affront to Constitutional obligations of the State.

15. It is in this background, that the Respondent State has passed the Impugned G.O. proposing the constitution of the BBPAG. It is further submitted that the Respondent State has apparently relied on an opinion issued by the Advocate General in denoting that there are no subsisting orders regarding the functioning or constitution of the Vision Group (or BVG). However, it is humbly submitted that the same is incorrect as the interim order restraining the functioning of BVG is essentially an incidental interim order, which did not have any direct bearing on the final prayers in WP No. 21436/2005, i.e., challenge to constitutional validity of Section 14A of the Karnataka Town and Country Planning Act, 1961. Accordingly, it may not be entirely correct to hold that there are no subsisting orders restraining the functioning and constitution of the BVG. Needless to state, the BBPAG has

been sought to be established as a revised version of the same BVG, whose functioning was interdicted by this Hon'ble Court.

16. It is submitted that the BBPAG, which is sought to be established with the objectives indicated *supra*, consists of the following members, as per the Impugned G.O.:

Sl No	Name	Designation
1	Hon'ble Chief Minister	Chairman
2	Hon'ble Bengaluru Development Minister & District In charge Minister	Vice Chairman
3	All Ministers representing Bengaluru City	Members
4	N.R. Narayana Murthy, Chairman emeritus, Infosys	Non Official Member
5	Azim Premji, Chairman of Wipro Limited	Non Official Member
6	Kiran Mazumdar Shaw, CMD, BIOCON Limited & President, BPAC	Non Official Member
7	Ramesh Ramanathan, Janaagraha	Non Official Member
8	KalpnaKar, Director, Microland& Member, BPAC	Non Official Member
9	Sachin Bansal, Flipkart	Non Official Member
10	MD Pai, Vice President, BPAC	Non Official Member
11	Ramakanth, Member SWM expert committee of BBMP	Non Official Member
12	B.S. Patil, IAS (Retd), Chairman, BBMP Restructuring Committee	Non Official Member
13	Siddaiah, IAS (Retd), Member, BBMP Restructuring Committee	Non Official Member
14	V. Ravichandar, Urban Expert & Member, BBMP Restructuring Committee	Non Official Member
15	K Jairaj, IAS (Retd), Former ACS to GoK& Trustee &Secratry, BPAC	Non Official Member
16	Swati Ramanathan, Co-Founder, Janaagraha	Non Official Member
17	R.K. Misra, Urban Expert	Non Official Member

18	CS to Government	Member
19	ACS to Government, UDD	Member
20	Commissioner, BBMP	Permanent Invitee
21	Commissioner, BDA	Permanent Invitee
22	Metropolitan Commissioner, BMRDA	Permanent Invitee
23	Under Secretary to Government, UDD (BBMP)	

It is submitted that the objectives of the BBPAG have an overlapping resemblance with that of the BMPC, as explained *supra*.

17. Being aggrieved by the aforesaid Impugned G.O. and having no other alternative efficacious remedy to address, the Petitioners are preferring this public interest Petition on the following amongst other grounds, each raised and contended without prejudice to the other.

### **GROUND**

18. That as per Article 243ZE of Constitution of India, a Metropolitan Planning Committee (MPC) is mandatorily to be constituted for every metropolitan area and the BMPC, as provided for under the KMC Act, has been constituted in respect of the metropolitan area of Bengaluru. As such, the constitution of any parallel group/institution/committee with an entirely separate

machinery of appointment and dispensation of duties with regard to identical field of operation is *per se* unconstitutional for being a subterfuge to the mandatory provisions of the Constitution. It is most respectfully submitted that insofar as the BBPAG, constituted under the Impugned G.O., has an identical field of operation viz., to improve the lot of the municipal residents by providing basic amenities, to achieve coordination between local authorities for developmental works, etc., as that of a MPC constituted under Article 243ZE of the Constitution of India. Therefore, the Impugned G.O. is in teeth of the constitutional provisions and is therefore liable to be struck down by this Hon'ble Court, on this ground alone.

19. That, the BBPAG, formed pursuant to the Impugned G.O. is unconstitutional and unwarranted, when the Metropolitan Planning Committee (MPC) a constitutionally and democratically established body is established under the Constitution and through a consequent amendment of the KMC Act, 1976. It is submitted that the BMPC acts as a supervisory agency with a mandate to formulate development plans with regard to the overall objectives and priorities of the State Government as well, wherefore, constitution of the BBPAG allegedly for the purpose of

advising the Government in the State is completely uncalled for and the same *prima facie* has the tendency to interfere with the objective operations of the BMPC due to the overlap in their fields of operation. The setting up of a parallel advisory group, while a constitutional body such as the BMPC is in existence, defies logic and is palpably arbitrary and is therefore liable to be set aside in its entirety.

20. That the provisions of Section 503B (7)(b) of the KMC Act read with Art. 243ZE (3)(b) of the Constitution, amply empowers the BMPC to consult any institution or organization as the Governor may specify, for any specialized assistance that may be required in its formulation of a draft development plan for the Municipal area. In light of the same, the creation of the ad-hoc BBPAG is inexplicable and therefore the same is arbitrary and *de hors* any authority of law.
21. That a substantial number of members of the BBPAG, including the Chairperson, is as such members of BMPC and therefore, there is every possibility that the participation of private parties, arbitrarily appointed, in the BBPAG could severely dent the objective functioning of BMPC, notwithstanding the BMPC being rendered



redundant. It is most respectfully submitted that the undermining of the BMPC through the medium of the ad-hoc BBPAG in effect sets at naught the laudable intent of the 74<sup>th</sup> Amendment to the Constitution of India. Having multiple nodal bodies for the same purpose, in effect renders the efficacy of the MPC otiose, as the objective of coordination between various arms of the State stand defeated, paving the path for chaotic and arbitrary public works in the name of development. As submitted *supra*, such lack of coordination breeds rampant corruption in public life, thereby further defeating the very objective of public accountability sought to be brought in by the 74<sup>th</sup> Amendment to the Constitution.

22. That assuming but not conceding that the scope of functioning of BBPAG is only advisory in nature, even then, the sanctity and authority of the BMPC stands heavily compromised inasmuch as the Chairperson of both the BMPC and the BBPAG shall be the Chief Minister of the State of Karnataka. It is respectfully submitted that the BBPAG comprises of mostly private members, nominated without any democratic method of elections. Therefore, inasmuch as a nominated ad-hoc body is given the same status, for the same purpose, as that of a constitutional

body, the same grievously undermines the democratic mandate and the Constitution of India.

23. Notwithstanding the foregoing, assuming but not conceding that the BBPAG is intended at providing objective, wholesome and independent advice for the development of the City of Bengaluru, the Members of the BBPAG, as notified vide the Impugned G.O., are singularly comprised of members from the affluent echelons of society., The same fails to represent the cross-sectional interest of the society, unlike the BMPC, and therefore smacks of bias. Furthermore, it is humbly submitted that the ad-hoc non-official members appointed to the BBPAG vide the Impugned G.O., although distinguished in their respective fields of operation, has no expertise in town-planning, thereby rendering the entire exercise as arbitrary.

24. That the establishment of the BBPAG appears to be a clear circumvention of the democratic election process, which is a constitutional mandate for the BMPC and thereby paves way for appointment of persons with influence and leverage over the state of affairs, without any connection to the subject matter of concern in the instant case i.e., metropolitan city planning and development. This aspect is

certainly antithetical to the core spirit of the MPC as intended under Article 243-ZE of the Constitution of India.

25. That rather than strengthening the constitutionally established MPC, i.e., BMPC, in a manner known to law; should there be a need for the same, the attempt of the Respondent State in establishing a parallel and evidently conflicting system in advising on matters of planning for the metropolitan area, discloses demonstrable efforts to circumvent the accountability and scrutiny that follows the functioning of MPC, and is therefore arbitrary and unconstitutional.
26. That a development plan for a metropolitan area can only be drawn up by a democratically elected representative body that is the Metropolitan Planning Committee by taking into account the factors mentioned in Clause (3) of Article 243ZE and there cannot be any Parallel Group/body set up Government/Respondent No.1 for the similar purpose.
27. That whilst the process adopted to appoint members to the BMPC is challenged and is as such pending consideration before this Hon'ble Court, constitution of a parallel body with parties appointed arbitrarily, without strengthening

the BMPC, is nothing but an attempt to overpower the functioning of the Constitutional body. While nothing prevents the MPC from inviting suggestions and recommendations on the subject of spatial planning, initiating efforts towards constituting ancillary committees to submit recommendations without strengthening the BMPC runs contrary to the constitutional mandate relating to resource management and metropolitan area development.

#### **GROUND FOR INTERIM RELIEF**

28. The Petitioners submit that the continuance of the BBPAG would not only be in serious conflict with the mandate of the BMPC, but would also render the functioning of the BMPC, either redundant or being subject to review.
29. That the planning and development of the City of Bengaluru has been as such carried out by BDA, BMRDA and BMPC and any action carried out by BBPAG during the pendency of the instant writ petition, would seriously prejudice the objective functional of the constitutional body.

30. The Petitioners crave leave to raise additional grounds at the time of hearing and submits that the aforesaid grounds are raised without prejudice to one another.

31. No writ or any other proceedings have been initiated by the Petitioner on the same cause of action before this Hon'ble Court or any other Court, Forum or Tribunal.

32. Court fees of Rs. 200/- has been paid on this petition.

**PRAYER**

WHEREFORE, the Petitioners most respectfully pray that this Hon'ble Court, in public interest, may be pleased to:

- (i) Issue an order or writ in the nature of certiorari or any other appropriate writ, quashing the Government Order bearing No. NAE 97 Coordination 2014, Bengaluru, dated 28.04.2016 produced at **Annexure A** as being illegal and unconstitutional;
- (ii) Issue a writ of declaration or any other appropriate writ, declaring that the Bangalore Metropolitan Planning Committee, constituted by the Government of Karnataka vide notification dated 04/01/2014, pursuant to Article 243-ZE of the Constitution of India

is the only Committee authorised to consider, discuss and opine on matters relating to planning of the Metropolitan area of Bengaluru and such other incidental matters and carry out actions pursuant thereto;

- (iii) Issue a writ of mandamus or any other appropriate writ, directing the Government of Karnataka to undertake necessary steps to call for public participation in the Bangalore Metropolitan Planning Committee, by duly carrying out necessary amendments to the Bangalore Metropolitan Planning Committee Rules, 2013, in order to facilitate larger representation in the Bangalore Metropolitan Planning Committee; and
- (iv) Grant such other relief/reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice.

#### **INTERIM PRAYER**

Pending disposal of the instant writ petition, the Petitioners humbly pray that this Hon'ble Court be pleased to stay the operation of the Government Order bearing No. NAE 97 Coordination 2014, Bengaluru, dated 28.04.2016 (i.e. the

Impugned G.O.) issued by the Respondent No.3, in the interest of justice and equity.

**Bengaluru**  
**01.06.2016**

**Advocate for Petitioners**  
**Nalina Mayegowda**

Address for service:

Poovayya & Co.  
Advocates & Solicitors  
The Estate – Level One  
121 Dickenson Road  
Bangalore 560 042  
080-41156777

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**(Original Jurisdiction)**

**Writ Petition No. \_\_\_\_\_/2016**

**BETWEEN:**

Mr. Rajeev Chandrashekar and Another

**PETITIONERS**

**AND**

State of Karnataka & Ors.

**RESPONDENTS**

**VERIFYING AFFIDAVIT**

I, Rajeev Chandrasekhar, S/o. Air Cdr M.K. Chandrasekhar (Retd.), aged about 51 years, residing at No. 375, 13th Main 3rd Block, Koramangala, Bangalore - 560034 do hereby solemnly affirm and state as under:-

1. That I am one of the Petitioners in the writ petition and I am well acquainted with all the facts and circumstances of the case and as such I am competent to swear to this affidavit.
2. I state that the contents of the Writ Petition in paragraphs nos. 1 to 32 are true to my knowledge derived from the records of the case and last paragraph is prayer to this Hon'ble Court.
3. I state that the Annexures "A" to 5 annexed to the Writ Petition are true copies of their respective originals.

**Verification**

I, the deponent herein, do hereby verify and declare that this is my true name and signature and what is stated above are true and correct to the best of my knowledge, information and belief.

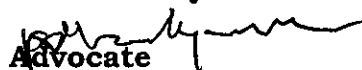
**Bangalore**

**Date: 01/06/2016.**



**Deponent**

**Identified by me**

  
**Advocate**



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**(Original Jurisdiction)**

**Writ Petition No. \_\_\_\_\_/2016**

**BETWEEN:**

Mr. Rajeev Chandrashekar and Another

**PETITIONERS**

**AND**

State of Karnataka & Ors.

**RESPONDENTS**

**VERIFYING AFFIDAVIT**

I, Sridhar Pabbisetty, son of P S Adilakshmi Narayana, aged 37 years, residing at 282, 11<sup>th</sup> B Cross 3<sup>rd</sup> Main, 1<sup>st</sup> Block, BEL Layout, Vidyaranyapura, Bengaluru - 560097, Karnataka do hereby solemnly affirm and state as under:-

1. That I am the authorized signatory of Petitioner No.2 herein, in the writ petition and I am well acquainted with all the facts and circumstances of the case and as such I am competent to swear to this affidavit.
2. I state that the contents of the Writ Petition in paragraphs nos. 1 to 32 are true to my knowledge derived from the records of the case and last paragraph is prayer to this Hon'ble Court.
3. I state that the Annexures "A" to J annexed to the Writ Petition are true copies of their respective originals.

**Verification**

I, the deponent herein, do hereby verify and declare that this is my true name and signature and what is stated above are true and correct to the best of my knowledge, information and belief.

**Bangalore**

**Date:** 01/06/2016.



**Deponent**

**Identified by me**

  
**Advocate**



ವಿಷಯ: ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿಗಾಗಿ ವಿಷನ್ ಗ್ರೂಪ್ ರಚಿಸುವ ಬಗ್ಗೆ - ಆದೇಶ.

\* \* \* \* \*

ಪ್ರಸ್ತಾವನೆ:

ಬೆಂಗಳೂರು ನಗರದ ನಾಗರಿಕರಿಗೆ ಮೂಲಭೂತ ಸೌಕರ್ಯಗಳನ್ನು ಒದಗಿಸುವ ಸಲುವಾಗಿ ಒಂದು ವಿಷನ್ ಗ್ರೂಪ್ ಅನ್ನು ದಿನಾಂಕ: 04-03-2014 ರಂದು ರಚಿಸಲಾಗಿತ್ತು. ಈ ಬಗ್ಗೆ, ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ದಿನಾಂಕ: 21-03-2014 ರಂದು ತಡೆಯಾಜ್ಞೆಯನ್ನು ನೀಡಿರುತ್ತದೆ. ತದನಂತರ, ಅಡಿಷನಲ್ ಅಡ್ವೋಕೇಟ್ ಜನರಲ್‌ರವರು ಈ ಕೆಳಕಂಡಂತೆ ತಮ್ಮ ಅಭಿಪ್ರಾಯವನ್ನು ನೀಡಿರುತ್ತಾರೆ.

" At present, the Writ Petition in which the Hon'ble High Court had granted an interim order directing the Vision Group not to function, has been disposed of. Therefore, there are no subsisting orders of the Hon'ble High Court with regard to functioning or constitution of the Vision Group".

2. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ವಿಷನ್ ಗ್ರೂಪ್ ರಚನೆ ಮಾಡುವುದಕ್ಕೆ ಯಾವುದೇ ಅಡ್ಡಿ ಇಲ್ಲ ಎಂದು ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಅಭಿಪ್ರಾಯಿಸಿದೆ. ಮಾನ್ಯ ಬೆಂಗಳೂರು ನಗರಾಭಿವೃದ್ಧಿ ಸಚಿವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ, ದಿನಾಂಕ: 21-12-2015 ರಂದು ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಡೆದ ಸಭೆಯಲ್ಲಿ ಬೆಂಗಳೂರು ನೀಲನಕ್ಷೆ ಕ್ರಿಯಾ ತಂಡ (Bengaluru Blue Print Action Group) (BBPAG) ವನ್ನು ರಚಿಸಲು ಪ್ರಸ್ತಾಪಿಸಲಾಯಿತು. ಈ ಬಗ್ಗೆ ಜನಗ್ರಹ ಸಂಸ್ಥೆಯವರು ಈಗಾಗಲೇ ಬೆಂಗಳೂರು ನೀಲನಕ್ಷೆ ಪ್ರಾತ್ಯಕ್ಷಿಕೆಯನ್ನು ತಯಾರಿಸಿರುತ್ತಾರೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಬೆಂಗಳೂರು ನೀಲನಕ್ಷೆ ಕ್ರಿಯಾ ತಂಡವನ್ನು ರಚಿಸಲು ಪರಿಗಣಿಸಬಹುದಾಗಿರುತ್ತದೆ. ಈ ಬಗ್ಗೆ, ದಿನಾಂಕ: 26-12-2015 ರಂದು ನಡೆದ ಸಭೆಯಲ್ಲಿ ಆಯುಕ್ತರು, ಬಿ.ಬಿ.ಎಂ.ಪಿ. ಹಾಗೂ ಬೆಂಗಳೂರಿನ ವಿವಿಧ ಸಂಸ್ಥೆಗಳ ಪ್ರತಿನಿಧಿಗಳಿಗೆ ಪ್ರಾತ್ಯಕ್ಷಿಕೆಯನ್ನು ಪ್ರಕಟಪಡಿಸಲಾಯಿತು. ಅವರ ಅಭಿಪ್ರಾಯದಲ್ಲಿ ಮಾನ್ಯ ನಗರಾಭಿವೃದ್ಧಿ ಸಚಿವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ವಿವಿಧ ಸಂಸ್ಥೆಗಳ ವಿವಿಧ ಸಂಸ್ಥೆಗಳ ಪ್ರತಿನಿಧಿಗಳನ್ನೊಳಗೊಂಡ ಈ ರೀತಿಯಾದ ಒಂದು ಕ್ರಿಯಾ ತಂಡವನ್ನು ರಚನೆ ಮಾಡುವುದರಿಂದ ಕಾರ್ಯಕ್ರಮಗಳು ಮತ್ತು ಕಾಮಗಾರಿಗಳನ್ನು ನಿಗದಿತ ಅವಧಿಯಲ್ಲಿ ಪೂರ್ಣಗೊಳಿಸಲು ಸಹಾಯಕವಾಗುವುದು.

3. ಮೇಲಿನ ಪ್ರಸ್ತಾವಿತ ಬೆಂಗಳೂರು ನೀಲನಕ್ಷೆ ಕ್ರಿಯಾ ತಂಡವನ್ನು (BBPAG) ಈ ಕೆಳಕಂಡ ಉಲ್ಲೇಖ ನಿಬಂಧನೆಗಳಿಗೆ ಒಳಪಟ್ಟು ರಚಿಸಲು ತೀರ್ಮಾನಿಸಲಾಯಿತು.

- 1) ಬೆಂಗಳೂರು ನಗರದ ನಿವಾಸಿಗಳ ಜೀವನ ಗುಣಮಟ್ಟವನ್ನು ಸುಧಾರಿಸಲು ಅಗತ್ಯವಿರುವ ಮೂಲಭೂತಸೌಕರ್ಯ ಮತ್ತು ವ್ಯವಸ್ಥೆಗಳ ಸುಧಾರಣೆ, ಸಂಪನ್ಮೂಲ ಕ್ರಾಢೀಕರಣ ಸೇರ್ಪಡೆ, ಪಾರದರ್ಶಕ ಆಡಳಿತ, ವಿಶೇಷವಾಗಿ ಇ-ಆಡಳಿತ ಒಳಗೊಂಡಂತೆ ಮಾರ್ಗೋಪಾಯಗಳು ಹಾಗೂ ನಾಗರಿಕರು, ಸಂಘ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಉದ್ಯಮಗಳ ಹೆಚ್ಚಿನ ಭಾಗವಹಿಸುವಿಕೆಯನ್ನು ಕ್ರಿಯಾ ತಂಡ ಪರಿಗಣಿಸುವುದು.

2) ಬೆಂಗಳೂರು ನಗರದ ಎಲ್ಲಾ ನಿವಾಸಿಗಳ ಜೀವನ ಗುಣಮಟ್ಟವನ್ನು ಸುಧಾರಿಸುವ ಗುರಿಯ ಸಾಧನೆಗೆ ಪರಿಕಲ್ಪನೆ ಮತ್ತು ಪ್ರಾಯೋಗಿಕ ತಳಹದಿಯನ್ನು ಒದಗಿಸುವಂತಹ ಬೆಂಗಳೂರಿನ ನೀಲ ನಕ್ಷೆ (Bangalore Blue Print) ಯನ್ನು ಕ್ರಿಯಾ ತಂಡ ಅಂತಿಮಗೊಳಿಸುವುದು.

3) ಬೆಂಗಳೂರು ನಗರದ ವಿವಿಧ ಯೋಜನೆಗಳ ಅನುಷ್ಠಾನದ ಮೇಲ್ವಿಚಾರಣೆ ಮತ್ತು ಮಾರ್ಗದರ್ಶನ ನೀಡುವುದು ಹಾಗೂ ವಿವಿಧ ಸಂಸ್ಥೆಗಳ ಮಧ್ಯೆ ಸಮನ್ವಯತೆ ಸಾಧಿಸಿ ಯೋಜನೆಗಳನ್ನು ತ್ವರಿತವಾಗಿ ಗುಣಮಟ್ಟದೊಂದಿಗೆ ಕಾರ್ಯಗತಗೊಳಿಸುವುದು.

4) ಕ್ರಿಯಾ ತಂಡದ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಯು ಕ್ರಿಯಾ ತಂಡದ ಸಭೆಗಳನ್ನು ಕತೆಯಲು ವ್ಯವಸ್ಥೆ ಮಾಡುವುದು, ದಾಖಲೆಗಳನ್ನು ಇಡುವುದು, ಕಛೇರಿ ನಿರ್ವಹಣೆಗೆ ಬೇಕಾದ ಸಿಬ್ಬಂದಿ ನೇರವನ್ನು ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರವು ಒದಗಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಅಲ್ಲದೆ, ಇದಕ್ಕೆ ತಗಲುವ ವೆಚ್ಚವನ್ನೂ ಸಹ ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರವೇ ಒದಗಿಸಬೇಕಾಗಿರುತ್ತದೆ.

4. ಆದ್ದರಿಂದ, ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಯವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಬೆಂಗಳೂರು ನೀಲ ನಕ್ಷೆ (Bangalore Blue Print) ಕ್ರಿಯಾ ತಂಡದ ಸಮಿತಿಯನ್ನು ರಚಿಸಲು ಅಗತ್ಯವೆಂದು ಕಂಡು ಬಂದಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಸರ್ಕಾರವು ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ.

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ನಅಇ 97 ಸಮನ್ವಯ 2014

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 28-04-2016

5. ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಲಾದ ಕಾರಣಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಬೆಂಗಳೂರಿನ ಸಮಗ್ರ ಅಭಿವೃದ್ಧಿಗೆ ದೂರದೃಷ್ಟಿಯನ್ನು ಇಟ್ಟುಕೊಂಡು ಯೋಜನೆಯನ್ನು ರೂಪಿಸಲು ಈ ಕೆಳಕಂಡಂತೆ "ಬೆಂಗಳೂರು ವಿಷನ್ ಗ್ರೂಪ್" ಅನ್ನು ರಚಿಸಿ ಆದೇಶಿಸಿದೆ.

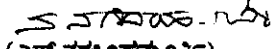
ಕ್ರ. ಸಂ.	ಕ್ರಿಯಾಪಥ	ಪದನಾಮ
1	ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಗಳು.	ಅಧ್ಯಕ್ಷರು
2	ಮಾನ್ಯ ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಸಚಿವರು ಮತ್ತು ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲಾ ಉಸ್ತುವಾರಿ ಸಚಿವರು.	ಉಪಾಧ್ಯಕ್ಷರು
3	ಬೆಂಗಳೂರು ನಗರವನ್ನು ಪ್ರತಿನಿಧಿಸುವ ಎಲ್ಲಾ ಸಚಿವರುಗಳು.	ಸದಸ್ಯರು
4	ಶ್ರೀ ಎನ್.ಆರ್.ನಾರಾಯಣಮೂರ್ತಿ ರವರು, ಸಂಸ್ಥಾಪಕ ಅಧ್ಯಕ್ಷರು, ಮೆ: ಇನ್ಫೋಸಿಸ್ ಲಿಮಿಟೆಡ್, ಬೆಂಗಳೂರು.	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು

5	ಶ್ರೀ ಅಜೀಮ್ ಪ್ರೇಮ್‌ಜಿ ರವರು ಅಧ್ಯಕ್ಷರು, ಮೆ. ಎಮ್. ಲಿಮಿಟೆಡ್, ಬೆಂಗಳೂರು.	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು
6	ಶ್ರೀಮತಿ ಕಿರಣ್ ಮಜುಂದಾರ್ ಶಾ ರವರು ಅಧ್ಯಕ್ಷರು ಹಾಗೂ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ಮೆ. ಬಯೋಕಾನ್ ಇಂಡಿಯಾ ಲಿಮಿಟೆಡ್, ಬೆಂಗಳೂರು.	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು
7	ಶ್ರೀ ರಮೇಶ್ ರಾಮನಾಥನ್ ರವರು, ಸಂಸ್ಥಾಪಕ ಅಧ್ಯಕ್ಷರು, ಜನಗ್ರಹ ಫೌಂಡೇಷನ್, ಬೆಂಗಳೂರು.	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು
8	ಶ್ರೀಮತಿ ಕಲ್ಪನಾ ಕರ್ ರವರು, ನಿರ್ದೇಶಕರು, ಮೈಕ್ರೋಲ್ಯಾಂಡ್, ಬೆಂಗಳೂರು.	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು
9	ಶ್ರೀ ಸಚಿನ್ ಬನ್ಸಲ್ ರವರು, ಸಂಸ್ಥಾಪಕ ಅಧ್ಯಕ್ಷರು, ಮೆ. ಪ್ಲಿವ್‌ಕಾರ್ಟ್, ಬೆಂಗಳೂರು.	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು
10	ಶ್ರೀ ಮೋಹನ್ ದಾಸ್ ವೈ ರವರು, ಬೆಂಗಳೂರು.	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು
11	ಶ್ರೀ ರಮಾಕಾಂತ್ ರವರು, ಫನಾಟಿಕ್ ನಿರ್ವಹಣಾ ತಜ್ಞರು.	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು
12	ಶ್ರೀ ಬಿ.ಎಸ್.ಪಾಟೀಲ್ ರವರು, ಭಾ.ಆ.ಸೇ.(ನಿ), ಅಧ್ಯಕ್ಷರು, "ಬಿ.ಬಿ.ಎಂ.ಪಿ. ಪುನರ್ರಚನೆ ತಜ್ಞರ ಸಮಿತಿ".	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು
13	ಶ್ರೀ ಸಿದ್ದಯ್ಯ ರವರು, ಭಾ.ಆ.ಸೇ.(ನಿ), ಸದಸ್ಯರು, "ಬಿ.ಬಿ.ಎಂ.ಪಿ. ಪುನರ್ರಚನೆ ತಜ್ಞರ ಸಮಿತಿ".	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು
14	ಶ್ರೀ ರವಿಚಂದ್ರ ರವರು, ಅರ್ಬನ್ ಎಕ್ಸ್‌ಪರ್ಟ್ ಹಾಗೂ ಸದಸ್ಯರು, "ಬಿ.ಬಿ.ಎಂ.ಪಿ. ಪುನರ್ರಚನೆ ತಜ್ಞರ ಸಮಿತಿ".	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು
15	ಶ್ರೀ ಕೆ.ಜಯರಾಜ್ ರವರು, ಭಾ.ಆ.ಸೇ., ನಿವೃತ್ತ ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು.	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು
16	ಶ್ರೀಮತಿ ಸ್ವಾತಿ ರಾಮನಾಥನ್ ರವರು, ಸಹ ಸಂಸ್ಥಾಪಕರು, ಜನಗ್ರಹ ಪ್ರತಿಷ್ಠಾನ, ಬೆಂಗಳೂರು.	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು

17	ಶ್ರೀ ಆರ್.ಕೆ.ಮಿಶ್ರಾ ರವರು, ಅರ್ಬನ್ ಎಕ್ಸ್‌ಪರ್ಟ್, ಬೆಂಗಳೂರು.	ಅಧಿಕಾರೇತರ ಸದಸ್ಯರು
18	ಸರ್ಕಾರದ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು.	ಸದಸ್ಯರು
19	ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು, ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ.	ಸದಸ್ಯರು
20	ಆಯುಕ್ತರು, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ.	ಖಾಯಂ ಆಹ್ವಾನಿತರು
21	ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ.	ಖಾಯಂ ಆಹ್ವಾನಿತರು
22	ಮಹಾನಗರ ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಮಂಡಳಿ.	ಖಾಯಂ ಆಹ್ವಾನಿತರು
23	ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿಗಳು, ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ (ಬಿ.ಬಿ.ಎಂ.ಪಿ. ವಿಭಾಗ)	ಸಂಚಾಲಕರು

ವಿಷನ್ ಗ್ರೂಪ್ ಸಭೆಗಳನ್ನು ಕರೆಸಲು ವ್ಯವಸ್ಥೆ ಮಾಡುವುದು, ದಾಖಲೆಗಳನ್ನು ನೀಡುವುದು, ಕಛೇರಿ ನಿರ್ವಹಣೆಗೆ ಬೇಕಾದ ಸಿಬ್ಬಂದಿ ನೆರವನ್ನು ಹಾಗೂ ಇದಕ್ಕೆ ತಗಲುವ ವೆಚ್ಚವನ್ನು ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರವು ಒದಗಿಸುವುದು.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

  
(ಎನ್.ನರಸಿಂಹಮೂರ್ತಿ)

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ(ಪ್ರ),  
ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ

ಇವರಿಗೆ:

- 1) ಮಹಾಲೇಖಪಾಲರು (A&E), ಕರ್ನಾಟಕ, ಬೆಂಗಳೂರು.
- 2) ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಯವರ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರು, ವಿಧಾನ ಸೌಧ, ಬೆಂಗಳೂರು.
- 3) ಮಾನ್ಯ ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಸಚಿವರು ಮತ್ತು ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲಾ ಉಸ್ತುವಾರಿ ಸಚಿವರು.
- 4) ಬೆಂಗಳೂರು ನಗರವನ್ನು ಪ್ರತಿನಿಧಿಸುವ ಎಲ್ಲಾ ಸಚಿವರುಗಳು.
- 5) ಶ್ರೀ ಎನ್.ಆರ್.ನಾರಾಯಣಮೂರ್ತಿ, ಸಂಸ್ಥಾಪಕ ಅಧ್ಯಕ್ಷರು, ಮೆ|| ಇನ್‌ಫೋಸಿಸ್ ಲಿಮಿಟೆಡ್, ಬೆಂಗಳೂರು.
- 6) ಶ್ರೀ ಅಭಿಮನ್ಯು ಪ್ರೇಮ್‌ಜಿ, ಅಧ್ಯಕ್ಷರು, ಮೆ|| ವಿಪ್ರೋ ಲಿಮಿಟೆಡ್, ಬೆಂಗಳೂರು.
- 7) ಶ್ರೀಮತಿ ಕಿರಣ್ ಮಜುಂದಾರ್ ಶಾ, ಅಧ್ಯಕ್ಷರು ಹಾಗೂ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ಮೆ|| ಬಯೋಕಾನ್ ಇಂಡಿಯಾ ಲಿಮಿಟೆಡ್, ಬೆಂಗಳೂರು.

- 8) ಶ್ರೀ ರಮೇಶ್ ರಾಮನಾಥನ್, ಸಂಸ್ಥಾಪಕ ಅಧ್ಯಕ್ಷರು, ಜನಾಗ್ರಹ ಫೌಂಡೇಷನ್, ಬೆಂಗಳೂರು.
- 9) ಶ್ರೀಮತಿ ಕಲ್ಪನಾ ಕರ್, ನಿರ್ದೇಶಕರು, ಮೈಕ್ರೋಲ್ಯಾಂಡ್, ಬೆಂಗಳೂರು.
- 10) ಶ್ರೀ ಸಚಿನ್ ಬನ್ನರ್, ಸಂಸ್ಥಾಪಕ ಅಧ್ಯಕ್ಷರು, ಮೆ|| ಪ್ಲಿಪ್‌ಕಾರ್ಟ್, ಬೆಂಗಳೂರು.
- 11) ಶ್ರೀ ಮೋಹನ್ ದಾಸ್ ವೈ, ಬೆಂಗಳೂರು.
- 12) ಶ್ರೀ ರಮಾಕಾಂತ್, ಘನಶ್ಯಾನ್ಯ ನಿರ್ವಹಣಾ ತಜ್ಞರು, ಬೆಂಗಳೂರು.
- 13) ಶ್ರೀ ಬಿ.ಎಸ್.ಪಾಟೀಲ್, ಭಾ.ಆ.ಸೇ.(ನಿ), ಅಧ್ಯಕ್ಷರು, "ಬಿ.ಬಿ.ಎಂ.ಪಿ. ಪುನರ್ರಚನೆ ತಜ್ಞರ ಸಮಿತಿ", ವಿಕಾಸ ಸೌಧ, ಬೆಂಗಳೂರು.
- 14) ಶ್ರೀ ಸಿದ್ದಯ್ಯ, ಭಾ.ಆ.ಸೇ.(ನಿ), ಸದಸ್ಯರು, "ಬಿ.ಬಿ.ಎಂ.ಪಿ. ಪುನರ್ರಚನೆ ತಜ್ಞರ ಸಮಿತಿ", ವಿಕಾಸ ಸೌಧ, ಬೆಂಗಳೂರು.
- 15) ಶ್ರೀ ರವಿಚಂದರ್, ಅರ್ಬನ್ ಎಕ್ಸ್‌ಪರ್ಟ್ ಹಾಗೂ ಸದಸ್ಯರು, "ಬಿ.ಬಿ.ಎಂ.ಪಿ. ಪುನರ್ರಚನೆ ತಜ್ಞರ ಸಮಿತಿ", ವಿಕಾಸ ಸೌಧ, ಬೆಂಗಳೂರು.
- 16) ಶ್ರೀ ಕೆ.ಜಯರಾಜ್, ಭಾ.ಆ.ಸೇ., ನಿವೃತ್ತ ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರು, ಬೆಂಗಳೂರು.
- 17) ಶ್ರೀಮತಿ ಸ್ವಾತಿ ರಾಮನಾಥನ್, ಸಹ ಸಂಸ್ಥಾಪಕರು, ಜನಾಗ್ರಹ ಪ್ರತಿಷ್ಠಾನ, ಬೆಂಗಳೂರು.
- 18) ಶ್ರೀ ಆರ್.ಕೆ.ಮಿಶ್ರಾ, ಅರ್ಬನ್ ಎಕ್ಸ್‌ಪರ್ಟ್, ಬೆಂಗಳೂರು.
- 19) ಸರ್ಕಾರದ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರು, ವಿಧಾನ ಸೌಧ, ಬೆಂಗಳೂರು.
- 20) ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರು, ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ.
- 21) ಆಯುಕ್ತರು, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು.
- 22) ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.
- 23) ಮಹಾನಗರ ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಮಂಡಳಿ, ಬೆಂಗಳೂರು.
- 24) ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ-3, ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ (ಬಿ.ಬಿ.ಎಂ.ಪಿ. ವಿಭಾಗ), ಬೆಂಗಳೂರು.
- 25) ಶಾಖಾ ರಕ್ಷಾ ಕಡತ/ಹೆಚ್ಚುವರಿ ಪ್ರತಿಗಳು.

## KARNATAKA GOVERNMENT PROCEEDINGS

Sub :- Forming Vision Group for Bangalore  
Development- order

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PREAMBLE :-

That in order to provide basic facilities to the citizen of Bangalore City a Vision Group was formed on 04-03-2014. In this regard the Hon'ble High Court was pleased to pass stay order on 21-03-2014. Thereafter the Additional Advocate General given his opinion as hereunder.

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**" At present the Writ Petition in which the Hon'ble High Court had granted an interim order directing the Vision Group not to function, has been disposed of. Therefore, there are no such subsisting order of the Hon'ble High Court with regard to functioning or constitution of the Vision Group"**

2. On this ground for formation of Vision Group there is no any hurdle as opined by the Hon'ble High Court. The meeting held under the Chairmanship of Hon'ble Minister for Bangalore City Development on 21-12-2015 in connection with Bangalore Development it was proposed

to form a Active Team (Bangalore Blue Print Action Group) (BBPAG). In this regard Janagraha Company has already prepared demonstrative blue print. On this background it may be considered for formation of Bangalore Blue Print Active Team. In this regard the meeting held on 26-12-2015 and in the said meeting the Commissioner, B.B.M.P also to the representatives of various institutions of Bangalore the said demonstrative have been pronounced. As per their opinion under the Chairmanship of Hon'ble Urban Development Minister various institutions represented by its representatives consisting of which if such Active Team is formed it will be helpful to implement the programs and complete the works within the time schedule.

3. It was decided to form the proposed Bangalore Blue Print Active Team (BBPAG) with certain conditions as hereunder.

- (1) That in order to improve the quality of living style for Bangalore City residents the required basic amenities and arrangements reformation, collection for resources, transparent administration, guidelines including e-administration also, more participation



by the citizens, institutions, industries for which Active Team to be considered.

- (2) That in order to improve the living style quality of Bangalore City citizen and to reach the target and also to provide practical basic foundation for which the Active Team shall finalise the Bangalore Blue Print.
- (3) That in the supervision for implementation of various programs of Bangalore City and for giving guidelines also to achieve co-ordination between various institutions to implement the projects in a speedy manner with good quality.
- (4) The member Secretary of Active Team represented by Secretary shall make arrangement to call for meeting, maintain records, the staff assistance required for maintenance of office shall be provided by the Bangalore Development Authority only.

4. Therefore, under the Chairmanship of Hon'ble Chief Minister it is necessary to form Bangalore Blue Print Active Team Committee as deemed and hence on this background the Government passed order as hereunder:-

GOVERNMENT ORDER NO.UDD.97.COORDINATION 2014,  
BANGALORE, DATED 28-04-2016

5. That for the reasons assigned in the preamble in the interest of Integral Development of Bangalore, in order to

form the project the " Bangalore Vision Group" it is hereby ordered as hereunder.

Sl No	Sriyuths	Designation
1	Hon'ble Chief Minister	President
2	Hon'ble Minister for Bangalore Development and Bangalore Urban District care taking minister	Vice President
3	All the Ministers representing the Bangalore City	Members
4	Sri N.R. Narayana Murthy, Founder President, M/s Infosys Ltd, Bangalore.	Non-official member
5	Sri Azim Premji, Chairman, M/s Wipro Ltd, Bangalore.	Non-official member
6	Smt. Kiran Majumdar Shah, Chairman also Managing Director, M/s Blocon India Limited, Bangalore	Non-official member
7	Sri Ramesh Ramanathan, Founder Chairman, Janagraha Foundation, Bangalore	Non-official member
8	Smt. Kalpana Kar, Director, Microland,	Non-official member

	Bangalore	
9	Sri Sachin Bansal, Founder President, M/s Flipcart, Bangalore.	Non-official member
10	Sri Mohan Das Pai, Bangalore.	Non-official member
11	Sri Ramakanth, Solid Garbage Maintenance Specialist	Non-official member
12	Sri B.S.Patil, IAS (N) Chairman, BBMP Reformation Expert Committee	Non-official member
13	Sri Siddaiah, IAS (N) Member, BBMP Reformation Expert Committee	Non-official member
14	Sri Ravichandar, Urban Expert also Member, BBMP Reformation Expert Committee	Non-official member
15	Sri K. Jayaraj, IAS, Retired Government Addl. Chief Secretary	Non-official member
16	Smt. Swathi Ramanathan, Asst. Founder, Janagraha Foundation, Bangalore.	Non-official member
17	Sri R.K. Mishra, Urban Expert,	Non-official member

	Bangalore	
18	Chief Secretary to Government	Member
19	Addl. Chief Secretary to Government, Urban Development Department	Member
20	Commissioner, Bruhat Bangalore Mahanagara Palike	Permanent invitee
21	Commissioner, Bangalore Development Authority	Permanent invitee
22	Metropolitan Commissioner, Bangalore Metropolitan Area Development Board	Permanent invitee
23	Deputy Secretary to Government, Urban Development Department (BBMP Section)	Convenor

That in order to call for Vision Group Meeting make arrangements, provide documents, the staff required for maintenance of the office and the expenses incurred for which the same will be provided by Bangalore Development Authority.

As per the order of Governor  
& in his name  
Sd/-  
(N. Narasimha Murthy)  
Under Secretary to Govt. (P)  
Urban Development Department

To :-

- 1) Accountant General (A&E) Karnataka, Bangalore.

- 2) Addl. Chief Secretary to the Hon'ble Chief Minister, Vidhana Soudha, Bangalore.
- 3) Hon'ble Minister for Bangalore Development and Bangalore Urban District care taking minister.
- 4) All the Ministers representing Bangalore City.
- 5) Sri N.R. Narayana Murthy, Founder President, M/s Infosys Ltd, Bangalore.
- 6) Sri Azim Prem Ji, Chairman, M/s Wipro Limited, Bangalore.
- 7) Smt. Kiran Mujamdar Shah, Chairman also Managing Director, M/s Biocon India Limited, Bangalore.

// True copy //

No. UDD 356 MNJ 2005(P)

Karnataka Government Secretariat  
Vikasa Soukha  
Bangalore, Dated: 18.06.2014NOTIFICATION

Whereas the draft of the Bangalore Metropolitan Planning Committee (Amendment) Rules, 2014 was published as required by section 421 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), in notification No. UDD 356 MNJ 2005 (P) dated: 04-03-2014 in Part IV A of the Karnataka Gazette, dated: 20-03-2014 inviting objections and suggestions from all persons likely to be affected within fifteen days from the date of its publication in the official Gazette.

And whereas, the said Gazette was made available to public on 20-03-2014.

And whereas, objections and suggestions received in this behalf have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by section 503B read with section 421 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), the Government of Karnataka hereby makes the following rules, further to amend the Karnataka Metropolitan Planning Committee Rules, 2013, namely:-

RULES

1. **Title, commencement and application.**-(1) These rules may be called the Bangalore Metropolitan Planning Committee (Amendment) Rules, 2014.

(2) They shall come into force from the date of the publication in Official Gazette.

2. **Amendment of Rule 3.**- In rule 3 of the Bangalore Metropolitan Planning Committee Rules, 2013 (hereinafter referred to as the said rules), in sub-rule (2), in clause (b), after the words "shall be held by" the words "the Regional Commissioner in consultation with" shall be inserted.

3<sup>o</sup> Insertion of new Rule 3A. After rule 3 of the said rules, the following shall be inserted, namely:

"3A. Election Procedure.- (1) Meeting for Election of 18 members to the Committee to be elected from amongst the elected members of the Bruhat Bangalore Mahanagara Palike and for election of 2 members to the Committee to be elected from amongst the Adhykshas & Upadhykshas of Zilla Panchayat, Taluk Panchayat, Grama Panchayat within the jurisdiction of Bangalore Metropolitan Area shall be convened by the Regional Commissioner, Bangalore Division with the co-ordination of the Deputy Commissioner, Bangalore District, the Commissioner of Bruhat Bangalore Mahanagara Palike and the Chief Executive Officer of the Zilla panchayat.

(2) The meeting under sub-rule (1) shall be held and presided over by the Regional Commissioner, Bangalore Division.

(3) Notices of the meeting under sub-rule (1) shall be sent by the Regional Commissioner, Bangalore Division to all the elected members of the Bruhat Bangalore Mahanagara Palike and the Adhyaksha and Upadhyaksha of Zilla Panchayat, Taluk Panchayat and Grama Panchayats within the jurisdiction of the Bangalore Metropolitan Area.

(4) Manner of voting at the election, time, place and counting of votes and declaration of results shall be as specified by the Regional Commissioner, Bangalore Division.

(5) Voters lists of the Bruhat Bangalore Mahanagara Palike elected members and Adhyaksha and Upadhyaksha of Zilla Panchayat, Taluk Panchayat and Grama Panchayat shall be prepared by the Regional Commissioner.

(6) The procedure set out in the Karnataka Municipal Corporation (Election) Rules, 1979 for election of members of the Standing Committees may be adopted by the Regional Commissioner with such modifications as may be necessary for conduct the elections to the Bangalore Metropolitan Planning Committee.

Provided, that the method of voting by secret ballot shall be followed at the election. Each voter shall have as many votes as the number of seats in the block and no voter shall cast more than one vote in respect of any one candidate.

(7) The Regional Commissioner shall declare the results of election of the members of the Committee and Grant Certificate of Election and record certificate of election under intimation to the State Election Commission and State Government.

(8) In case of any doubt or ambiguity arising in the process of conducting the elections, the State Government may upon reference to it, issue directions and clarifications as may be considered appropriate.

By order and in the name of the  
Governor of Karnataka

*[Signature]*  
V. Hanumanthiah  
Under Secretary to Government,  
Urban Development Department

To:

The Compiler, Karnataka Gazette, Bangalore for publication in the extraordinary Gazette and supply 1000 copies to the Government.

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- 3) The Additional Chief Secretary and Development Commissioner, Vidhana Soudha, Bangalore.
- 4) The Additional Chief Secretary to Chief Minister, Vidhana Soudha, Bangalore.
- 5) The Additional Chief Secretary to Govt., Urban Development Department, Vikas Soudha, Bangalore.
- 6) National Capital Region & Planning Board, Govt. of India, New Delhi.
- 7) The Secretary, The State Election Commission, Bangalore.
- 8) The Chairman, Bangalore Development Authority, Bangalore.
- 9) The Commissioner, Bruhat Bangalore Mahanagara Palike, Bangalore.
- 10) The Commissioner, Bangalore Development Authority, Bangalore.



- 11) The Commissioner, BMRD, Bangalore.
- 12) The Regional Commissioner, Bangalore Division, Bangalore.
- 13) The Chairman, Bangalore Water Supply and Sewerage Board, Bangalore.
- 14) The Deputy Commissioner, Bangalore Urban / Rural District.
- 15) The CEO, Zilla Panchayat, Bangalore Urban / Rural.
- 16) The Director, Town & Country Planning, Bangalore.
- 17) The Joint Director, (Planning) Urban Development Department, Wlassowda, Bangalore.
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No. UDD 356 MNJ 2005(P)  
Secretariat

Karnataka Government

Vikasa Soudha,

Bangalore, Dated: 18.06.2014

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By order and in the name of the

Governor of Karnataka

(signed)

(V. Hanumanthaiah)

Under Secretary to the Government,

Urban Development Department

To:

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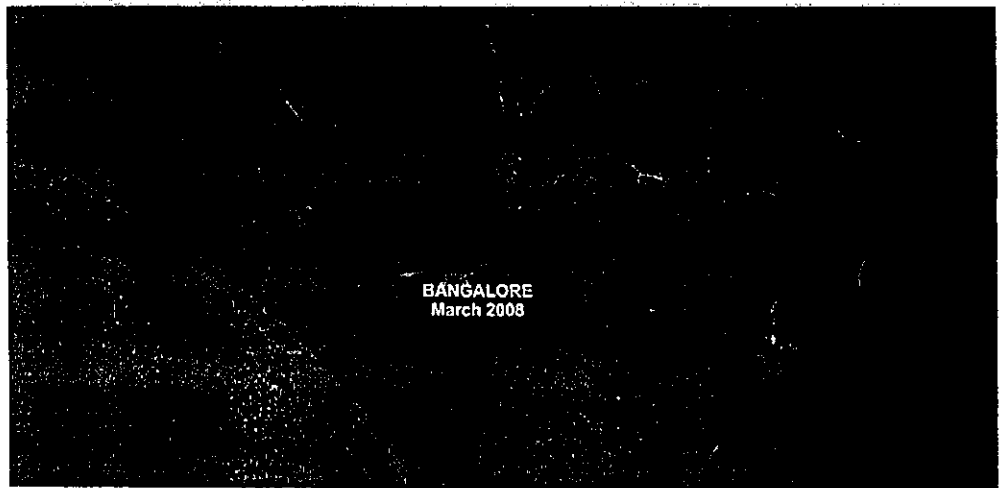
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- 11) The Commissioner, BMRLDA, Bangalore.
- 12) The Regional Commissioner, Bangalore Division, Bangalore.
- 13) The Chairman, Bangalore Water Supply and Sewerage Board,  
Bangalore
- 14) The Deputy Commissioner, Bangalore Urban/ Rural District.
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- 17) The Joint Director, (Planning) Urban Development Department,  
Vikassoudha, Bangalore.
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**REPORT OF THE EXPERT COMMITTEE**  
**GOVERNANCE IN THE BANGALORE METROPOLITAN REGION**  
**AND**  
**BRUHAT BANGALORE MAHANAGARA PALIKE**



Report of the Expert Committee

on

**GOVERNANCE IN THE BANGALORE METROPOLITAN REGION**

**AND**

**BRUHAT BANGALORE MAHANAGARA PALIKE**

Bangalore, March 2008

*It gives me an immense sense of satisfaction to place on behalf of the Expert Committee, the Report on Governance in the Bangalore Metropolitan Region and the Bruhat Bangalore Mahanagara Palike.*

*All of us in the Committee were only too aware of the challenges that had to be grappled with, in taking on the assignment of setting forth a new framework for Bangalore's governance – a city, whose rise to the status of a metropolis has been much more rapid compared to other large cities in the country. The Committee's deliberations were ably supported by members, whose profiles exhibited a vigorous blend of sound practical experience and deep knowledge in matters of urban governance apart from expertise in management, science and information technology. This enabled a comprehensive perspective of the contentious issues and problems that beset Bangalore today. These issues include urban management concerns as well as the imperatives of sustaining the growth of a city that is globally acclaimed for its contribution to the development of the knowledge economy. Such acclaim casts a responsibility on the Government as well as others concerned, to establish a structure of governance which can nurture the development of the city and the vibrancy of its economy. More importantly, it should be participatory and inclusive of the citizenry.*

*The Committee held consultations across a broad spectrum, representing different sections of society namely, political leaders, business associations, NGOs, CBOs, eminent persons and government officers. The insights gained during these consultations were extremely useful in shaping this Report.*

*Our recommendations are far reaching in terms of calling for a major shift in the planning paradigms and a significant restructuring of the political and administrative machinery, for better governance. It may, at first sight, appear somewhat radical. But the Committee believes that such a comprehensive overhaul is called for, in the interest of adroit management of the growth of this region, with a view to realize its dynamic development potential.*



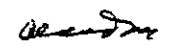
*I would like to thank the members for their patience and cooperation, despite their busy schedules, in helping to put together this Report. The Committee would also like to place on record its appreciation for the inputs received from several senior officers of the Urban Development Department and other departments of Government of Karnataka, which helped the Committee in understanding and appreciating the complexities, before arriving at its conclusions and recommendations.*


*In particular, the Committee expresses its deep appreciation to Ms. Lakshmi Venkatachalam, who was the Principal Secretary to Government, Urban Development Department, at the time the Committee was constituted and to Shri K. Jothiramalingam, the present Principal Secretary, for their unstinted support during the process of deliberations. Ms. Lakshmi Venkatachalam continued to assist the Committee in her present capacity as Principal Secretary to Government, Planning Department, till the completion of the Report.*


*The submission of the Report is only the beginning. The real test lies in implementation of its recommendations and that too in the shortest time possible, as Bangalore cannot wait!*

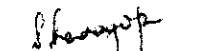
*All the members of the Committee join me in commending the Report to the Government of Karnataka for acceptance.*

  
 Dr. K. Kasturirangan  
 Chairman

  
 Dr. A. Ravindra  
 Member

  
 Sri K. C. Sivaramakrishnan  
 Member

  
 Dr. Samuel Paul  
 Member

  
 Dr. S. Sadagopan  
 Member

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## ACKNOWLEDGEMENTS

It is difficult to acknowledge in full measure, the contributions of several persons who devoted their time and energy in assisting the Committee with its task of finalizing the recommendations in this report. The task was made even more exacting, given the problems of having members with varying travel schedules and engagements. Not surprising therefore that the Committee took more than one year to fulfil its mandate and bring out its report. But, now that the work is finally over, the Committee would like to say thanks to:

All the participants and stakeholders at the consultative sessions held at various intervals whose ideas and suggestions gave much to think about;

Shri Sudhir Krishnaswamy, Asst. Prof., National Law School University, Bangalore, whose contribution both at the conceptual level and in drafting the report was invaluable;

Shri S.L.Narasimhan of Urban First for inputs on BBMP and other parastatal organizations, particularly on financial and other operational issues;

Shri Jawaid Akthar, MD, KUIDFC and his dedicated team who provided secretarial and logistic support to the Committee, Shri P.Bathan Lal, Advisor, MRC, KUIDFC tirelessly worked for arranging meetings and more crucially, the long and arduous sessions in the last 3-4 months, for drafting the report. KUIDFC's warm hospitality in hosting several brain storming sessions, where Jawaid actively contributed in helping the Committee members resolve thorny debatable issues on several aspects of urban planning and governance, needs a special mention.

Dr. V.R.Hegde of Zoomin Softech Pvt. Ltd., Bangalore, who helped in preparing very useful maps (incorporated in the Annexure) depicting, revenue districts, LPAs, ULBs etc; in the Bangalore Metropolitan Region.

Shri G.Omprakash Raju, Assistant Statistical Officer, for his assistance in word processing, when the draft report was being edited and finalized.

To all others who directly or indirectly assisted the Committee in completing its task.

## A B B R E V I A T I O N S

ARC	Administrative Reforms Commission
ARV	Annual Rental Value
BBMP	Bruhat Bangalore Mahanagara Palike (Greater Bangalore Municipal Corporation)
BBMP Act	Proposed Bruhat Bangalore Mahanagara Palike Act
BCC	Bangalore City Corporation
BDA	Bangalore Development Authority
BDA Act	Bangalore Development Authority Act, 1976
BESCOM	Bangalore Electricity Supply Company
BIAPA	Bangalore International Airport Area Planning Authority
BMA	Bangalore Metropolitan Area
BMAP Act	Proposed Bangalore Metropolitan Area Planning Act
BMAPC	Proposed Bangalore Metropolitan Area Planning Council (Metropolitan Council)
BMDA	Proposed Bangalore Metropolitan Development Authority Act
BMICPA	Bangalore Mysore Infrastructure Corridor Planning Authority
BMLTA	Bangalore Metropolitan Land Transport Authority
BMP	Bangalore Mahanagara Palike (Bangalore City Corporation)
BMPB	Proposed Bangalore Metropolitan Planning Board
BMR	Bangalore Metropolitan Region
BMRCL	Bangalore Metro Rail Corporation Limited
BMRDA	Bangalore Metropolitan Region Development Authority
BMTC	Bangalore Metropolitan Transport Corporation
BMWSB	Proposed Bangalore Metropolitan Water and Sewerage Board
BOT	Build-Operate-Transfer
BSUP	Basic Services for the Urban Poor
BWSSB	Bangalore Water Supply and Sewerage Board
BWSSB Act	Bangalore Water Supply and Sewerage Board Act, 1964
CAA	Constitution Amendment Act, 1993
CAG	Comptroller & Auditor General
CBO	Community Based Organization
CCF	City Challenge Fund
CCT	Commissioner of Commercial Taxes
CDP	City Development Plan
CIF	Capital Investment Folio
CMC	City Municipal Council
CUMB	Committee on Urban Management of Bangalore (1997)

DPC	District Planning Committee
EFC	Eleventh Finance Commission
ERP	Enterprise Resource Plan
FBAS	Fund Based Accounting System
FYPs	Five-Year Plans
GBWSP	Greater Bangalore Water and Sanitation Project
GoI	Government of India
GP	Gram Panchayat
IUPR	India Urban Poverty Ratio
JNNURM	Jawaharlal Nehru National Urban Renewal Mission
KIADB	Karnataka Industrial Areas Development Board
KLR Act	Karnataka Land Revenue Act, 1964
KM Act	Karnataka Municipalities Act, 1964
KMC Act	Karnataka Municipal Corporations Act 1976
KMSC	Proposed Karnataka Municipal Services Commission
KSCB	Karnataka Slum Clearance Board
KSRTC	Karnataka State Road Transport Corporation
KTCP Act	Karnataka Town and Country Planning Act, 1961
KUWASIP	Karnataka Urban Water and Sector Improvement Project
LPA	Local Planning Area
LPAs	Local Planning Authorities
MDF	Metropolitan Development Fund
MDP	Metropolitan Development Plan
MIS	Management Information System
MLA	Member of Legislative Assembly
MLC	Member of Legislative Council
MML	Model Municipal Legislation
MoEF	Union Ministry of Environment and Forest
MoUD	Union Ministry of Urban Development
MP	Member of Parliament
MPC	Metropolitan Planning Committee
MSC	Municipal Services Commission
MUNI	Municipal Network Infrastructure
NGO	Non Governmental Organisations
NIPFP	National Institute of Public Finance & Policy
NMAM	National Municipal Accounting Manual
NUTP	National Urban Transport Policy
O&M	Operation and Maintenance
OBA	Output Based Aids
PFDF	Pooled Finance Development Fund
PFDS	Pooled Finance Development Scheme
PPP	Public Private Partnership
PWD	Public Works Department

RCUDA	Ramanagaram Chennapatana Urban Development Authority
RLB	Rural Local Bodies
RNTCP	Revised National Tuberculosis Control Programme
SCs / STs	Scheduled Castes/Scheduled Tribes
SDMC	School Development and Monitoring Committees
SEBI	Securities and Exchange Board of India
SEZs	Special Economic Zones
SFC	State Finance Commission
TMC	Town Municipal Council
TNUDP	Tamil Nadu Urban Development Project
TOR	Terms of Reference
TP	Town Panchayat
UGD	Underground Drainage
ULB	Urban Local Bodies
UMTA	Unified Urban Transport Authorities
URIF	Urban Reforms Initiative Fund
USAID	United States Agency for International Development
UWSS	Urban Water Supply and Sanitation
WC	Ward Committee
ZP	Zilla Panchayats

## INDEX OF AUTHORITIES

### Constitutional Law

Constitution of India, 1950

74<sup>th</sup> Constitution Amendment Act, 1993

### Statutes

Bangalore Development Authority Act, 1976

Bangalore Metropolitan Region Development Authority Act, 1985

Bangalore Water Supply & Sewerage Board Act, 1964

Companies Act, 1956

Karnataka Housing Board Act, 1962

Karnataka Industrial Areas Development Board Act, 1966

Karnataka Land Reforms Act, 1961

Karnataka Land Revenue Act, 1964

Karnataka Municipal Corporations Act 1976

Karnataka Municipalities Act, 1964

Karnataka Panchayat Raj Act, 1993

Karnataka Town and Country Planning Act, 1961

Kolkata Municipal Corporation Act, 1980

### Notifications / Rules

Karnataka Municipal Corporations (Ward Committee) Rules, 1997

Municipal Solid Waste (Management and Handling) Rules, 2000

## CHAPTER - 5

## Planning for the Bangalore Metropolitan Region

*A cursory look at the organization of planning for the city indicates that there is a total absence of an integrated planning machinery, inadequate emphasis on planning among the various bodies entrusted with the city's administration, and that the existing law on the subject is outmoded and needs to be changed*

(CUMB Report 1997)

- 5.1 The unprincipled and chaotic distribution of planning functions among different institutions across different levels of Government has resulted in overlapping jurisdictions and the absence of a clear mandate. This Committee reiterates the need for a clear institutional architecture and distribution of planning functions. Further, *'urban agglomerations need a metropolitan-wide vision, planning, advocacy and action. Sources of water, disposal of waste, traffic, transport, drainage and abatement of air pollution are some examples where one city corporation or one municipality cannot achieve much in isolation.'* (KC Sivaramakrishnan Source 2006).

## Constitutional and Statutory Framework

- 5.2 The Constitution envisages significant planning and regulatory functions at the Urban Local Body level. These are set out in three entries of the 12<sup>th</sup> Schedule read with Article 243W of the Constitution to include:

- (1) Urban Planning including Town Planning;
- (2) Regulation of Land Use and Construction of Buildings; and
- (3) Planning for Economic and Social Development.

At the MPC level, the Constitution prescribes the development of a 'draft development plan' which:

## CHAPTER - 5

### Planning for the Bangalore Metropolitan Region



- (1) Requires that due attention be paid to all urban local body plans;
- (2) Covers all matters of common interest to municipalities and the Panchayats including the co-ordinated spatial planning;
- (3) Should take into consideration investment into the metropolitan region;
- (4) Facilitate integrated development of infrastructure and environmental conservation;

5.3 List III of the 7th Schedule to the Constitution confers on the Union and State governments the overarching power to do 'economic and social planning' in entry 20 of the List. Further, several entries in List I and II of the 7th Schedule to the Constitution which regulate other areas of social and economic activity have been construed to confer on the respective governments, the power to plan for this area of activity.

#### Coordinated Spatial Planning

5.4 Karnataka is one of the States which, over a period of years, has promulgated several laws relating to Spatial Planning. **KTCP Act** is one of the earliest laws on the subject in the country, post independence. One of the key provisions of the Act relates to the preparation of the Master Plan which is described as *"a series of maps and documents indicating the manner in which the development and improvement of the entire planning area within the jurisdiction of the Planning Authority are to be carried out and regulated"*.

5.5 Accordingly, the BDA set up under BDA Act is assigned the task of preparing the Master Plan for the Local Planning Area (LPA) and enforcing the same. The LPA or metropolitan area extends beyond the BBMP to an extent of 1307 sq. kms, inclusive of 67 sq. kms of Bangalore Mysore Infrastructure Corridor Planning Authority (BMICPA). In

addition, several Local Planning Authorities (LPA's) have also been set up for parts of the Region. Straddling across all these is the BMRDA which was set up for preparing the Structure Plan for the larger BMR. Recognizing the need for a review and co-ordinating mechanism, the KTCP Act was amended in 1986 to stipulate that the plans prepared by the competent authority for any LPA within the BMR had to be submitted to the State Government for approval through the BMRDA and in the process of giving that approval, the BMRDA shall exercise the powers and discharge the functions of the Director of Town Planning (Sec. 81-C of the KTCP Act).

- 5.6 Another significant aspect to note is that the power to regulate conversion of land from agriculture to non-agricultural use lies with the competent authority under section 95 of the KLR Act. The existence of this power has led to several distortions which have had adverse impact on the development of the land markets and resulted in unplanned growth in the urban and peri-urban areas in the BMR. The High Courts have commented upon the redundancy of this provision in areas covered by a Master Plan, but the amendments carried out in the KLR Act have continued the operation of the provisions relating to land conversion to non-agricultural use in LPAs.
- 5.7 It would be observed that the authorities designated as planning authorities are constituted under state government statutes and are unelected executive agencies carrying out local planning functions. However, it needs to be mentioned that the membership of the Boards of these authorities do provide for representatives from the urban local bodies within their jurisdiction. The dispersal of the land planning functions by conferring zoning power on unelected development authorities and land use power on the state government authorities

makes the local level planning framework envisaged by the constitutional provisions a non-starter as the power to regulate the supply of urban land and the manner of its development is conferred on the state government and not the local government.

- 5.8 More recently, a non-statutory contractual arrangement between the Union government and the urban local governments under the GOI sponsored JN-NURM has introduced a new requirement i.e. creation of a City Development Plan (CDP). A CDP is both a perspective and a vision for the future development of a city. It presents the current stage of the city's development – *where are we now?* , It also sets out the directions of change – *where do we want to go?* It then identifies the thrust areas – *what do we need to address on a priority basis?* It also suggests alternative routes, strategies, and interventions for bringing about the change – *what interventions do we make in order to attain the vision?* It provides a framework and vision within which projects need to be identified and implemented. Furthermore, It establishes a logical and consistent framework for evaluation of investment decisions a city development plan must include. Further, the urban reforms programme under the JNNURM mandates that all urban planning functions should be conferred on the elected ULB.
- 5.9 This preliminary survey of the constitutional and statutory distribution of planning functions makes it clear that several levels of government are meant to share the planning function over the same subject matter. The Committee feels that the present set up for preparation, approval and implementation of the spatial planning in the metropolitan region is a bewildering area with overlapping and conflicting jurisdictions. The 74th CAA with its provision for creation of the MPC provides a clear opportunity to rationalize such a system.

5.10 To develop a clear planning framework, we will need to map the control to be exercised on specific areas of planning on the appropriate level of government. To arrive at this, we need to first appraise the current status (as on 1-1-08) of spatial – planning outputs in the BMR which are as follows:

- a) The Master Plan prepared by the BDA for the Bangalore LPA comprising 1307 sq. kms (inclusive of 67 sq. kms of BMICPA area).
- b) The Master Plans prepared for other LPAs within the BMR the details of which are as follows:
  1. Bangalore International Airport Area Planning Authority (BIAPA) has a provisional Master Plan covering an area of 985 sq kms;
  2. Interim Master Plans are also published for
    - i. Magadi - 501.52 sq. km
    - ii. Nelamangala - 735.00 sq. km
    - iii. Anekal - 403.00 sq. km
    - iv. Hosakote - 535.00 sq. km
    - v. Kanakapura - 412.00 sq. km
- c) There is yet another LPA namely the BMICPA whose Master plan traverses the jurisdiction of the BMR to the extent of 404 sq kms;
- d) Finally there is the Structure Plan of the BMRDA which covers the entire BMR comprising over 8000 sq kms.

*[There is yet another LPA viz., Ramanagaram Chennapatana Urban Development Authority (RCUDA) comprising an area of approximately 63.06 sq kms but no Master Plan has been prepared for this area. Current proposal of BMRDA is to prepare an interim Master Plan for the region titled APZ – 1 comprising (a) Bidadi hobli, (b) Ramangaram Taluk, (c) Channapatna Taluk and area covered by RCUDA]*

5.11 The range and variety of plans developed by different levels of government on the same subject matter within the BMR has resulted in inconsistent planning and wide resource gaps. Presently, in Bangalore there is no MPC that plays a co-ordination role for synergising all these planning functions exercised and ensuring that there are no overlapping jurisdictions and conflicts. The role of BMRDA as a reviewing and co-ordinating authority has had at best limited success

for a variety of reasons. To enable the MPC to carry out a co-ordinating and integrating role, we need to develop and put in place a clear hierarchy of planning institutions and plans where the MDP under the MPC should co-ordinate and override all other plans developed by other state functionaries and local bodies in the metropolitan region. The Constitution provides that the MPC will have a reference jurisdiction whereby important decisions by other levels of government must get the MPC approval as well as a review and clarification power over local government plans. *This institutional hierarchy whereby the MPC is conferred with the overall decision making power in this area must be established in the statutes to be drafted for creation of the MPC in Karnataka. Related statutes such as the KTCP Act and the BMRDA Act should also be amended to accommodate the primacy of the MPC.*

- 5.12 In the 74<sup>th</sup> CAA vide Schedule XII, urban planning including town planning has been listed as a first item pertaining to municipalities. Now that the BBMP has been set up with an expanded jurisdiction, it will be necessary to assign the powers of Town Planning to the BBMP. This in itself will call for some modifications in the BDA and the KTCP Act. But, even after this, the BBMP's Town Planning powers will not extend to the whole of the metropolitan region. The other municipalities in the region will not have the need or competence to cover regional issues. It is, therefore, necessary that a mechanism is provided to review the Town Plans prepared by the BBMP and other municipalities in the region or other planning authorities to ensure that the regional priorities and strategies are taken into effect. Further more, the plan of any one jurisdiction will certainly create demand for various sectoral investments and utilization of water and other resources. Such plans

will also have an environmental impact. *It is, therefore, necessary that the MPC has a 'review function' in regard to the town plans prepared by the BBMP, other ULBs, and sectoral plans prepared by other statutory bodies. Such a power as mentioned before is already available with the BMRDA. The Committee recommends that this particular power should be suitably amplified and vested in the MPC instead of the BMRDA. The Committee further recommends that since the MPC is a representative body with a sovereign character, it is not necessary for the regionally coordinated spatial plan to be referred to the State Government for formal approval.*

#### Land Use:

- 5.13 Land use is an important and critical aspect of spatial planning. In many urban areas of the country, in particular, fast growing metropolitan areas, conversions of agricultural land for non-agricultural purposes has been rampant. It is the Revenue Authorities that have the responsibility to authorize such conversions. We have already pointed out in para 2.3 of this chapter, the anomalies caused by the dual jurisdiction of revenue and town planning authorities. Even though co-ordination mechanisms through referral of conversion cases exist, in actual practice, it is very difficult to monitor all cases of conversion and to what extent they can conform to the development plan. *The Committee, therefore, recommends that the power presently given to the Revenue Authorities in the BMR for authorizing conversion from agricultural land to non agricultural use should be vested in the Metropolitan Commissioner / Member Secretary, MPC.*

- 5.14 We will now examine how the land use planning function and enforcement may be distributed in a few key areas of metropolitan level planning.
- 5.15 The regulatory control of town and country planning, involving among others control over the use of land and development permissions is currently distributed between the State government, LPA's and the municipal government. Streamlining this area of legal regulation is critical to ensure the orderly development of the BMR.
- 5.16 The record of the BDA in enforcing the Master plan has not been altogether satisfactory for a number of reasons and not in the least due to BDA's disproportionate preoccupation in its role as a public developer. The CUMB 1997 which reviewed the performance of the BDA had underscored this aspect.
- 5.17 In rural areas the elected rural local bodies are given the power to approve development permission within their territorial jurisdiction and the limits of such powers were defined and clarified by various government circulars issued from time to time. As a result, a significant amount of peri-urban development around Bangalore city has taken place on the basis of such development permissions. However, the incapacity of the rural local body to provide infrastructural facilities to support such large scale development projects has resulted in haphazard and unsustainable development around Bangalore city. *Hence, in rural areas the powers of the RLBs to grant development permissions must be restricted to the Gram Thana areas after a survey is conducted by the BMRDA to identify such areas. Further, in these areas as well as other rural areas the powers of the RLBs to grant development permissions should be regulated and restricted by the*

*BMRDA. Section 81-B of KTCP Act, 1961 should be amended to empower BMRDA with the planning function for the entire BMA (now region) and the BDA which currently enjoys the regulatory / planning functions should be divested of this role. Other relevant laws such as the Karnataka Land Reforms Act and the Karnataka Panchayat Raj Act should also be amended to restrict or eliminate the scope of development permissions granted by rural local bodies or revenue authorities within the BMR. The BMRDA should establish a network of local planning offices in the various regions of the BMR. If we ensure that the BMRDA acts under the overall plans of the MPC, orderly development of the area is possible.*

- 5.18 *The constitutional provisions and the JNNURM obligations require that all planning functions should be conferred on the urban local bodies. Hence, the power to create and enforce the Master Plan, within their respective jurisdictions, under the KTCP Act should be conferred on the BBMP and the other urban local bodies in the BMR. For the areas in the BMR which are governed by rural local bodies, this power may be conferred on the BMRDA which will be accountable to the MPC. This would mean that no further LPA's are necessary in the BMR. Further, Sections 14, 15, 16, 17 and 18 of the KTCP Act should be amended to confer enforcement powers on the ULBs and the BMRDA.*
- 5.19 *The KLR Act confers powers on the State Government to control the use to which land is put i.e. either agricultural or non-agricultural use. The State government has designated the Deputy Commissioner as the appropriate authority to decide on applications for conversion of land from agricultural use to non agricultural use. Further section 79A/B of the Karnataka Land Reforms Act restricts the transfer of agricultural land to non-agriculturists. These provisions taken together result in a*



situation where the State government controls the supply of urban land and thus the local planning authorities may be working at cross purposes. The conflict between the statutes has been ironed out by recent High Court decisions which have held that the planning powers under the KTCP Act will supersede the authority of the State government under certain circumstances. (Kar HC 2006). There have also been proposals to amend the KLR Act to allow industrialists to buy land directly from agriculturists.

- 5.20 This Committee *recommends that for urban planning to be successful, the urban local government should be given overall control over the use of land within their territorial jurisdiction subject to the guidelines of the MPC and MDP*. In all other areas of the BMR, land use planning should be in the hands of the BMRDA. Streamlining the legal and institutional framework around land use planning by making the necessary amendments to the laws regulating land use is of utmost importance.
- 5.21 *For land use planning to be successful and effective it must be aligned with the power to control land use. To enable the MPC to determine the overall land use in the metropolitan region, S 95 of the KLR Act needs to be amended to confer this power on the metropolitan level government*. Though this may appear to be a radical proposition at first, on closer scrutiny we notice that such systems already exist elsewhere including the neighbouring state of Tamil Nadu.
- 5.22 There is yet another dimension of land use which relates to land acquisition for industrial uses by the KIADB. Typically, the statutory provisions enable the KIADB to declare the usage of land for industrial purposes by notification and thereafter the acquisition process is set in

motion. This, therefore, has the effect of reversing the designated land uses as per Master Plan or Structure Plan. Though these declarations are notified, and objections called for, in reality the scope for a fully informed debate and conflict resolution in the best public interest is limited; this results in a lot of litigation and attendant consequences. In recent years, the acquisition of land for Special Economic Zones (SEZs) has become yet another area of controversy. *The Committee recommends that land acquisition for industrial purposes within the BMR should be within the regulatory domain of the MPC and necessary amendments should be incorporated in the KIADB Act to actualize this.*

### Social and Economic Planning

- 5.23 Social and Economic Planning includes varied dimensions of planning. Infrastructure, Education, Health and Social Welfare, all fall within the ambit of Social and Economic Planning. Insofar as infrastructure is concerned, the MPC's primary task would be to address matters of common concern between the municipalities and the Panchayat and create a framework for integrated development of infrastructure. Co-ordinated spatial planning which is a task that MPC is entrusted with, will have to address among others, sharing of water and other physical and natural resources. All this calls for a realignment of institutions dealing with sector specific responsibilities such as BWSSB (water supply), Bangalore Municipal Transport Corporation (BMTc) etc; *The Committee recommends that the BWSSB's jurisdiction should be enlarged to cover the whole metropolitan region.* The BWSSB should also prepare a water and waste water plan for the metropolitan region as a whole which will be reviewed and endorsed by the MPC. The Bangalore region as is well known is a water scarce area. The allocation

of the water between different parts of the region and efficiency choices in source development, services and development of water supply systems will be important planning functions of the MPC.

- 5.24 Likewise there are a number of organizations dealing with transport and traffic such as the State Transport Department and statutory organizations such as Karnataka State Road Transport Corporation (KSRTC), BMTC, The Bangalore Metro Rail Corporation, Public Works Department (PWD), Traffic Police etc. Having regard to the recommendations of the National Urban Transport Policy, (NUTP), the state government recently established the Bangalore Metropolitan Land Transport Authority(BMLTA) with jurisdiction extending to the entire BMR, with the BMRDA given the responsibility to serve as the technical secretariat. It is envisaged that this body which has a wide and comprehensive mandate, will eventually be given a statutory basis. *We are of the view that the BMLTA should be accountable to the MPC which would review its functioning periodically and endorse the plans prepared for integrated urban and peri-urban transport systems. The Committee would also recommend that the BMTC's jurisdiction be extended to cover the entire BMR to ensure efficient connectivity between the BBMP and emerging growth centres in the BMR such as townships, International airport etc., and provision of city services in other ULBs in the region*
- 5.25 The Constitution has specifically mandated the MPC to address itself to environment conservation. For this purpose, the MPC will have to interact and give guidance to line agencies and departments such as Pollution Control Board, Department of Environment, Department of Forests etc. A metropolitan-wide geographical information system is

critical for the MPC to enable it to exercise its responsibilities in this regard.

- 5.26 Presently, planning for social sector (i.e., Education, Public Health etc.,) in the BMR is carried out primarily in the relevant State Government department. For example, the Education Department designs and implements plans for administering primary and secondary education all over Karnataka including the BMR and the ZP plays its designated role in executing these plans. The role of the urban local government and the metropolitan governance institutions in this sphere of activity is marginal. The Committees is of the view that, at this stage, no major changes are called for in this area except with respect to the role and responsibilities of BBMP which is spelt out separately in Chapter – 6 of this report.
- 5.27 Several parastatals including BWSSB, Bangalore Electricity Supply Commission (BESCOM), PWD, National High Way Authority of India and several others have planned for different zones of economic activity. In order to co-ordinate these different agencies, we *recommend that the two institutions in the BMR Region viz; the ULBs and the District Planning Committee (DPC) may be given overall responsibility for economic and social planning under the guidance of the MPC.*
- 5.28 *The ULBs in the BMR should prepare CDPs. The CDPs should be given a statutory basis and all parastatals operating in ULB jurisdiction should comply with these CDPs.* By developing a legislative framework for social and economic planning, which is analogous to the present framework for land use planning, we allow for integrated planning in these areas.

- 5.29 *Planning for social and economic advancement in other areas of the BMR not falling within the jurisdiction of the ULBs insofar as it is falls within the purview of the district sector, should be done by the concerned DPCs under District Planning guidelines, with the difference that these plans need to get integrated into the overall MDP which is prepared by the MPC.*
- 5.30 *Sectoral Planning cutting across the city level having regional implications will have to be carried out by the parastatal organizations and departments of government. However these plans will have to be overseen by the sectoral divisions within the BMRDA and approved by the MPC.*
- 5.31 The implementation of the social and economic plans must be under the overall supervision of the concerned ULB, ZP or BMRDA/ MPC. The execution of these plans may be carried out either directly by the ULB or ZP or the parastatal organization or government department either directly or through the Public Private Partnership (PPP) route.

#### **Financial Planning**

- 5.32 The MPC introduced by the 74<sup>th</sup> CAA allows for the integration of rural and urban planning through development plans to be prepared by elected representatives of urban, rural and peri-urban areas. Further, it also envisages an integrated development planning by integrating spatial planning with infrastructure, social and economic planning. (Dr A Ravindra Management of Large and Small Cities – The Case of Bangalore 2000)
- 5.33 Integrated development planning requires an integrated capital investment programme and a capital budget. Presently, massive