

Bangalore: 13 May 2016

Scrap this Club of Rich and Famous!

Government Must Establish and Make Functional District/Metropolitan Planning Committees and Ward Committees in all cities of Karnataka.

A Public Statement released by representatives of Trade Unions, Civil Society Organisations, Workers Cooperatives, Academics, Journalist, Students, Planners, Architects, Human Rights Organisations, etc.

BBPAG is Unconstitutional, Undemocratic and Illegal and amounts to State participating in the murder of Local Democracy:

On completion of three years of his term as Chief Minister of Karnataka, Mr. Siddaramaiah is confronted with a massive problem. Cities like Bangalore, Mysore, Dharwar, Raichur, etc. are struggling to sustain even basic costs of maintaining basic services. Not just landfills, but even streets, lakes, parks and *Raja Kaluves* are overflowing with garbage. The working classes feel they do not have a Government that listens to their woes. This was more than evident in massive protests that lakhs of garment workers had to resort to, in protest against their small PF savings being snatched away from them. Bangalore, of course, woke up to the fact that this is a city of the working classes, and not only of those in the IT/BT sectors. But that message does not seem to have rung through the hallways of Vidhana Soudha.

In finding solutions to Bangalore's complex problems, Mr. Siddaramaiah has set up the **Bangalore Blue Print Action Group (BBPAG)** – a group that will also envision the future of the city. From a survey of its members, it appears *One Has to be A Millionaire* to qualify. In fact, there are at least three billionaires. There is nothing new in its purpose and composition, except, surprisingly, that Wipro Chairman Mr. Azim Premji is also now a member. The 28th April 2016 Government Order establishing this groups states that a blue-print for the exercise has already been prepared by Janaagraha. Under the direct oversight of the Chief Minister and Bangalore Development Minister, this group will oversee and monitor functions of BDA, BBMP, Bangalore Metro, BMRDA, BDA, etc. In fact, the Bangalore Development Authority has been made a Secretariat of BBPAG and will fund all its expenses and activities. The Mayor of Bangalore was made a member as an afterthought, revealing the cursory importance Chief Minister attaches to a Constitutional functionary. All this indicates that Karnataka Government has outsourced statutory responsibilities and tasks of reviewing governance, planning, development and envisioning the future of the Bangalore Metropolitan Area, a task Constitutionally mandated to the Metropolitan Planning Committee, to a *Club of Rich and Famous*. This model is unlikely to be limited only to Bangalore and is likely to be repeated in other districts and other sectors as well.

Without doubt, BBPAG is an Unconstitutional, Undemocratic and Illegal exercise of the power of the State to advantage the Elite Extra-Constitutionally in promoting their Agendas and Pet Projects at great public expense. It amounts to grabbing Power from the People by the Rich and/or Famous. Its functioning is a blatant violation of the letter and spirit of the Constitutional 74th Amendment (Nagarpalika) Act, 1992 and Article 39B of the Constitution. With BBPAG, Mr. Siddaramaiah promotes the very same structures of power that were widespread during the times of feudal lords, Maharajas and the British Empire, a move that is highly condemnable and shameful. Without a second thought, BBPAG must be scrapped, as its very setting up amounts to murder of democracy and constitutionally empowered institutions and functionaries.

If the Government of Karnataka fails to scrap BBPAG, then it must brace itself for massive resistance from the toiling and working classes, from the middle classes, and from all progressive and democratically minded people who are sick and tired of the State abdicating its role, and outsourcing Constitutional mandates of people based and people centred planning and development to a Club of Rich and Famous.

Such Clubs of Rich and Famous that have grabbed Constitutional Roles are not without precedent:

The BBPAG is not without precedent. The establishment of the **Bangalore Agenda Task Force** in 1999, when Mr. S. M. Krishna was Chief Minister, ensured that the promise of establishing District and Metropolitan Planning Committees and Ward Committees, as required per the Nagarpalika Act to engage citizens and their representatives in governing and planning cities, was sidestepped and deferred indefinitely. Instead, Krishna held State funded public *Tamashas* in large convention centres where public officials were forced like students to make presentations before IT/BT Czars and Financial Tycoons who were members of BATF: Nandan Nilekani, Narayan Murthy, Kiran Mazumdar Shaw, Kalpana Kar, Ramesh and Swathi Ramanathan, etc., to name but a few. Senior public

officials were evaluated with some sort of grading; some were also rebuked in public as “under-performers”. This *tamasha* died out with the end of Krishna's term, but its impact was brutal.

Bruhat Bangalore Mahanagara Palike (BBMP) which was managing to function, despite known resource constraints, institutional gaps and corruption, collapsed while attempting to implement the visions and ideas imposed by BATF. Corruption became rampant in civic affairs: be it property registration, tax collection, solid waste management, lake management, road works, infrastructure development, etc. On the one hand public commons such as lakes and parks were leased out to private hotels, real estate dealers and clubs on a measly rent on the claim they would be better maintained, while on the other thousands of Pourakarmikas in BBMP, who toiled to keep the streets clean and public facilities functional, lost their jobs due to privatisation of municipal services proposed by BATF. The lakes got grabbed and the solid waste management system collapses as cartels took over its operations resulting in massive exploitation of daily wagers and destruction of tens of villages where waste got dumped. None in this Club of Rich and Famous ever took the responsibility for this colossal collapse in urban governance and management.

Despite this terrible experience, the experiment was repeated when Chief Minister Yeddyurappa came to power. This time, the Club of Rich and Famous was called ABIDE and BJP MPs Mr. Ananth Kumar and Mr. Rajeev Chandrashekar were drafted to oversee its affairs. The members remained more or less the same. All sorts of visions were proposed to make Bangalore a “world class city”. Tacky and techy solutions were proposed to resolve all our problems. The citizenry was lulled into believing this Club would surely improve the quality of their life and livelihoods. Instead, matters worsened as a slew of ill-thought infrastructure projects were unleashed into the city clogging up city roads and eroding the productivity of millions every day.

A Decade Lost for Democratic People Centred Planning:

Between Krishna's and Yeddyurappa's experiments in envisioning a “world class Bangalore”, more than a decade was lost. This while members of the BATF/ABIDE *Clubs* managed to secure benefits for their pet real estate projects, industrial developments and infrastructure initiatives.

Consider, for instance, the controversial **TenderSURE** project which involves rebuilding roads and public infrastructure *only where the Rich and Famous Walk, Play, Live and Party* (M. G. Road, Residency Road, Cunningham Road, Lavelle Road, St. Mark's Road, and of course Vittal Mallya Road). These projects were sanctioned without any legitimate public review, without any approval of the BBMP, and based only on the private plans developed by Ramesh and Swathi Ramanathan, permanent members of such Clubs. This husband and wife was allowed to operate tasks exclusive to the State from their NGO Janaagraha, an initiative supported by US based Omidyar Foundation (Ebay money). As they managed to rehabilitate their pet streets, the rest of the city struggled without pavements and proper roads; public schools and public health centres were shut down for lack of resources, not students and patients. The tragic consequence is that such illegal initiatives are being promoted as “best practices” and are being absorbed into the planning of Central Government initiatives, be they of the JNNURM or the Smart City variety.

Another instance is of the notorious Bangalore Mysore Infrastructure Corridor Project which found extraordinary traction and support from BATF and ABIDE members, even though the project openly flouted planning norms, acquisition procedures, and caused destruction of lives and livelihoods of thousands who were unjustly and brutally displaced. The city struggled in the stranglehold of such ill-conceived projects and inhumane developments, and several members of these Clubs pushed for more of the same.

Mr. K. Jairaj, who as Commissioner of BBMP was instrumental in setting up BATF, has now been drafted into BPPAG. It is a matter of public record that a former Mayor has accused him in the BBMP Council of facilitating Garuda Mall's illegal take over of public lands, and the developer was subsequently rewarded with more land for a mall in Ejipura/Koramangala by brutally evicting urban poor. Now Mr. Jairaj is a BPPAG member. Another member of BPPAG whose credentials have come up for question is Mr. Mohandas Pai, He is accused of managing the clearance for his son's restaurants in Koramangala, even though it did not qualify per building bye-laws. There are corruption cases pending adjudication before the Lokayukta and other Courts on such matters.

It is clear that the very idea of BPPAG is revolting to any right thinking, progressive and democratically minded person. The fact that Mr. Siddaramaiah has joined his predecessors in destroying Constitutionally mandated people centred and representative municipal governance is highly condemnable.

Our Demands:

Participating in and overseeing of governance of our Cities and Districts is a part of our Fundamental Right. To plan our cities and envision our futures in it through Local Governments we elect and hold accountable at all times,

is guaranteed in the Panchayat Raj and Nagarpalika Acts and per Article 39B of the Constitution.

Taking all of these into account, we demand that the Government of Karnataka immediately scrap BBPAG and any other such body in any other part of the State or in any sector. The Government of Karnataka must fulfil its Constitutional Obligation of serving the people by immediately undertaking the following tasks, which it has deliberately neglected for decades.

We demand that the Karnataka Government must take immediate action to:

1. Constitute Area Sabhas and Ward Committees in all Municipal Corporations and Municipal Councils, and also ensure such oversight bodies are instituted in smaller urban areas/Nagar Panchayats (with population less than 300,000). All proceedings of such bodies must at all times be public. (The constitution of Ward Committees is also required per the directions of the Hon'ble High Court of Karnataka in W. P. No. 46523/2012 c/w W.P. 24739/2012, an order that stands violated for over a year now.)
2. Constitute, by a transparent and accountable process, District/Metropolitan Planning Committees, taking care to ensure representation from trade unions, public sector bodies, farmers organisations, civil society organisations, pourakarmika unions, street vendors associations, small traders associations, students, home keepers, public health networks, womens groups, human rights networks, child rights networks, environmental networks, sociologists, ecologists, informal sectors, teachers, economists, urban and regional planners, etc., *while also including a representative from the IT/BT sector*, as non-voting, advisory members of such bodies. Proceedings of this Committee must be public at all times, and its outcome must shape land use plans per the Karnataka Town and Country Planning Act, 1961.
3. Ensure these bodies are established and made functional in every respect within the next three months.
4. Ensure that every District/Metropolitan Planning Committee produces its Draft District/Metropolitan Development Plan by the end of 2016, and the same is taken up for consideration in 2017 Budget.

Signatories:

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Viyayan Menon and N. S. Mukunda, Citizens Action
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Vijay Narnapathi
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Why BBPAG amounts to Murder of Democracy?

The hard fact is that the Constitutional 74th Amendment (Nagarpalika) Act, 1992 has not been implemented in letter and spirit for 25 years now. Democratic planning and governance of Bangalore and other cities in Karnataka has been sidestepped, and such tasks have been repeatedly and systematically handed over to a *Club of Rich and Famous*. In this context, it is critical to appreciate the context in which the Nagarpalika Act was enacted unanimously by the Parliament of India.

On 11th September 1991, Mrs. Sheila Kaul, then Union Minister for Urban Development, tabled a Bill to amend the Constitution of India for the 74th time. This Bill was passed unanimously and became India's Nagarpalika Act, 1992. The Statement of Objects and Reasons for this Act justifies the need as follows:

“In many States local bodies have become **weak and ineffective** on account of a variety of reasons, including the failure to hold regular elections, prolonged supersessions and inadequate devolution of powers and functions. As a result, Urban Local Bodies are **not able to perform effectively as vibrant democratic units of self-government**.” (Emphasis supplied)

To fix this terrible state of affairs, a variety of governance reforms were proposed in the Act. Prime was to secure the right of representation through elected bodies, and that no Corporation and Council could be superseded or annulled at the whim and fancy of the Chief Minister or Prime Minister as had been the case in the preceding decades. The fundamental purpose of this Act was to ensure that the Constitutional promise of decentralisation and devolution of power to the people would work, and not remain tokenistic. Thus, elections had to be held regularly and at no time was a city to function without an elected government for a period exceeding six months.

In order that people's grievances, concerns, aspirations, visions would find a place in governance of every city and district, and that with active engagement with elected representatives and people with expertise in such matters, the Act required every State to establish Ward Committees and District/Metropolitan Planning Committees. Ward Committees were required to be set up only in cities with a population exceeding 2,99,000 (rather unfortunately), and the task of these bodies was to oversee various regular civic functions, including 18 items listed in the 12th Schedule of the Constitution. The task of the District/Metropolitan Planning Committees (D/MPC) was to take stock of the present issues, concerns, and demands, and envision an inclusive future for all keeping in mind the intertwined goals of securing economic and social justice for all, and environmental conservation and limits imposed by natural resources (a first in the Constitution). Because of the complexities of planning and governing large metropolitan areas and mega cities, Metropolitan Planning Committees were required for urban areas with a population exceeding 9,99,999.

Article 243ZD mandated the task of the District Planning Committees as that of preparing, with due prior consultation with Panchayats and Nagarpalikas, a Draft Development Plan for the District, having regard to:

- “(i) matters of common interest between the Panchayats and the Municipalities including **spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation**
- (ii) the extent and type of available resources whether financial or otherwise;
- (b) consult such institutions and organisations as the Governor may, by order, specify.” (Emphasis supplied.)

Article 243 ZE, relating to the functions of the Metropolitan Planning Committee, involved the same tasks, but after also considering:

- “(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 Government of the State and other available resources whether financial or otherwise**”. (Emphasis supplied.)

The Constitution is clear that the Plans can and should only be made by these august bodies, none other. Our Parliamentarians were worried about the possibility that the elites, the corrupt, the rich and politically powerful, would axe these noble intentions, capture power and divert public resources to their private projects. Therefore, the Parliament ensured by the Act that such oversight and planning bodies would be predominantly comprised of Elected Representatives, whilst also ensuring there is due representation of women, Schedule Castes and Schedule Tribes. To ensure competent advice uncoloured by private agendas was available to these Constitutional bodies, the Act also made provision for **“representation of persons having special knowledge or experience of Municipal Administration in Municipalities (without voting rights)” (Emphasis supplied)**. Clearly, the intention was to make Local Governments function in a deeply democratic manner, and that plans and schemes would be evolved through transparent contestations of views, visions and perceptions. The Statement of Objects and Reasons of the Act in fact records that such a process of Local Government functioning is essential to **“putting on a firmer footing the relationship between the State Government and the Urban Local Bodies”**.

The District/Metropolitan Draft Development Plans, so prepared, would then be submitted to the State Government which would in turn table it in the Legislature for further debates and final approvals. In so doing, the State would ensure financial and other resources would be allocated in a fair and just manner, and without causing regional disparities of development. It is abundantly clear, therefore, that any other process, procedure or attempt to develop Plans for the City or Citizenry would be *Wholly Unconstitutional, Absolutely Undemocratic, Extra-Constitutional and Totally Illegal*.