

**PROJECT ON CODIFYING, CONSOLIDATING  
AND REFORMING THE URBAN PLANNING AND  
DEVELOPMENT LAWS IN THE STATE OF  
KARNATAKA**



**1<sup>ST</sup> DELIVERABLE BY NATIONAL LAW SCHOOL OF  
INDIA UNIVERSITY, BENGALURU**

**PROPOSED DRAFT ON KARNATAKA URBAN  
DEVELOPMENT POLICY – 2018**

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## **INTRODUCTION**

Cities are hubs of people, jobs and wealth, yet even many of the world's most developed countries have no particular strategy for their success. In fact, many countries historically have taken a hostile attitude toward cities. In most of the countries cities are growing fast, people and capital are rapidly flowing into urban centres in search of opportunity. The driving force behind such rapid development of urban areas can be linked to economic development. A well-planned, sustainable and prosperous city is where every person desires to lead a life. But, with the present trend, the urbanization will only unfold haphazardly, with residents lacking elementary needs like good quality air, pure drinking water, sanitation facility, adequate floor area for healthy development, stable economic conditions, and struggle to escape the poverty leading to informal settlements. These are the points underlying a new global push for countries to adopt national urban policies and state urban policies to cope up with the present process of urbanization.

Urbanization in most developing countries is bringing about enormous changes in the spatial distribution of people, resources, as well as the use and consumption of land. Although such a process is strongly linked to social and economic development, many countries lack the supporting policies and frameworks that can leverage the process for increased development gains and guide it towards sustainable patterns. In order to harness urbanization, mitigate its negative externalities and promote an "urban paradigm shift", there is need for a coordinated approach and clear policy directions. This is lacking in many countries, where several government departments are

in-charge of dealing with different aspects of the urbanization challenge.<sup>1</sup>

The Government of India formulated national urban policy, which proposes to address problems relating to urban infrastructure deficiencies by giving special emphasis to the housing sector, water supply and sanitation, municipal solid waste management and urban transport. It also proposes to reduce urban poverty by increasing investment in poverty alleviation programmes, development of employment generation strategy and by trying to integrate poor communities into city planning by improving access to services and land rights.<sup>2</sup> The present policy aims at codifying, consolidating and to bring in reforms in the present Municipal laws.

As per 2011 Census, out of the total population of 1210.19 million, about 377.1 million live in urban areas accounting for 31.15% of the total population. The proportion of people living in the urban areas of our country had increased from 27.80% in 2001 to 31.15% in 2011. As per details from Census 2011, Karnataka has population of 6.11 Crores<sup>3</sup>, an increase from figure of 5.29 Crores in 2001 census. Out of total population of Karnataka, 38.67% people live in urban regions. The total figure of population living in urban areas is 23,625,962. The urban population in the last 10 years has increased by 38.67% in the State of Karnataka.<sup>4</sup>

Urban governance has assumed increasing importance with the growth of urban centres and increasing population. Democratic

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<sup>1</sup> National Urban Policies , available at <https://unhabitat.org/urban-initiatives/initiatives-programmes/national-urban-policies/>

<sup>2</sup> National Urbanization Policy in India, available at <https://planningtank.com/dissertation/national-urbanisation-policy-india>

<sup>3</sup> CensusInfo India 2011, [http://www.dataforall.org/dashboard/censusinfoindia\\_pca/](http://www.dataforall.org/dashboard/censusinfoindia_pca/)

<sup>4</sup> Karnataka Population Census data 2011, available at <https://www.census2011.co.in/census/state/karnataka.html>

decentralisation and the 74th Constitution Amendment Act have further enhanced the growing importance of urban governance. The rapid growth of population and the pace of urbanisation and industrialisation in Karnataka have resulted in increasing demand for better facilities and services. In this context the Bangalore Municipal Corporation has assumed an important role in urban governance.<sup>5</sup>

It is acknowledged that this transition to a quasi-urban society, however, has not been accompanied by a commensurate increase in the supply of basic urban services like water supply, sewerage and drainage network, garbage disposal facilities, citywide roads, public transport, and public safety systems like street lighting and pedestrian pathways. The supply of land and housing has not kept pace with the increase in urban population.

Apart from these problems there is also a problem of multiple urban laws governing the urban bodies in the State of Karnataka. Multiplicity of laws has resulted in over-lapping provisions and vesting of same rights in different authorities. Therefore, to overcome the problem of multiplicity of laws that are governing in the state of Karnataka there is need to integrate the all the laws into one working model law and integration of laws is possible only when we have policy. Therefore, efforts are made to frame the urban development policy for the State of Karnataka.

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<sup>5</sup> Ministry of urban Development, Annual Report 2016-17, available at <http://mohua.gov.in/upload/uploadfiles/files/annual%20report%20English%20-%20print.pdf>.

## **OBJECTIVES**

Urbanization in the state has thrown up a number of challenges like migration of large number of people to cities, poor land facility, lack of employment, lack of infrastructure facility and problem of urban environment etc. has resulted in an improper planning mechanism to handle the ever increasing problems supplemented with the ill-equipped laws. Apart from the above problems there are also problems of age old overlapping urban laws governing the state.

The urban challenges and opportunities are very contextually different, so the responses need to vary accordingly and to overcome the problem stated supra the Government has formulated the Karnataka urban development policy of 2009; covering solution to above problems but the question arises as to how far the policy has remained helpful in solving the above problems and bringing the changes in urban laws. An attempt is made here to draft a new Karnataka urban development policy so as to suit the needs of present day requirement. Insofar as the enactment of the legislation is concerned, the policy shall be the starting point as it includes the principles of Constitution, political, legal, demographic, economic, fiscal and administrative parameters. Principles underlying participation, decentralization, autonomy and accountability of representative urban local governments have to be kept in view in this regard. That apart, the policy should also focus on the organizational design, governance, functions, powers and hierarchy, mobilization of financial resources for self sufficiency of municipalities and management thereof, provision of urban environmental services and financing thereof.

This policy will act as an aid to the existing policies of the state of Karnataka. The objectives of the policy are as follows;

- To overhaul radically the prevailing Municipal laws and the regulatory framework.
- To ensure improvement in the quality of urban living in the state of Karnataka.
- To ensure more accountability of Urban Local bodies towards urban citizens.
- To ensure coordinated approach to planning and managing cities and towns.
- To ensure active collaboration between the spheres of Government along with appropriate devolution of powers and responsibilities to the city authorities to perform services to the citizens.
- To ensure urban consolidation of land, it requires proactive efforts to increase the quality and quantity of land and property within the cities.
- To ensure planned urban development in the state of Karnataka.
- To ensure more accountability of urban local bodies towards citizen and establish enforcement mechanism.
- To make efforts for alleviation of urban poverty and equal access of services to the urban poor.
- To ensure that the local bodies become financially sustainable.
- To ensure people's participation in local governance.
- To ensure improvement in the quality of urban living and urban environment.
- To enable public private partnership.
- To transform all cities in Karnataka into liveable, sustainable, inclusive, citizen friendly, environmentally acceptable and e-urban governance.



## **VISION OF THE POLICY DOCUMENT**

The development of a state urban policy is the key step for reasserting urban space and territoriality. It is also vital in providing the much required direction and provides for a course of action to support urban development. The Policy provides an overarching coordinating framework to deal with the most pressing issues related to rapid urban development, including slum prevention and regularization, access to land, basic services and infrastructure, urban legislation, delegation of authority to sub-national and local governments, financial flows, urban planning regulations, urban mobility and urban energy requirements as well as job creation<sup>6</sup>. The urban development policy integrates in itself several aspects of a developing state. The prevailing urban policy needs to regulate the mushrooming growth of urban population and must focus on strengthening the regulatory role of the urban local bodies.

State urban policy should aim at defining a vision, guiding principles and a set of linked actions by state governments to realize the positive possibilities and to tackle the problems arising from the concentrated growth of population and economic activity. The urban policy should set a foundation for legislative action in the form of bringing out legislation and such policy document should form the basis for interpreting a particular provision of law, in any case of ambiguity.

An urban policy covers the overall intentions that governments have, and what they actually do, within their towns, cities and metropolitan regions to make them function better – economically, socially and ecologically. This will help them accommodate future growth more efficiently and equitably so that the welfare of citizens is improved and they are less vulnerable to hazards. Due to increasing

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<sup>6</sup> Supra Note 1

urban population several new problems are forthcoming, which the present laws are not able to tackle. However, the planning and development programs, till now, have been metro-centric thereby, not focussing on other cities with potential and resources at its disposal. Due to the metro-centric approach, other regions of the state have been deprived of its share of development schemes and funds, which has caused an imbalance. Excessive growth in the residential space and decline in agricultural and forest area has put the whole development agenda in jeopardy, as there are concerns of increasing pollution and water scarcity in several cities of Karnataka. Due to these problems, human development and health will take a backseat, which will adversely impact the state and its future. Due to the rapid development of the residential cluster in urban areas, drinking water problem seems imminent and a threat looming large on the government and citizens alike. Another issue that needs immediate attention is garbage disposal and recycling.

State urban policy may cover a range of different policy measures and instruments that works best in combination including plans, programmes, projects, regulations, organisational arrangements and financial tools. These measures may accumulate and be refined over time. Having explicit objectives, targets and instruments for urban development can help to give cities and towns the focused attention they need to tackle their complex challenges and also it will help in integration of a unified urban law for the entire state of Karnataka.<sup>7</sup>

The development of a state urban policy seeks to redress several issues namely;

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<sup>7</sup> The Evolution of National Urban Policies- A Global Overview, UN Habitat, available at <<http://www.citiesalliance.org/sites/citiesalliance.org/files/National%20Urban%20Policies.pdf>>

- The identification of urban development priorities towards socially and economically equitable and an environment friendly urban development;
- Consolidation of all urban laws prevailing in the state of Karnataka;
- Challenges in urban policy implementation including multiple laws and rules, involvement of several agencies and to create a single window clearance system;
- Guidance on the future development of the national urban system and its spatial configuration concretized through national and regional spatial plans for territorial development;
- Revitalization of civic bodies, reforms to Municipal Administration, strengthening the Urban Local Bodies (ULB) thereby implementing the 74<sup>th</sup> amendment of Constitution in its true spirit;
- Increased and more coordinated private and public partnership in urban development and consequent improvement of cities productivity, inclusiveness and environmental conditions;
- Deliberate and comprehensive information about working of urban local bodies and the schemes provided by the department of urban development.

The provisions of 74<sup>th</sup> CAA should be implemented by the civic bodies in true spirit. The poor picture depicted in the development scenario of our urban areas is mainly due to the lack of proper vision and short term effects of urban infrastructure improvements. Proper development strategy should cater to the development needs of urban society ensuring modern comfort levels and standard of living while preserving the natural, cultural and historical entity of the city.

As per the committee report on Karnataka urban development policy, intervention in piece-meal fashion will not ensure the development of urban Karnataka, therefore, the State Government has decided that a policy driven approach is needed to take a holistic view of urban growth and suggest appropriate steps for the future. This policy-driven approach will be better suited to improve the economic productivity of cities and towns, to ensure that their growth is inclusive of all economic sections, to promote environmentally sustainable choices, and to ensure strong local governments that are attentive to the needs of citizens and adequately empowered to respond to them.<sup>8</sup>

The present urban development policy seeks to redress the following concerns with regard to various issues intertwined in the Municipal administration and in the formulation of laws.

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<sup>8</sup> Urban Development policy for Karnataka (Draft), 2009, available at <  
[http://www.indiawaterportal.org/sites/indiawaterportal.org/files/Urban%20Development%20Policy\\_Karnataka\\_Department%20of%20Urban%20Development\\_GOK\\_2009.pdf](http://www.indiawaterportal.org/sites/indiawaterportal.org/files/Urban%20Development%20Policy_Karnataka_Department%20of%20Urban%20Development_GOK_2009.pdf)>

## **A. URBAN PLANNING – A STRATEGY FOR URBAN DEVELOPMENT**

The concept of urban planning and development of the urban policy started in 1980's wherein a National Commission for Urbanization headed by Sri. Charles Mark Correa as its chairman took the initiative to develop a policy with multiple objectives which included saving super metros and national cities, and also reviving the economies and for development of fast growing intermediary level urban centres for ensuring financial investment and also to provide gainful employment opportunities.<sup>9</sup> The recommendations of the National Commission for Urbanization has not been implemented to the fullest extent, as it is quite clear that the Governments have not been able to curb rapid and disorganized urbanization. The present urban development policy lays emphasis on improved planning and service delivery in democratic manner. Urban planning is a vital aspect as it integrates every other area and provides for mobilization of resources and utilization of land for numerous purposes including allotment of land for agriculture, industries, forest, residential among others. The Twelfth Schedule of the Constitution of India provides for Urban Planning and town planning, the enactments like the Karnataka Town and Country Planning Act, 1961 and Karnataka Urban Development Authorities Act, 1987 takes care of the urban planning and development. Due to several enactments and conflicting provisions contained therein, the development aspect is getting hindered which is resulting in the frequent government intervention, which has resulted in Municipalities not being fully functional and gradually losing its autonomy. At present the urban planning in Karnataka is being governed by several laws including the Karnataka Municipalities Act, 1964; Karnataka Municipal Corporations Act, 1976; Karnataka Town and Country Planning Act, 1961; Karnataka

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<sup>9</sup> Report of National Commission for Urbanization, 1986

Urban Development Authorities Act, 1978; Karnataka Land Revenue Act, 1964. However, city of Bangalore being a metropolitan city is being governed by the enactments like the Bangalore Development Authority Act, 1976; Bangalore Metropolitan Region Development Authority Act, 1985; Bangalore Water Supply and Sewerage Act, 1964.

Any city has its own threshold in terms of carrying capacity and once it reaches that threshold, everything from thereon will go downhill which cannot be retrievable. The concept of urban planning and development is very essential, as the Government has a duty to intervene in the matter of land use and development in order to inhibit the haphazard development of lands. The idea of bringing out this policy is to lay down a policy guideline which will guide the Government in preparing an appropriate urban planning. Due to rapid social change and incessant urbanisation, the policies laid previously are not fructifying. Perhaps it is only contributing to the increasing concern of rapid population growth and diminishing resources. We might witness a crisis in the near future which might require a dramatic urban upheaval.

The urban planning strategy requires a holistic approach as it has to embrace all the key areas and should be sustainable both in terms of economy and ecology and has to keep in mind several aspects;

- Capacity building of local institutions, especially the ULBs. This would include building organizational as well as financial capabilities of ULBs to meet the challenges of urban developments. The existing role of urban local bodies would be sustained in the light of the 74<sup>th</sup> CAA.
- Delivery of essential services like water supply, garbage disposal, sewerage, sanitation, street lighting, transportation and housing would be strengthened. Emphasis would be laid on adaptation of appropriate technology along with sustainable management of

urban environment. The Karnataka Vision Document 2020<sup>10</sup> has also spelt out the vision to focus on;

- eliminating poverty and deprivation at all levels;
- provide quality healthcare for all;
- achieve orderly and sustainable process of industrialisation and urbanization,
- enhance human capabilities to promote growth covering all sections of people and regions of the state;
- to institutionalise good governance across the State through enhanced transparency, accountability and participation.

It is therefore important to align urban development with the strategy for economic and human development of the state. Former President A.P.J. Abdul Kalam in his address to Karnataka Legislative Assembly in 2005 highlighted several focus areas for state's overall development for eradication of poverty to 0%, increase in per capita incomes and expenditure, provisioning of safe water for all citizens, improvement in literacy, formal education and life expectancy, reduction in infant mortality rate and pucca houses.

- Furthermore, the Karnataka Vision 2025<sup>11</sup> focuses on the improvement in the human development, build world class infrastructure, knowledge intensive, ecologically friendly economic activities, sensitive to regional and local aspirations, ecologically conscious and low pollution state. That apart, there is also focus on the issue of governance with regard to maintaining transparency, fairness and legitimacy in governance process,

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<sup>10</sup> Karnataka Vision Document

[http://www.karnataka.gov.in/spb/Karnataka%20Vision%20Document/Vision2020\\_English-30jan2010.pdf](http://www.karnataka.gov.in/spb/Karnataka%20Vision%20Document/Vision2020_English-30jan2010.pdf)

<sup>11</sup> Karnataka Vision 2025, available at

<<http://www.indiaat75.in/document/karnataka.pdf>>

focus on execution, targeting backward regions and marginalized groups and creating basic and synergistic welfare programmes.

- The Kerala urban policy provides for identification of urban centres which demonstrates economic potentials and propensities. The policy further states that the Government shall identify such towns and cities and prepare urban development investment packages for preferential development treatment of such towns and cities. Such an initiative can be adopted in Karnataka as well for the development of entire state.<sup>12</sup>
- **Need to equalize unbalanced growth** - A more careful study of the state shows that there are huge regional imbalances in the State. Northern part of Karnataka has two-third of the most backward talukas in the state. These arid, less-irrigated drought-prone talukas have development indicators that are comparable to some of the underdeveloped regions of India, these indicators pull down the state averages resulting in the moderate ranks of the state. Further economic growth in the state is concentrated around the Metropolitan city of Bangalore which accounts for one-fourth of the state's economic activities. On the other hand, Bangalore is struggling to cope with the influx of people, and consequent increase in traffic congestion, and an incessant demand for urban infrastructure. A committee headed Sri. D. M. Nanjudappa was appointed to report on the redressal of the regional imbalances between the northern and southern regions in the state of Karnataka. The committee classified 35 as backward, 40 as more backward and 39 as most backward talukas and fixed an eight year time frame to ensure the imbalances are rectified.

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<sup>12</sup> Urban Policy and Action Plan for Kerala, Government of Kerala, 2002, available at <<http://www.townplanning.kerala.gov.in/Urban%20Policy.html>>



The Committee recommended number of measures towards reducing disparities and the committee contains several well thought out recommendations. If implemented with strong political will, these policies would help to achieve Karnataka vision 2020.

- The historical focus on town planning is simply inadequate to ensure the proper development of cities and their neighbouring regions. Therefore it is important to replace this highly local planning method with a broader spatial approach –through Metropolitan Planning Committees in Bangalore, Hubballi-Dharwad and Mysore and through District Planning Committees elsewhere. The Karnataka urban development policy 2009 suggested for abolition of Urban Development Authorities and their functions to be transferred to the MPCs and the DPCs. The District level spatial planning should consolidate the various plans that are made by local planning authorities and develop a draft plan for the improvement of the district as a whole. Planning should also recognise the need for integrating industrial development with social development and ensure that social infrastructure (schools, colleges, parks, hospitals, community space and housing etc.) are co-developed.
- The establishment of the District Planning Committee<sup>13</sup> and Metropolitan Planning Committee<sup>14</sup> has been mandated in the Constitution of India, but, if, the same is established is still in its nascent stage, which is not fully functional as envisaged in the Constitution. All the districts in the state has a District Planning Committee, which is headed by the Zilla Panchayath and

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<sup>13</sup> Article 243ZD of Constitution of India

<sup>14</sup> Article 243ZE of Constitution of India

President of Zilla Panchayath is the head of District Planning Committee.

- Another important aspect of urban planning includes the Acquisition of land for several purposes. Since, acquisition of land is under the Seventh Schedule, List-III- Concurrent List, Entry 42, thereby conferring power to both Central and State Government to acquire lands. The Central land acquisition law currently in vogue is the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Whereas in Karnataka, there are land acquisition for various projects are taken up under the following enactments namely, Karnataka Industrial Areas Development Act, 1966; Karnataka Urban Development Authorities Act, 1987; Bangalore Urban Development Authority Act, 1976. Though, the acquisition is initiated under different enactments to serve different purpose, it is essential to bring in a single legislation for the purpose of land acquisition. The State acquisition laws provides for compensation to the land losers whereas, there is no provision of rehabilitation to the land owners. Another important aspect is with regard to there being a stark difference in the amount of compensation to be paid for the land losers in the various land acquisition laws in State. Further, there has to be mandatory provisions with regard to Social Impact Assessment for viability of projects which will be taken up by the ULBs.
- **Spatial Planning** – It refers to hierarchical system of settlements and plays a vital role in investment decisions depending on the growth potential of different settlements. Planned economic development should take into account the locational aspects of development. But from the point of view of urban development, it

is essential to formulate the state level spatial planning. As pointed out by the National Commission on Urbanization, there has been a lack of spatial concern in the planning process, and no effort has been made to link the process of urbanisation with the general pattern of economic development. The object of spatial planning is to generate spatial development with utilisation of resources, which reduces the regional, spatial and economic imbalances, strengthens rural and urban relationships, protects the environment and maintains on economic balances.<sup>15</sup>

- **Zoning Regulations** – It is essential to promote public health, safety and general social welfare of the community. Hence, it is essential to limit the usage of land and buildings. This is only to ensure that there is healthy and economical development of the city. The city is bifurcated into several zones such as residential, commercial, industrial, public and semi-public, parks and open spaces and transportation. Due to varying landscape throughout the state, zoning regulations cannot be kept uniform. It is essential to have Zoning regulations in place, as it prohibits the usage of land for any other purpose than what it is meant for. Further, the concept of Zoning is not to demolish the existing structures but those structures which are not in conformity with the regulations shall be classified as non-conforming and eventually will be eliminated over the years.<sup>16</sup> There are multiple advantages of having Zoning regulations as it integrates the town planning under single regulation. On the other hand, the Zoning regulation shall have to accommodate the various types of cities

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<sup>15</sup> Puja Mondal, "The Role of National Commission on Urbanization in India", available at < <http://www.yourarticlelibrary.com/ecology/the-role-of-national-commission-on-urbanization-in-india/4701> >

<sup>16</sup> Zoning of Land use and Regulations - <http://www.hduda.org/images/pdf/ZR.pdf>

which include Metropolitan cities, Coastal cities, heritage cities while planning.

- **Concept of Satellite Towns** – Any metropolis will attract a large number of people because of the opportunities that that it provides in terms of employment and better living standards. However, the metropolis due to inflow of people has to sacrifice its land to accommodate people. The role of Municipality and the Government, in such cases, is to ensure that an alternative is created in order accommodate everyone and to sustain the bigger metropolitan cities from deteriorating.
  - The establishment of Satellite towns as an alternative to the metropolitan has been tested and proved to be successful in several regions across India. Several landlocked regions like Northern India consists of cities like Gurugram, Noida, Sonapat, Ghaziabad and Faridabad are the satellite cities to Delhi.
  - Patna in Bihar serves as another example, wherein the city is also densely populated and in order to accommodate they have set up several satellite towns like Danapur, Bihta, Fatuha, Punpun, Masaurhi and Maner. These satellite towns not only offer lands, but also provides for as a supporting extension to the nearby Metropolitan.
  - However, in case of Bengaluru, there have been only two satellite towns namely Kengeri and Yelahanka. There is a need for development of many more satellite towns in and around the Metropolitan region of Bangalore, which will essentially reduce burden and cater to the needs of growing economy. Another positive of developing a satellite town will ensure the distribution of investments and wealth in and

around the Metropolitan region thereby diverting from centralizing.

- It is beneficial to also ensure equal and balanced growth and development of all the regions for which the Municipality will have a greater role to play. Setting up and assigning greater roles to Municipality in satellite towns will ensure independence and autonomy to these bodies and eventually reduce the burden on the Municipality serving in the Municipalities.
- **Development of Twin Cities** – Twin cities, as advocated by the Prime Minister himself, has been in presence from 1800's, wherein two cities which are close in proximity are developed together which consists of several Municipalities within it. There have been successful instances of twin cities developing together like Mumbai and Navi Mumbai. Few more examples are of Hyderabad-Secunderabad, Kolkata-Howrah (which now serves as a larger Metropolitan) and Shivamogga-Bhadravati in our own state. Though, the cities might eventually end up becoming one without any boundaries, the advantages are many.

It is essential to identify suburbs which are in close proximity to each, which has abundant land but not under cultivation, to be developed as twin cities.<sup>17</sup> The purpose behind developing the twin cities serves the purpose of development for a long term, which will involve planning and implementation based on the requirements. Due to involvement of several municipalities, there will be better coordination amongst each other.

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<sup>17</sup> <sup>17</sup> City to City Partnerships (Twinning)

[https://webgate.ec.europa.eu/fpfis/mwikis/aidco/images/2/25/TF7 - Twinning 2.pdf](https://webgate.ec.europa.eu/fpfis/mwikis/aidco/images/2/25/TF7_-_Twinning_2.pdf)

- **Amalgamation of Multi-city model** – The development of a particular town in a State gives rise to development in the nearby areas, which also serves as supplement to the main city. Amalgamation of several cities to form one big city has also been implemented in several parts of India and has been a successful model to be followed in other regions too. Delhi, which constitutes of National Capital Region is an amalgamation of several nearby towns. The concept is expansive and wider in scope when compared to a Metropolitan.
- The best practises in the neighbouring states have been identified and few such examples include, Tamil Nadu directorate of Town and Country Planning Department which looks after the subject of planning and development in urban and rural areas. The development on Tamil Nadu is achieved through preparation and enforcement of Master Plan for the urban centres and rural areas with indicative land use. It also provides for preparation of statutory plans, such as Regional Plan, master Plan and New Town Development Plan. The Master Plan has its objectives as promotion of sustained and harmonious urban growth with focus on infrastructure development, traffic improvement, sustained environment protection and shelter policies to promote affordable housing. Moreover, the task of preparing plans for the entire state of Tamil Nadu is being taken up in a phased manner.<sup>18</sup>
- **Regularization of unauthorised constructions** – The State Government, due to disproportionately high number of illegal constructions and in order to regularize certain types of

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<sup>18</sup> Housing and Urban Development Department, Government of Tamil Nadu, Policy Note, 2017-2018, available at [http://cms.tn.gov.in/sites/default/files/documents/hud\\_e pn 2017 18.pdf](http://cms.tn.gov.in/sites/default/files/documents/hud_e pn 2017 18.pdf)

unauthorized constructions or illegal constructions which deviates from the sanctioned plan enacted Regularization of Unauthorized Constructions in Urban Areas Act, 1991<sup>19</sup>. With increased number of illegal and unauthorized constructions coming up, the Government has been formulating several schemes in order to regularize these types of constructions. Though, there are restrictions and penalties for the violations, the violators are paying meagre sum as fine and getting their constructions legalized. This has not only resulted in haphazard development of towns, but also leads to loss of revenue for the Government.

- In Kerala, a State level Co-ordination Committee has been formed to take decisions on the matters concerning decentralized planning. This has avoided the routine process of issues at official level facilitating instant decisions. The Kerala policy depicts that, there is no unified Town and Country Planning legislation for the state. Therefore the government proposes to bring out a unified legislation on Town and Country Planning with wider provisions for preparation State Spatial development Plans, Regional Development Plans, District Development Plans, Urban Development Plans and Special Area Development Plans. Further the State Government have attempted to design and launch a special programme to develop city and town maps using remote sensing; GIS and latest computer application technologies for effective Urban and Regional Planning.
- The above proposed suggestion of Tamil Nadu government is necessary to be adopted in Karnataka, so that the capacity of

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<sup>19</sup> The Karnataka Regularization of Unauthorized Constructions Act, 1991  
[https://www.wiego.org/sites/wiego.org/files/resources/files/sv\\_karnataka\\_regularisati\\_on\\_1991.pdf](https://www.wiego.org/sites/wiego.org/files/resources/files/sv_karnataka_regularisati_on_1991.pdf)

ULBs is enhanced to take up planning responsibilities. The urban planning process will be integrated with the socio-economic, demographic and spatial scenario in urban areas, wherein all urban areas would be brought under integrated plan covering expected population growth, land use configuration, requirement of infrastructure network etc. Further it is suggested to involve NGOs, citizen representatives, business communities, academicians in urban planning.



## **B. URBAN INFRASTRUCTURE**

Land is an essential component for providing services and to develop infrastructure. Infrastructure not only means high rise buildings but also includes transport facilities, sanitation facilities like Sulabh Toilets, garbage disposal and recycling, assistance for the specially abled i.e., physically and mentally disabled persons, housing for poor, ecological parks and urban lung spaces, protection of heritage structure among other things. The importance of developing urban infrastructure lies in providing basic facilities to its citizens. Providing shelter, drinking water and healthcare to economically weaker sections of the society is the core of having a strong foundation to build a healthy urban infrastructure.

The problem of urban poverty and housing for low-income households is closely interlinked to the problem of urban development. Solution to these problems lies in an integrated planning framework which focuses on building urban infrastructure for all and ensures delivery of urban services of the same standard to all.<sup>20</sup> Infrastructure provides the backbone for development and without adequate strength in this aspect; urban development will continue to be constrained. A powerful strategy to strengthen the backbone of infrastructure for four key urban areas- drinking water supply, sanitation, solid waste management and transport, is needed.

**Water supply and drainage** - In the state of Karnataka, there are two bodies controlling the water supply and the drainage boards viz., Karnataka Urban Water Supply and Drainage Board (KUWS &DB) for all the districts, and Bangalore Water Supply and Sewerage Board

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<sup>20</sup> Vishnu Prasad, IFMR Finance Foundation, "Summary of Report on Indian Infrastructure & Services (2011)- Part II, available at <  
<http://financingcities.ifmr.co.in/blog/tag/indian-urban-infrastructure-and-services/>>

(BWSSB) only for Bangalore. Local bodies which are responsible for water supply and drainage should be suitably restructured to work on capacity creation in the cities. A regulatory authority is needed to complement this. The need of the hours is to create a single board and the single board should be equipped with sufficient technical capacity to guide the ULB. That apart, water being one the most essential part of an individual's life, has to be judiciously used, as per the news reports and research, Bangalore will be facing water shortage in the coming years, which is not only fatal to the economic development, but also to human development. Measures for recycling water have to be strictly adopted by the water supply boards and to ensure that water wastage is reduced by fixing a limit on the usage of water per person or household. An appropriate mechanism must be developed for recovering the cost of water and separate a tariff must be charged.

The government of Karnataka came out with an Urban Drinking Water and Sanitation Policy (UDWSP) in 2002. The main objectives of the policy are to ensure demand based universal coverage of water supply. Alongside, an equal focus on conservation is needed so that the available water is put to the best use. The role of the private sector in urban water supply needs to be examined carefully. The ultimate goal must be to ensure water supply throughout the day.<sup>21</sup>

The present policy also seeks to incorporate several important provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. Manual scavenging is still prevalent in several parts of the state and in order to eradicate the practise, there has to be mandatory utilization of technology adopted for this purpose.

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<sup>21</sup> Karnataka Urban Drinking Water and Sanitation Policy, 2002, available at <  
<http://www.indiawaterportal.org/sites/indiawaterportal.org/files/e0213.pdf>>

**Sanitation** - One of the most basic necessities of human settlement is sanitation, which is directly linked to other aspects of development including improved health, environment and natural resource management. The Ministry of Urban Development, Government of India brought out a National Sanitation Policy in 2008. The vision of the policy is, 'all Indian cities and town become totally sanitised, healthy and liveable and to provide affordable sanitation facilities for the urban poor and women.'<sup>22</sup> In Karnataka, policy needs to focus on the following;

- Toilets must be provided to every home in all urban areas and a target date is fixed to achieve this.
- Local solution for sanitation must be developed using funds from centrally sponsored schemes for integrated low cost sanitation.
- Sewage treatment plants must be established wherever sewerage facilities are being provided.
- Re-cycling and re-use of treated waste water for non-potable purposes.

A state sanitation strategy may be prepared covering all aspects pertaining to sanitation and a city sanitation plan may be prepared for every city and town as recommended by Karnataka urban policy 2009.

The Kerala Government has setup 'Development Authorities' in the five municipal corporations for improving urban infrastructure. The role of Development Authorities will be reoriented and redefined. Emphasis will be given to given to Capital City Development. Such a measure can be adopted in Karnataka.<sup>23</sup>

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<sup>22</sup> National Urban Sanitation Policy 2008, available at , <http://www.indiaenvironmentportal.org.in/content/261239/national-urban-sanitation-policy-2008/>>

<sup>23</sup> Urban Policy and Action Plan for Kerala, Government of Kerala, 2002, available at < <http://www.townplanning.kerala.gov.in/Urban%20Policy.html>>

**Solid Waste Management** – Solid Waste Management is the most pressing problem faced by any urban centre. The issue of handling waste is becoming bigger with the growth of cities and population. Solid waste management services, provided by ULBs must be integrated and self-contained, including the development of appropriate means locally to handle waste management activities. Presently, the solid waste management rules formulated by the Central Government in the year 2016, is a pointer to the significance of issue of waste management. Emphasis shall be placed on promoting awareness about the importance of waste management from the point of view of environment. The Central Government has notified the Solid Waste Management Rules, 2016 framed under the Environment (Protection) Act, 1986, suggested various measures for management of the Municipal Solid waste and the same shall be applied to all the urban local bodies, industrial townships, places of pilgrims, religious and historical importance. The Rules integrates several departments like the Ministry of Urban Development, Ministry of Chemicals and Fertilizers, Ministry of Agriculture, Ministry of Power, Ministry of New and Renewable Energy source and designates various duties and responsibilities, wherein the Ministry of Environment, Forest and Climate Change shall be the Coordinating with the other Ministries for the implementation of these Rules. Further, the Rules also emphasise certain duties and functions on the District Magistrate, Village Panchayats and the Pollution Control Boards.

The Government of Kerala encourages the urban local bodies to explore the possibilities for bringing private sector participation in the areas of solid waste management programme

- Providing direction for carrying out waste management;
- Establishing on integrated and self-contained operating system;

- Enhancing the ability of the ULBs to provide waste management services to their citizens;

**Urban Transport and Traffic management** – Development of any city mainly depends on the transportation and it plays a major role. Transportation is a key urban service that imports efficiency to the city by providing mobility to the work-force and best productivity. The Ministry of Urban Development, GOI, has come up with the “National Urban transport Policy (NUTP), 2014<sup>24</sup>. The objective of the policy is to plan for people rather than vehicles by providing sustainable mobility and accessibility to all citizens to jobs, education, social services and recreation at affordable cost and within reasonable time. NUTP, 2014 is developed on the notion of addressing mobility of ‘people’ over ‘vehicles’. Thus, the NUTP has the primary aim to ensure easily accessible, safe, affordable, quick, comfortable, reliable and sustainable mobility for all and thus outline the following objectives;

- Incorporating urban transportation as an important parameter at the urban planning stage rather than being a consequential requirement.
- Bringing about a more equitable allocation of road space with people, rather than vehicles, as its main focus.
- Public Transport should be citywide, safe, seamless, user friendly, reliable and should provide good ambience with well-behaved drivers and conductors.
- Walk and cycle should become safe modes of Urban Transport.
- Introducing Intelligent Transport Systems for traffic management
- Addressing concerns of road safety and trauma response.
- Raising finances, through innovative mechanisms.

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<sup>24</sup> National Urban Transport Policy, 2014, <http://itdp.in/wp-content/uploads/2014/11/NUTP-2014.pdf>

- Establishing institutional mechanisms for enhanced coordination in the planning and management of transport systems.
- Building capacity (institutional and manpower) to plan for sustainable urban transport and establishing knowledge management system that would service the needs of all urban transport professionals, such as planners, researchers, teachers, students, etc.

Transport Planning is an essential component of town planning. Presently there is no proper technical body for transport planning inputs. It is necessary that technical expertise is created within BDA and BMRDA to undertake this task. For this purpose, Transport Planning Unit (TPU) is proposed to be established in BDA and BMRDA.

**Traffic Management - Comprehensive Traffic and Transportation Study (CTTP) for Bangalore<sup>25</sup>** - The city of Bangalore being a Metropolitan city is facing problems of traffic congestion. There are several factors which contribute to the traffic congestion which includes lesser road space, inadequate facilities for segregating slow traffic, lesser width for pedestrians and encroachment by hawkers are some perennial problems. Problem of traffic congestion is prevailing primarily in the Metropolitan area of Bengaluru. However, the other cities like Mysuru, Mangaluru, Hubballi-Dharwad are the cities which are prone to traffic congestion due to increasing population. The need of the hour is to bring out a traffic policy for the city of Bangalore which reduces the dependence on private owned vehicles for intra city mobility including for work and schools. The dependence on the Public Transport like Metro, BMTC shall be encouraged. At the same time the Public transport

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<sup>25</sup> Executive Summary of Comprehensive Traffic and Improvement Plan for Bengaluru, available at < <http://www.urbantransport.kar.gov.in/Executive%20Summary%20-%20CTTP.pdf> >

shall also be efficient and the Government should think of investing more for the betterment of traffic and transport.

The CTTTP was entrusted to be carried out by RITES Ltd. and was commissioned by Karnataka Urban Infrastructure Development and Finance Corporation (KUID&FC), a government of Karnataka undertaking. The RITES Ltd. submitted its report on CTTTP for Bangalore<sup>26</sup>. The report stated the problem and issues regarding the transport system of Bangalore as follows;

- Road network capacity is inadequate.
- Traffic composition on roads indicates very high share of two wheelers. The share of cars is also growing.
- Outer Cordon survey indicates high through traffic to the city.
- The household travel surveys indicate high share of work trips.
- There is high pedestrian traffic in core area and some other areas in Bangalore.
- Parking is assuming critical dimensions in Bangalore.
- An area of the BMA has been increased as per Revised Master Plan-2015.

Thus while planning for the transport system of Bangalore, the above problem and issues need to be kept in consideration. The issues relating to traffic and transportation in large and growing cities like Bangalore, Mysuru, Mangaluru and Hubballi-Dharwad needs to be viewed in the larger perspective of urban planning and development.

The report focused on strategy for Transport development. The following policy measures have been considered.

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<sup>26</sup> Comprehensive Traffic and Transportation Plan for Bengaluru - <http://wricitieshub.org/sites/default/files/Comprehensive%20Traffic%20and%20Transportation%20Plan%20for%20Bangalore.pdf>

- Extension of mass transport system to provide wide coverage and transport integration with other modes of transport.
- Provide substantially large network of medium level mass transport system such as BRT to cover the areas beyond the Metro network.
- Rationalization of local bus systems and its augmentation.
- Improvement in traffic management through TSM measures.
- Special facilities for pedestrians within the entire network especially in the core areas. Provision of pedestrian sky walks/subways, footpaths and road furniture along the roads wherever necessary.
- Institutional strengthening of Urban Transport Organization.

The Karnataka Urban Development Report 2009 recommended that, in respect of inter-city transport it is essential to adopt a co-ordinated approach as number of agencies are involved i.e. the National Highways, State Public Works Department, State Road Development Corporation and Railways and Civil Aviation Authorities. The basic objective must be to reduce the travel time between cities. This can be achieved by providing excellent quality of roads, high speed trains and linking the state capital to all major cities and districts headquarters of the state by air. While Bangalore has an international airport, the airport infrastructure in Mysore, Hubballi-Dharwad and Belgaum should be upgraded to national standards.

A large number of agencies deal with road system such as BBMP, BDA, Traffic Police, PWD, NHAI, BMRDA, Transport Department, BMTC etc. There are numerous issues of proper road geometrics, traffic circulation, junction design, traffic signals, road signs/markings, street furniture etc. which are not properly attended to by these agencies due to lack of traffic engineering expertise. Traffic planning is a continuous



affair. It is therefore important that Traffic Engineering Cells are established in these organizations with qualified and adequate staff such as traffic engineers and transport planners.

In Tamil Nadu, the Chennai Metropolitan Development Authority (CMDT) and Director of Town and Country Planning have a key role in preparing Master Plans and development regulations for urban transport needs. The traffic and Transportation studies have been undertaken by the Directorate with main objectives of assessing the traffic characteristic, travel pattern in the cities and towns and to forecast the long-term requirements for relieving the traffic congestion and easing smooth flow of traffic. The Town and Country Planning Development Fund provide financial assistance for implementation of traffic improvement project. Further in order to facilitate proper connectivity to the transport facilities, reduce the travel time and to provide for an efficient circulation, Chennai Metropolitan Development authority is preparing grid of roads plan for villages in the rapidly growing sub-urban areas of Chennai. School of Planning and Architecture have been engaged as consultants to prepare the plan for grid of roads for those villages.

A study on Multi-modal transport integration has been initiated to integrate various public and transport modes, such as buses, sub-urban trains and Intermediate Para Transit close to sub-urban and Mass Rapid Transit System (MRTS) stations thereby ensuring seamless connectivity between the modes of transport and improve public transport system.

The Directorate of urban Land Transport has been set up by the GOK under the Urban Development Department with an objective to coordinate planning and implementation of urban transport project and

programmes. The Directorate is generally responsible for overseeing all the urban land transport initiatives in Urban/Local Planning Areas of Karnataka and administers the State Urban Transport Fund (SUTF).

**Fire and Disaster Management Services** – Fire mishaps in Karnataka are high in numbers and several people over the years have been victims of the fire hazards. Therefore, it is imperative to develop Fire resistant buildings to mitigate the causes of fire accidents. In order to tackle the issue of fire accidents, the Government or the Municipality shall take note of the proposed constructions for compliance of all the fire and safety measures and issue NOC. The objective of the Fire safety Department is to ensure the adoption of latest technology and implement in all the fire stations. The Karnataka State Fire and Emergency Services Department is the nodal department to look after the Fire and safety measures in Karnataka. Presently, Karnataka State Fire Services Act, 1964 is the governing act prevailing in the State of Karnataka.

The State Government has come up with a draft policy document called the Karnataka State Disaster Management Policy, 2017 in order to build a safe and disaster resilient Karnataka by developing a holistic, proactive, multi-disaster oriented and technology driven strategy for disaster management that is integrated into the development and planning of the state.

## **C. HEALTHCARE**

State of Karnataka has brought out an Integrated Public Health Policy, 2017 since it was introduced in the year 2004 for the first time. The policy is broad in its coverage and suggested number of measures for the improvement of health system in state. The State Government has focussed on the improvement of public health by taking up several initiatives. The Integrated Public Health Policy, 2017 sets goal in attainment of the highest possible level of good health and wellbeing of all people in the State will be realized through a preventive, promotive, curative and rehabilitative healthcare orientation and also to ensure universal access to quality and affordable healthcare to all. Further, there is also focus on the practising of healthy life styles by adopting healthy practices for a better living. The focus shall also be on tackling the emerging challenges and addressing inequalities prevailing in the health sector.

The discrimination in the delivery of health services in the poor and the rich are clearly visible. However, the health outcomes in the Karnataka lags behind Kerala and Tamil Nadu, as the Maternal Mortality Ratio is higher in Karnataka as compared to the neighbouring states. The inequity in health outcomes and access to healthcare services for different groups still continues as;

- i. Regional disparity in health infrastructure and services;
- ii. Gaps in the secondary and tertiary care infrastructure;
- iii. Poor quality of care;
- iv. Private sector growth;
- v. Gains in maternal health but stagnation in child birth;

Utilization of vast human resource in the health sector, as number of trained doctors in the country is increasing, but public is deprived of

their services due to various factors. To plug the leakage, the Government should be able to mop up resources and include the private health care providers to serve in the rural areas and thereby also provide subsidies for those who are in dire need of it.

Further, the gap between the private and government healthcare providers is increasing and in order to plug the gap, increased financing and improvement of infrastructure is essential. The purpose of bringing out the policy is to have clear direction to go forward for a long term, outcome oriented for health and to identify strategies based on the scientific and ethical norms, to ensure commitment and continuity over time and to promote standardization, and community empowerment. The policy outlines the healthcare services and they are;

- Universal Healthcare;
- Strengthening Primary Healthcare;
- Availability of drugs and medicines at affordable cost;
- Establish health and wellness centres at sub-centre levels;
- Improve the offer of services at secondary care levels;
- Expand government provided tertiary care;
- Preventive, promotive and curative mental health services;
- Four tier system;
- Sustainable low cost diagnostic services;
- Urban and rural healthcare services;
- State managed emergency services entity;

Health being a fundamental right of every citizen, the State shall ensure that in order to achieve health, health care services must be provided. The objective of providing healthcare facilities to all can be achieved truly by reducing the cost of medication and treatment thereby providing access to medication to everyone.

## **D. POVERTY ALLEVIATION AND SLUM IMPROVEMENT**

To alleviate poverty and to ensure sustainable development it is necessary to provide jobs to the poor and thereby consequently increase the income level. The Government needs to adopt a proactive and inventive policy in understanding and addressing the problem of the urban poor.

Who are the urban poor?

The Government of Karnataka has adopted the norm of income limit to define the poor/Economically Weaker Section earning Rs.11,800.00 per annum or less. However, urban poverty manifests itself in various forms such as:

- Proliferation of slums.
- Fast growth of an informal sector.
- Increasing casualisation and underdevelopment of labour and crushing pressure on civic services.
- High rate of educational deprivation and health contingencies retarding growth of physical and mental capacities, growing sense of hopelessness rising crime rates and group violence.

The Karnataka urban Development policy 2009 suggested that after an assessment of the poverty situation in the state, an Action Plan for Poverty Reduction must be prepared, focusing on the following areas:

- Shelter related programmes
- Employment Generation
- Education and Health
- Community participation

Poverty reduction is an important goal of the urban policy. The Government has launched various programmes such as Self

Employment Programmes for the Urban poor (SEPUP) and Swarna Jayanti Shahari Rozgar Yojana for supporting skill development, gainful employment to tackle the issues of poverty but these have yielded mixed result. The Karnataka urban development policy 2009 also suggested for giving educational facilities to women, further women should be a part of poverty alleviation programme.

Kudumbashree is the woman empowerment and poverty eradication programme, framed and enforced by the State Poverty Eradication Mission of the Government of Kerala. Similar programmes can be adopted in Karnataka as well.

In a round table meet on 74<sup>th</sup> CAA, A Ravindra, Adviser to the Chief Minister (Urban Affairs), said, an "Urban Poverty Alleviation Cell" should be set up in the Bruhat Bangalore Mahanagar Palike (BBMP) to look into the socio-economic problems of the urban poor. He further added that, there is no single agency that handles urban poverty alleviation. Such cell in BBMP could help ensure social justice and look at educational, health and employment of the urban poor. This welcome setup can be adopted in new Karnataka policy.<sup>27</sup>

The Tamil Nadu Housing and urban Development Policy mainly focused on issues relating to housing and slum proliferation. The vision 2023 aims at providing high quality infrastructure across the state including urban areas and provision for adequate housing for all and to make Tamil Nadu Slum free by 2023<sup>28</sup>. The Tamil Nadu Housing board, Tamil Nadu Slum Clearance board and Registrar of Co-operative Housing Societies are engaged in providing housing units for various

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<sup>27</sup> The Hindu, Karnataka ed., 21.02.2010, available at <  
<http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/Urban-poverty-alleviation-cell-in-BBMP-mooted/article15989450.ece>>

<sup>28</sup> Supra Note 17

sections of society at affordable prices thereby realising the vision of housing for all.

Presently, slums in Karnataka are governed by Karnataka Slum Areas (Improvement and Clearance) Act, 1973. Under the enactment, Slum Development Board has been established to take up the socio economic survey of the slums and to improve the conditions of slum dwellers. The board functions with multiple objectives and they are as follows;

- To identify and declare slum areas as per the Act;
- To take up environmental clearance and redevelopment of slums.
- To provide for hygienic living conditions to the slum dwellers and also other basic necessities.

For the improvement of slums, State Government must also take the help of Central Government and its sponsored schemes for the improvement of slums and to achieve the objectives of eradication of Slum by its Development through initiating;

- a. Provision of physical amenities like water supply, storm water drains, community bath, widening and paving of existing lanes, sewers, community latrines, street lights etc.
- b. Improving the community infrastructure for pre-school education, non-formal education, adult education, recreational activities etc.
- c. Setting up of a community Primary health care centres, maternity centres, child health centres and places for immunizations etc.
- d. Pucca shelter facilities and upgradation of the existing houses.

**Housing** – Shelter is the basic amenity for any individual. However, in a Metropolitan region the housing for individuals shall be affordable and

should be adequate to cater to the needs of growing population.<sup>29</sup> Due to escalating land rates in bigger cities, providing accommodation to poor becomes increasingly difficult. The policy aims to improve the existing housing for BPL/EWS/LIG households and build affordable housing stock to cater to the need of future residents, to create effective partnerships between the local, state and central governments by aligning existing housing schemes across them, to work with poor urban households and communities in order to enable sustainable implementation and outcomes and to build effective partnerships with private developers to accelerate the supply of affordable housing. The implementation of the National Urban Housing and Habitat Policy, 2007 of the Central Government and a special focus emphasised on the Urban Poor.

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<sup>29</sup> Karnataka Affordable Housing Policy, 2016  
[https://www.karnatakahousing.com/News/Others/Files/Karnataka-Affordable-Housing-Policy-2016-06-17\\_FINAL.pdf](https://www.karnatakahousing.com/News/Others/Files/Karnataka-Affordable-Housing-Policy-2016-06-17_FINAL.pdf)



## **E. ENVIRONMENT AND HERITAGE CONSERVATION**

The ecological status of Karnataka at present is changing drastically due to rapid urbanization, industrialization, migration and population growth etc., degrading the quality of available resources like air and water, and ultimately impeding the quality of living. Some of the most critical problem facing our cities concerns the health impacts of urban pollution generated by inadequate water, sanitation, drainage, poor waste management and air pollution. This set of problems known as the 'Brown Agenda' combined with what are called the 'Green Issues' such as depletion of water and forest resources, upgradation of environmentally fragile lands, occupation of areas prone to flooding, landslides etc. and the carbon emission from energy use, heating industry and transport now known as 'Climate Change Issues' all pose serious challenges to the health of the eco system of a city and its people.<sup>30</sup>

The Karnataka urban development policy 2009 suggested that, to tackle these issues, an Urban Environment Management Act Plan must be formulated. A city specific plan would be required for large cities such as Bangalore, Hubballi-Dharwad, Mysore and Mangalore and a common strategy can be evolved for other town and smaller cities.

The new Karnataka should focus mainly upon the following issues and their protection. The attempt shall be made to protect Karnataka`s stand on conserving natural resources. The municipal bodies shall have responsibility in order to plan and implement management strategies in an efficient and sustainable approach.

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<sup>30</sup> State of Environment Reports, Government of Karnataka, available at <http://www.karnataka.gov.in/Parisaramahiti/Pages/State-of-Environment-Reports.asp>

- The focus shall be made on conservation of 'Water Resources.' The water resources including surface water, ground water, rain water harvesting, waste water management, lakes of Bangalore, coastal zone water supply and sanitation and industrial effluent. On all the above issues conservation measures has to be mandatory.
- To control air pollution, air quality monitoring system must be set up. The Air Prevention and Pollution Control Act will have to be enforced strictly.
- There shall be provision for conservation of forest and biodiversity. It shall include conservation of medicinal plants of Karnataka, birds of Karnataka and fresh water fishes of Karnataka.
- The cities consume enormous quantities of energy. In view of shortage of electrical power, attempt shall be made on use of renewable energy sources. Urban areas will have to take into account the efficient use of energy and promote green building.
- The urban areas also face the problem of climate change due to environmental disaster, greenhouse gases etc. It is necessary to adopt a strategy to avoid the problem of climate change.

Alongside these, a focus on the built, natural and cultural heritage of the cities and town should be developed. This is especially needed to ensure that there is no further erosion or loss of this heritage. An Urban Art/ Heritage Commission should be set up for Both Bangalore and Mysore and another for State as a whole. This body should be able to call upon sufficient funds to ensure heritage conservation and protection. Legislative amendments to town and Country Planning Act and Municipal Act needed to enable conservation of privately owned buildings. The environmental and ecological protection should be imbibed in every construction and the Municipal laws shall make

laws with regard to protection of nature and to maintain good quality of air and other natural resources.

The Municipal laws must mandate several steps which includes installation of rainwater harvesting systems, solar panels, and plant trees in the residential, commercial, industrial and any other proposed constructions, which will improve the situation to a very large extent. The development of green areas and forest covers in empty patches of land will not yield good and clean air, but also increases the green cover in and around the city. Several important steps like Compulsory afforestation as a compensatory measure can be imposed on the constructors and developers by the Municipal and Urban Development Authorities. There are several other important areas which needs to be focussed including the preservation of lakes and prevention of encroachment of lake beds. The duty of the Municipality shall also be to identify suitable areas in particular town/district/taluka and notify such spaces as Lakes, Forests or parks which will pave way on a long term to maintain a healthy and green development of a city. The growth of parks and urban lung spaces has to be mandated in the cities and metropolitans which are witnessing increasing air pollution to an extent beyond repair, to come back to normalcy and provide clean and healthy environment for the overall growth and development of the population. Furthermore, the Municipality shall also make schemes for development of barren/uncultivated lands as forests/lakes outside the cities which will directly contribute to the improvement of the wildlife and increase in forest cover or improve the ground water which is gradually depleting. The Municipalities must give incentives for maintaining green covers or if lakes or ponds are built.

Another important aspect that has to be considered is the implementation of the Environment Impact Assessment in all the minor and major projects taken up either by the Central or State Government and every effort shall be made by the Municipality to protect the natural resource i.e., flora and fauna from extinguishing. The duty shall also be casted upon the Municipality to ensure and fix some percentage land in every Ward/Municipality/District to maintain forests, lakes and mark such areas ecological sensitive areas.

**Heritage building conservation** – The heritage building conversation department shall be set up in every Municipality, which will not only protect the heritage buildings, but shall also contribute to the development of the a particular place as a tourist destination and eventually becomes a source of revenue. It is identified that there are several temples in the State which can be classified under the protected heritage buildings and steps shall be taken with the help of the Public-Private partnership, which will improve the mobilization of resources and required funding. The Municipal Laws must also mandate the protection of such heritage building which possess architectural, aesthetic, historic and cultural values.

Those buildings with significance which have been existing for over 50 or more years may be classified as heritage buildings. The Municipality with the assistance of local public may classify such buildings or areas as heritage structures, as direct involvement of people and to understand their sentiments is essential.

The Kerala policy adopted a system of attaching Environmental Impact Assessment (EIA) statements for obtaining approval for major developmental projects. This can be followed in Karnataka as well. For conservation of Heritage the Kerala Art and Heritage

Commission offers to the land owners of heritage site TDRs with higher FARs at alternative locations in lieu of maintaining the heritage.

The Tamil Nadu policy provides for preparation of draft list of heritage building in Chennai Metropolitan Area following the procedures laid down in Development Regulations and Recommendations of Heritage Conservation Committee. The funding is provided from Town and Country Planning Development Fund as a grant for project for environmental protection of heritage sites.

## **F. ECONOMIC AND SOCIAL DEVELOPMENT – TOURISM AND INDUSTRIES**

The economic growth of the state can be achieved only by providing jobs to its people. Further, in order to provide jobs there has to be areas which create employment and employment opportunities. Industries including the large, medium and small scale and tourism are the mainstay for the State. The Government of Karnataka in order to attract investments has come up with a Start-up Policy, 2016. State of Karnataka being one of the fastest growing states, as the natural resources, policy incentives and infrastructure favours for investments. Karnataka is also known for industries in IT/ITES, Biotechnology, Pharmacy, Electronics, Automotive, Textiles, Agriculture and food processing sectors.<sup>31</sup>

**Industrial Development** - Since urbanization and industrialization is concentrated more in and around Bangalore. The Karnataka urban development policy 2009 states that in the private investment made in Karnataka, the share of Bangalore is more. This would appear the approach of development is Bangalore centric than the overall development of Karnataka. It is therefore necessary to enable balanced development of state and a more equitable distribution of economic activities and creation of world-class infrastructure is essential at multiple urban locations. The Government should invest in such infrastructure at "Tier-2 and 3 cities" such as Mysore, Mangalore, Hubballi-Dharwad, Belgaum, Bellary, Raichur, and Gulbarga.

The development of resource based industries is essential as it fulfils the demand and supply in various regions of the country. The industrial growth not only mitigates the concerns of poverty and unemployment,

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<sup>31</sup> Industrial Development and Economic growth in Karnataka - <https://www.ibef.org/states/karnataka-presentation>

but also concentrates on higher capital formation, improve the per capita income and develop a skilled workforce. There are several issues, when it comes to establishment of industry, with regard to acquisition of lands and clearance from several departments among others.

**Development of Tourism** – State of Karnataka has several destinations, which qualifies to be tourist destinations. Due to plethora of temples, nature, wildlife and heritage structures, make Karnataka a suitable place for promoting tourism. Tourism can also be linked to the development of economy, as it contributes to the exchange and spending in the tourist destination. It is essential to have a Tourism Policy and each Municipality shall be empowered to improve the tourist destinations falling in its own territory.

**Development of Local Economy** – The local self-Governments play an important role in improving the attractiveness of an area and generate the potential for economic growth. Every Municipality shall build the economic capacity of a town or a local area and shall focus to improve the standard of living of people in that particular area. Development of the local economy should form an integral part of the planning process of a city. The region wise development of the areas will contribute to overall development of the State. The reduction of poverty and achieving social equality has to be given impetus.

**Co-ordination in Sectoral Policies** - It is important to ensure co-ordination of sectoral policies which impinge on urban development such as those relating to industrial development, infrastructure and tourism, etc. following are some of the sectoral policies formulated in the state.

1. The Karnataka Industrial Policy 2014-19, aims at building a prosperous Karnataka through inclusive sustainable and

balanced industrial development and creating large employment opportunities.<sup>32</sup>

2. The Infrastructure Policy aims at building strong public-private partnership in infrastructure, to achieve high growth and equity. Further developing and expanding private investment in infrastructure and establishing Karnataka as a role-model for infrastructure development.<sup>33</sup>
3. The Karnataka State's Tourism Policy (2015-20), aims to develop Karnataka as a safe, sustainable and most favoured tourism destination –by increasing domestic and international visitations; facilitating and accelerating investment; and improving livelihood opportunities at the local level.<sup>34</sup>

The development of various policies i.e. an Industrial Policy for the state, an Infrastructure Policy or sectoral policies for specific industries in isolation can lead to distortions, each of these must be properly co-ordinated with other policy that impact it. Along that same principle, it is of the utmost importance that the proposed urban development of the state, to dissipate that current tendency to produce unbalanced development in some areas and sector alone.

There are a number of key steps to be taken, to ensure this. The industrial development should be connected to the cities in the state such as (Hospet-Bellary-Raichur, Tumkur-Bangalore- Hosur-Mysore-Mandya; Belgaum-Hubballi-Dharwad-Davangere-Harihar and Ratnagiri-Goa-Karwar-Mangalore). Secondly, industrial zones may be established

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<sup>32</sup> Karnataka Industrial Policy, 2014-19, available at < <https://www.karnataka.com/industry/policy/>>.

<sup>33</sup> Infrastructure Policy -2007 for the State of Karnataka, available at < [http://idd.kar.nic.in/docs/infra\\_policy.pdf](http://idd.kar.nic.in/docs/infra_policy.pdf)>.

<sup>34</sup> Karnataka Tourism Policy 2015-2020, available at <http://www.airda.org/assets/docs/ktpolicy2015to2020.pdf>>.



near smaller towns and cities so as to encourage development of those areas, allowing them to emerge as a growth centres.

**Social Development** – Diverging from the developmental goals for the poor and downtrodden, the objective of Social Development is to ensure the schemes and plans benefit people at all levels. The social development goals should focus on integrating people at different levels in the process of decision making and addressing the priorities and aspirations. It is not possible to achieve the social development only by achieving the economic development, but it includes several other factors like citizen participation in civic activities, recreational activities, inter-group cohesion and interpersonal safety among others. It is also essential to involve the participation of citizens in the improvement of neighbourhoods. Direct involvement of people in the decision making process has to be considered and the same has to be augmented by the private citizens working in collaboration with the government departments.

## **G. FINANCE AND REVENUE:**

Finance and revenue generation are vital aspects for any Municipality, as for the implementation of the schemes and projects, the budgetary allocation by the Government will not be sometime sufficient. In order to overcome and bridge the gap, the Municipality should have its own source of revenue generation. Financial resources for a Municipal administration is required for various purposes which includes for payment of the salaries of the staff at Municipal authorities, for the development works undertaken, for the operation and maintenance of the administration of authority and the equipment utilized.

The Urban Local Bodies has several sources of revenue which it obtains from its own functions (through collection of tax, cess and non-tax activities like fees, sales), it is provided as grants by Governments (State and Central) and International bodies, User charges and by external assistance in the forms of debts and loans, internal financing and Public-Private Partnerships. The establishment of the State Finance Commission as per the mandate of Article 243Y requires the legislature to establish a State Finance Commission which;

- a. Undertakes a review of the finances of municipalities;
- b. To estimate the future financial requirements of municipalities;
- c. To facilitate and provide for an estimation of revenue collection in the form of taxes, duties, tolls and fees which is assigned to Municipalities or from the Government and sometimes in the form of aid.
- d. To strengthen the financing of municipalities.

It is to be noted that the ULB's are not self-sufficient and has to approach the Government seeking for grant in aid. It is essential to make the Municipal bodies self-sustainable by instituting several

measures which will help them generate a revenue cycle within the department for the functioning of Municipalities.<sup>35</sup> Main source of revenue generation to the Municipalities are from the property tax collection, wherein the property falling under the Municipal jurisdiction is assessed to tax. The revenue generation model for the Municipalities and more powers of imposing taxes has to be devolved upon the Urban Local Bodies.

Setting up of Municipal Service regulators, which functions as a quasi-judicial body, at the State level to monitor services and adjudicate disputes relating to delivery and pricing of service. The Regulatory body will facilitate in maintaining transparency and further help in setting the vision for the Urban Local development.<sup>36</sup>

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<sup>35</sup> Source of revenue of urban local bodies - <http://www.siudmysore.gov.in/pdf/readingmaterial/FM/RM.pdf>

<sup>36</sup> 12<sup>th</sup> FYP 2012-2017, Economic Sectors - [http://planningcommission.gov.in/plans/planre/12<sup>th</sup>plan/pdf/12FYP\\_Vol2.pdf](http://planningcommission.gov.in/plans/planre/12<sup>th</sup>plan/pdf/12FYP_Vol2.pdf)

## **H. LEGAL FRAMEWORK**

The main objective of the policy is to bring out a consolidated law which integrates different aspect of the Municipality and its functioning. Due to multiple laws, multiple agencies and departments have been set up which is, not only, causing confusion amongst the Departments themselves but also among the general public. There are several laws and regulations which requires for approaching various departments to obtain necessary licenses. The essential feature of 74<sup>th</sup> Amendment is to devolve powers from the State Government to Local bodies. The devolution of all powers like planning, sanctioning, revenue and administrative powers to various Municipal bodies will achieve the Constitutional mandate. But, on the other hand, due to such devolution of powers, several authorities have been created which has resulted in multiple agencies. Furthermore, due to functioning of multiple agencies there is no proper coordination amongst these agencies which has impacted the execution of objectives enshrined in the Constitution. It is essential to maintain the autonomy of these agencies, but at the same time it is also essential to frame necessary guidelines for the purpose of better coordination and functioning of the agencies.

**Setting up of Single Window agency** - Integrating the functioning of departments to come together to form a single agency in order to achieve multiple tasks with the usage of technology will not only satisfy the constitutional mandate of decentralizing power but also enhances access to the Government services under a single roof. One glaring example is the establishment of Karnataka One<sup>37</sup> in several districts of Karnataka has proved to be a boon for the citizens, as this measure has brought several departments under one roof for providing services. The scheme integrates several departments including Food and Civil

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<sup>37</sup> Karnataka One - <http://www.karnataka.gov.in/KarnatakaOne/Pages/home.aspx>

Supplies, RTO, BWSSB, BBMP, Passport services, Bill payments, Aadhar Enrolments among others.

The objective of bringing out all the departments under one roof is to ensure that there is consonance in the functioning of each department. Establishment of a single window agency with coordination from different departments will not only ease system of getting approvals, but also, maintain transparency and accountability, in a time bound manner. In order to obtain various clearances required under the various state and municipal laws for setting up of a residential, commercial or any construction is a cumbersome process as it involves visits to different departments on multiple occasions. But, by establishing the single window clearance system, several authorities will take care of the necessary formalities which will be in-charge for getting No-objection certificates, allotments, consent, approval, permissions, registrations, enrolments, obtaining licenses and all other ancillary things. The Central Government in its policies has reiterated about the establishment of a single window clearance system for the ease of construction and building approvals, which will reduce the builders from going to different Ministries seeking approval.<sup>38</sup> The State Government also initiated the single window clearance for project approval in Karnataka more particularly for the housing sector. The Industries Department in several states like Tamil Nadu<sup>39</sup> and Assam<sup>40</sup> have implemented the Single Window clearance system for the ease of doing business.

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<sup>38</sup> Single Window approval soon for ease of construction - <https://www.thehindubusinessline.com/news/singlewindow-approval-soon-for-ease-of-construction/article9312337.ece>

<sup>39</sup> About Single Window facilitation - [http://www.investingintamilnadu.com/tamilnadu/single\\_window\\_facilitation/single\\_window\\_writeup.php](http://www.investingintamilnadu.com/tamilnadu/single_window_facilitation/single_window_writeup.php)

<sup>40</sup> The Assam Ease of Doing Business Act, 2016 - <http://swa.eodbassam.in/wp-content/uploads/2017/09/EODB-Act.pdf>

It is to be deliberated whether an agency can be set up for the ease of taking approvals and obtain plan sanctions under a single window. Single window agencies have been set up in various other areas of the municipal functioning like facilitation in granting approvals for setting up of industries and to collect taxes, tolls and bills. However, in order to give a boost to the infrastructure and housing, it is necessary to establish a single window agency in order to ease the obtaining of approvals from several authorities including plan sanctioning authority, safety regulations certifying authority, approvals for power, water supply and drainage boards among others. This will not only reduce the total time taken for construction and for obtaining approvals but will have a direct impact on the cost and its escalation.

The other aspect which needs to be considered is the role of these departments, it is necessary that the powers and authority conferred on the various authorities should not be diluted in the pretext of setting up of a single window and also to circumvent the prevailing laws, but should be sufficiently empowered in order to keep a check on its functioning in order to prevent overlapping of the other functions. Further, there has to be a mechanism and a system in place to keep vigilance on the single window clearance system. The establishment of a single Window clearance system may be governed through an enactment or Rules under a particular enactment.

## **CONCLUSION**

The policy lays down an expansive vision for the consolidation, codification and reformation in the Municipal laws. The essence of this policy document is to highlight the problems and effort has been made to establish vision for the future. The Policy document makes an attempt to resolve issues regarding administration of Municipalities and to address these issues and other ancillary issues. The outcome of the present Karnataka Urban Development Policy is to bring out an enactment which is inclusive of all the features enshrined in the 74<sup>th</sup> Amendment of Constitution of India and to ensure that the Municipal laws are well equipped to tackle and provide for a solution to the prevailing and upcoming problems.

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