REPORT ON

“ONE DAY EXPERT CONSULTATION WORKSHOP ON KARNATAKA MUNICIPALITIES BILL, 2019

[DRAFT BILL]”

DATE: 21st September, 2019
VENUE: INTERNATIONAL TRAINING CENTRE, NLSIU
CONCEPT NOTE

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BENGALURU

IN ASSOCIATION WITH

DIRECTORATE OF MUNICIPAL ADMINISTRATION
GOVERNMENT OF KARNATAKA

Organises

ONE DAY EXPERTS CONSULTATION WORKSHOP ON KARNATAKA MUNICIPALITIES BILL, 2019

[NLSIU Draft Model Bill]

DATE: 21ST SEPTEMBER, 2019 VENUE: INTERNATIONAL TRAINING CENTRE, NLSIU

The National Law School of India University, Bengaluru, (NLSIU) has entered into a Memorandum of Understanding with the Directorate of Municipal Administration (DMA) to Codify, Consolidate and Reform the Urban Planning and Development Laws in the State of Karnataka.

The proposed objective of this collaboration is to develop a Model Bill titled Karnataka Municipalities Bill, 2019, by consolidating the municipal laws in the State of Karnataka. During the process of drafting the Bill, several tasks have been undertaken including the critical evaluation of policies and laws concerning the urban governance, their adequacy and relevance in present day context. Convergence overlaps and areas of potential and real conflicts of the proposed laws of different departments have also been examined as a part of the process of drafting the Model Bill.

Furthermore, the drafting team has attempted to develop strategies for consolidation, codification and integration of laws, policies and institutions of governance for ensuring harmonious and coordinated functioning.

The Consultation is slated to be held on 21st September, 2019, and the theme of the workshop is Public Consultation on Karnataka Municipalities Bill, 2019, (NLSIU Draft Bill). The purpose of the workshop is to have consultations and deliberations on the final stage of the draft Bill.
The other objective of the workshop is to gather suggestions and insights from officials and experts in the field of urban planning and governance that would guide the drafters in improvising and refining the Model Bill.

The following Legislations are attempted to be consolidated into the **Karnataka Municipalities Bill**:

1.) Karnataka Municipalities Act, 1964  
2.) Karnataka Municipal Corporations Act, 1976  
3.) Karnataka Urban Development Authorities Act, 1987  
4.) Bangalore Metropolitan Region Development Authority Act, 1985  
5.) Bangalore Water Supply and Sewerage Act, 1964  
6.) Karnataka Town and Country Planning Act, 1961  
7.) Bangalore Development Authority Act, 1976  
8.) Karnataka Urban Water Supply and Drainage Board Act, 1973  

**Other Legislations used for Reference:**

1.) Real Estate (Regulation and Development) Act, 2016  
2.) Karnataka Industrial Areas Development Act, 1966  
3.) Karnataka Gram Swaraj and Panchayat Raj Act, 1993  
**SCHEDULE**

**NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BENGALURU**

**IN ASSOCIATION WITH**

**DIRECTORATE OF MUNICIPAL ADMINISTRATION**

**GOVERNMENT OF KARNATAKA**

One Day Expert Consultation on Karnataka Municipality Bill, 2019 (Draft Bill)  
September 21, 2019 Venue: International Training Centre

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<td>09.30A.M. to 10.30A.M.</td>
<td>Inaugural Session &amp; Welcome Address</td>
<td>Chief Guest: Prof. (Dr.) S. Shanthakumar, Vice-Chancellor/Director, Gujarat National Law University, Gandhinagar Guest of Honours: Mr. B. S. Shekharappa, IAS, Director, Directorate of Municipal Administration Mr. Sudhirkrishna, Retd. IAS, Government of Karnataka Mr. Bishwajith Mishra, IFS Dr. RS Deshpande, Former Director, Honorary Professor, ISEC, Bengaluru Prof.(Dr.) M.K.Ramesh, Vice Chancellor(FAC), NLSIU Prof.(Dr.) Sairam Bhat, Professor of Law, NLSIU</td>
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| 10.30A.M. to 11.15 A.M. | Structural Framework for Governance of Municipalities  
*Presentation by – Mr. Raghav Parthasarathy, NLSIU* | Lead Panel Discussants  
- Dr. RS Deshpande, Former Director, Honorary Professor, ISEC, Bengaluru  
- Mr. Anil B. Suraj, Professor, IIM, Bengaluru  
- Dr. Srinivas Ravindra, Director, Centre for Sustainable Development, Bengaluru.  
- Mr. Suraj Satish, Practitioner and Real Estate Entrepreneur, Bengaluru |
| 11.15 A.M. to 11.30 A.M. | Short-Break with Coffee & Tea | |
| 11.30A.M. to 12.30 P.M. | Planning and Development.  
*Presentation by – Ms. Madhubanti Sadhya and Mr. Raghav Parthasarathy, NLSIU* | Lead Discussants  
- Mr. Bishwajith Mishra, IFS  
- Prof. B.Shankar, Director & Professor, Urban & Regional Planning, Mysore University  
- Prabhakara KV, Former Principal, Mahajana First Grade College, Mysore  
- Dr. Rajesh Hittanagi, Asst. Professor, Karnataka State Law University  
- Sneha Mula, Asst. Professor, Presidency University, |
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| 12.30 P.M. to     | Water Supply, Drainage, Sewerage and Waste Management | **Ms. Madhubanti Sadhya**, NLSIU  
*Presentation by* - | **Dr. Jitendra Kumar**, MD Bangalore Bio-Innovation Centre  
**Dr. Kshitij Urs**, Director, Action Aid, India  
**Dr. Sunitha Abhay Jain**, Associate Professor, School of Law, Christ (Deemed to be) University  
**Dr. Nagaraja**, Professor, Reva University |
| 01.30 P.M.        | 01.30 P.M. to 02.30 P.M.                              | Lunch                                                                                                                                          |
| 02.30 P.M. to     | Municipal Finance & Funds - Budget, Accounts          | **Ms. Geethanjali KV**, NLSIU  
*Presentation by* - | **Dr. C A Gurudath**, Former Vice-Chancellor, Raffles University  
**Prof. Rahul Mishra**, Asst Prof. Alliance University  
**Dr. Samnia Nahid Baig**, Asst. Prof. R L Law College, Belagavi  
**Mr. Krishna Bharadwaj**, Asst. Prof. VSK University, Bellari |
| 03.30 P.M. –     | 03.30 P.M. to 03.45 P.M.                              | **Short-Break with Coffee & Tea**                                                                                                             |
| 03.45 P.M. to     | Other Municipal functions - Penalties and Grievance    | **Ms. Madhubanti Sadhya** and Mr. Raghav Parthasarathy, NLSIU  
*Presentation by* - | **Kaye Lushington**, Consultant – Legal & Relations, IIHS  
**Mr. YG Muralidhar**, CREAT  
**Mr. Shridhar Pabbishetty**, Former CEO, Namma Bengaluru Foundationn  
**Dr. Vasanthkumar**, Director – Technical, Greenlife Sciences |
| 04.45 P.M.        | Redressal System                                      | **Prof.(Dr.) M.K.Ramesh**, Vice Chancellor (FAC), NLSIU  
**Prof.(Dr.) Sairam Bhat**, Professor of Law, NLSIU  
**Dr. Manjeri Subin Sunder Raj**, Asst. Prof. NLSIU |
The National Law School of India University (NLSIU) organised the One Day Expert Consultation Workshop on Karnataka Municipalities Bill, 2019 (Draft Bill) on the 21st of September, 2019 as a part of the project granted by the Directorate of Municipal Administration (DMA), Government of Karnataka titled, “Codifying, Consolidating and Reforming the Urban Planning and Development Laws in the State of Karnataka”. This Report summarizes the proceedings of the Workshop, discussions on various topics, outcomes and recommendations that emerged over the course of this One Day workshop.
INAUGURATION & WELCOME ADDRESS

The Workshop commenced with the inaugural session at 9.30 AM with Prof. (Dr.) Sairam Bhat making introductory remark about the project and the deliverables under it. He also made a mention of the work that is already completed under the project. For the inauguration of program several dignitaries were present. Prof. (Dr.) Sairam Bhat introduced Prof. (Dr.) MK Ramesh, Vice Chancellor (FAC), NLSIU and the Chief Guest for the program Prof. (Dr.) S.Shanthakumar, Vice Chancellor, Gujarat National Law University took charge of the GNLU as Vice Chancellor two months, earlier he was Dean at one of the prestigious University. Mr. Sudhir Krishna, IAS (Retd.), Government of Karnataka, served as Secretary to the Government of Karnataka in the Urban Development Department and other Municipal bodies. Prof. (Dr.) RS Deshpande, Former Director, Honorary Professor, ISEC, Bengaluru served at the Institute of Social and Economic Change situated at Nagarabhavi, Bengaluru. Mr. B.H. Narayanappa, Joint Director (Development), DMA, was also present during the inauguration of the program. Prof. Sairam Bhat welcomed the dignitaries and experts for the program.
Prof. (Dr.) Ramesh, Vice Chancellor (FAC), NLSIU, addressed the gathering by stating that the primary aim of the project was to understand the Municipal administration in Karnataka as there are several departments, authorities functioning. The exercise of drafting the bill being the final outcome of the project, the Workshop aims to evaluate and refine the bill drafted by the team at NLSIU.

Chief Guest for the program, Prof. (Dr.) S. Shantakumar, Vice Chancellor, Gujarat National Law University, Gandhinagar acknowledged the efforts of the NLSIU in drafting this Bill. He specifically stated that there has been a constant growth in the urbanized areas. He stated that there has been 37% increase in the urbanisation over the past decade and the number is expected to increase in the coming decades. Growth and urbanization has been a crucial aspect from the governance point of view. Governance of large cities has become a critical issue, wherein the cities are growing in size and sheer numbers is affecting the governance. The existing laws in municipalities are sometimes not adequate to address the issues and the municipalities are not well equipped to handle issues of various complexity. He hoped that the efforts of the law school would fructify and the recommendations made are discussed and deliberated by the Government before accepting the Bill.

Post the address by Chief Guest, all the experts for the program introduced themselves and soon after this the first session commenced.
Mr. Raghav Parthasarathy, NLSIU, commenced the first session with his presentation on Introduction to the Karnataka Municipalities Bill, 2019. He explained that this bill consolidates two legislations mainly Karnataka Municipal Corporation Act, 1976 and Karnataka Municipalities Act 1963. He further elaborated about the establishment of municipalities i.e., the constitution of municipalities and its composition. Then there was specific reference as to what council means and the voters. He explained that the present bill provides for a Head of the Municipality more so, Municipal Council in whom the powers of the Municipal Council are vested would be called Mayor and Deputy Mayor. He further stated that the head of the Executive Council will be the Chief Municipal Officer. He further stressed upon the roles and functions of Standing Committees and Ward Committees. He described the members of the Ward Committees having a Corporator as Head will appoint other members of the committee and this committee will also comprise of a welfare association. The concept of Area Sabhas has been retained in the Bill as has been mentioned in the present legislations. Regarding the aspect of elections, several principles from the Representation of People Act, 1951 have been considered and incorporated while drafting the chapter on elections. Regarding the Conduct of business and meetings of the municipal council, provisions have been incorporated for fixing of meetings, issuing of notice calling for meetings and other relevant provisions. Mr. Raghav concluded his presentation by explaining about the provisions on Municipal property and several powers vested under it. Subsequent to the presentation, the floor was open for discussions and suggestions -

Mr. Sudhirkrishna, Retd. IAS discussed about the history of the British governed Karnataka and explained that the local areas and village areas etc., were excluded which led to a difference in urban and rural governance. He stated that the 73\textsuperscript{rd} and 74\textsuperscript{th} Amendments of the Constitution has barred the converging of rural and urban areas. He further elaborated the issues that arise out of an inadequate framework and the remedies. Mr. Sudhir Krishna also pointed out several issues and concerns which the Bill must address.
including the Municipal Sanitary Inspector. In the recent past the Municipalities are unable to handle the vertical growth. Along with it the coming up of gated community has posed major challenge to the Government and the Municipality. The concept of gated communities was not present before 30 years. Because of this development, seamless movement is not possible due to gated community. The governance and regulatory framework is not able to keep pace with such growth. This impacts the psychic of people and due to lack of capacity to resolve the issue there will be divide between the people based on money, rich-poor, power and other things. Whatever are the issues faced in litigation, they should be adequately addressed by legislation. In the present scenario legislation is left behind and Court rulings are becoming the law of the day- which should not become the norm. Therefore, consolidation and amendments are the need of the hour. Endless litigation should not be driving the urban laws affecting the normal life in the society. He was also of the opinion that the nomination done by party in power must be looked into. Tenure of the Mayor and Deputy Mayor shall be continued. He concluded with a question as to whether the area councillor should be elected?

**Prof. (Dr.) RS Deshpande, Former Director, ISEC,** emphasized that the process of politicization in ULVs, municipal areas are not the same. He stated that planning and administration departments are inter-connected. Planning authority usually does not have much powers, whereas the implementation would be vested with huge powers. Prof. Deshpande was of the opinion that “we transformed from British laws, but have kept intact the same without much changes”. He further emphasized on apportionment of power between Centre and State. Municipalities are vested with State, whereas it should be vested with both Centre and State. Improper apportioning leads to improper administration. He also stressed on increased delegation of power to Municipalities wherein Municipalities will have more autonomy to take decisions and implement schemes without having to rely on the State or the Central Government for any support whatsoever. He also stated that the composition of the Ward Committees must be relooked. The policies drafted by different bodies should be consistent with the laws in existence. He was of the opinion that the citizen centric governance should be adopted, where each of the person will be liable for his own actions.
Mr. B.H. Narayanappa, JD, DMA elaborated on three aspects for better administration of Municipality which are – Competency, Accountability and Responsibility. For the purpose of local administration there are no competent authority present. Existence of members of parliament and other legislators are questionable. Even though the amendments to the legislation are well drafted, the implementation is in poor shape. Mayor, Councillor, MLA, MP all members are executive authority. It could lead to confusions and conflict of interest where Executive body and legislative body members are part of the functioning of Municipality. The authority does not decide as to what is required. Cement Road v. Water Facilities. With regard to utilisation of the Funds, it is not clear as to whether Commissioner or President or Mayor is responsible. Even though surplus funds are available, sometimes it is not spent properly. Regarding the accountability, who is to be held accountable for what, to whom has to be addressed. The constitution of executive body is questionable in fixing or attaching responsibility. In the implementation of the Govt. Schemes, it is based on the decision from the top to implement in the bottom level. However, it should be the other way round.

Prof. (Dr.) S. Shanthakumar, suggested certain changes to the Bill which are as follows;

Sec. 12- Composition of Council-
- Nomination for subject experts to be made.
- Increase the number of experts to 25% rather than 10%.
- Appointment of experts can be done either by voting or by any other procedure as may be deemed fit.

Sec. 13- Number of Councilors-
- The limit of up to 50 lakh people creates ambiguity;
- Either increase the population range for a particular municipality.
- Or create of new municipality for the areas having a population above the 50 lakh people.
Sec. 14- Reservation should be provided to a person with disabilities and to university students.

Sec. 15- Term of office- As the government does not conduct elections regularly and on time so, the tenure of the members should be increased till the next body is elected.

Sec. 22(2)- Ward Committees-
- The Ward committee as described in the draft is ambiguous in relation to the specifications of the members of the committee.
- The Ward Committee should comprise of 2 women, 2 graduates, 2 dalit representatives, 2 traders and 2 professionals/experts.

Sec. 23- Area Sabhas-
- The term area sabhas is vague as the members are not defined in the bill.
- The name of the Area Sabhas should be changed to RWA/ RWS, to remove the ambiguity.

Mr. Anil B. Suraj, Professor, IIM-Bengaluru, subsequent to reading the Bengaluru had some interesting points and suggested the following aspect, which are to be looked into in the bill:
- Community feedback is one of the major concerns.
- To appoint an Executive Team as the Municipal Officers, for the Chief Municipal Officer for better administration and functioning.
- The criteria to appoint the Executive Teams should only include professionals and experts.
- Members of Municipal Corporation should be delegated to Utility Agencies such as Water, Electricity Board etc.
- Municipal Regulatory Commission should not be vague and empower the commission with experts for feedbacks and consultations.
- Voting should be made compulsory with easy procedure for the people at the local level, in Municipal Elections.
• Multiple sections of the bill require prior permission of the State Government, it should be changed into prior intimation.

**Dr. Srinivas Ravindra, Director, Centre for Sustainable Development, Bengaluru** started the discussion and certain key points were brought to the notice of the drafting team at the law school, his suggestions were as follows:

• The laws which are to be enforced should not be in conflict with each other.
• The Elected Council should be empowered or otherwise they will promote corruption.
• Empower the Mayor and Elected Council and dissolve power from Commissioner.
• Municipal Council formation should not have voting rights or else it will result in favour of the ruling party.
• The Area Sabhas are not required, rather the RWS should be strengthened.
• The Standing Committee on Taxation should not be present to hear appeals. An independent body should be formed to hear appeals.
• The bill should also include in its purview:
  a. Disaster Management
  b. Contaminated sites and it should incorporate in it, the polluter pay principle.
• Should build capacity of Municipal Corporation with experts and professionals related to the Municipalities. They should be directly appointed and there shall be specific recruitment body for the administration and regulation of service of these professionals.

**Dr. M Subin Sunder Raj, Asst. Professor of Law, NLSIU** made some remarks regarding the women councillors and their elections. The following are the certain points made by Dr. Subin;

• There is no delegation of power and a proper channel.
• Specific duties and responsibilities should be elaborated.
Female Councillors should be given powers and a proper procedure should be specified for their elections.

Subsequent to the suggestions from the Lead Discussants, the floor was opened for discussion wherein other experts present in session could give their comments. Other Suggestions came from Prof. B. Shankar.

- The elected members should be empowered.
- There should be a transparency in appointment of municipal officers.
- Ward Committee should have delegation of power and functional autonomy.
- Heritage should be incorporated.
- Urban panning of local authorities.
- The terms and words related to the Ward Committees must be defined.

The first session concluded with comments from various experts and soon after this session, a short break for tea was taken before commencing the second session.
SESSION 2 – PLANNING AND DEVELOPMENT

The second session for the day commenced with Ms. Madhubanti Sandhya, NLSIU making her presentation along with Mr. Raghav Parthasarathy, NLSIU. Ms. Madhubanti started the session by explaining the history and jurisdiction of various Acts related to Municipality. She further elaborated the delegation of power in relation to preparation of the master plan for a municipality bill:

A. Municipality  
B. Planning Authority  
C. Director of Town Planning.  
D. State Government.

She further discussed the City Development Plan and its working in consultation with bodies related to health, sanitation, etc. to bridge the gap between the municipality and other authorities. She concluded her session by explaining the City Investment Plan which backs up the City Development Plan.

Mr. Raghav Parthasarathy took over the session and explained the coordination and communication between the departments. He discussed about the duty to implement policies on Municipalities. He further deliberated the power of the Municipality to identify and acquire any land and give compensation of the acquired land to the owner. He concluded his session by emphasizing on the power of the Corporation to sell, acquire and hold properties. After the presentation, the floor was open for discussion and suggestions from various experts identified as lead discussants for the session.

Prof. (Dr.) Prabhakara KV, Former Principal, Mahajana First Grade College, Mysore, made an elaborate presentation on the topic planning and development. In his discussion he explained about gentrification (making renovations or improving a house or district to make it more refined). The impact of gentrification on environment, economy and social and culture was mentioned. He narrated several examples including the forest fires, animal attacks
in the urban areas etc., as a part of his presentation.

**Dr. Rajesh Hittanagi, Assistant Professor, Karnataka State Law University** while suggesting to the changes and adding to the discussion on planning and development pointed some modifications with regard to the language, additions thereof and other changes as follows;

- The preamble should be amended and include the word “codify” as “consolidate and codify the law”
- The word Amenities in the definition clause should also include water supply in it.
- In the definition of Urban Bodies, the word 'local bodies' is repeated.
- It should be clarified whether the State Plan is inclusive or exhaustive.
- Chapter XI **Sec. 369 and 387** - both these sections deals with the same thing.
- **Sec. 372** - The kinds of the regulations in Zoning Regulations should be specified.
- **Sec. 373(5)** - the words “shall be sent to the” is in repetition.
- **Sec. 374** - It should include PPP and should be mentioned systematically.
- **Sec. 375** - Waste Management can be included.
- **Sec. 377** - The word “reasonable penalty” should be discussed.
- The **Sec. 383(2)(l) and (n)** are repeated.
- **Sec. 384** - It says, the required government to frame policy, therefore a period should be mentioned from the date of commencement of the Act, to compel the government to frame policies.
- **Sec. 389** - The period specifies in this section should be clarified and discussed.

**Ms. Sneha Goud, Assistant Professor, Presidency University, Bengaluru** had some interesting points to be mentioned to the drafting team and the following were the points as mentioned by Ms. Sneha;

- The members of the District Planning Committee should be clarified.
- Reference of RERA should be taken for the Selection Committee for regulations and selections.
• Authority should be given to the Urban Local Self Government.

• Ms. Sneha was also of the opinion as to how the master plan could be brought about could be included- five stage process- decision making- committee members, have resolution; plan and design- preparation of estimates could be detailed; finances- identify appropriate body to provide or obtain funds; execution- publication of plan- invite PPP and for consultation- accountable and responsible; implementation

After the comments from the lead discussants, other experts suggested the following modifications;

**Prof. (Dr.) Shankar** made a specific point with respect to Sec.369- Declaration and intention of master plan. He was opposed to the idea of having the provision in the Bill, as the said provision has already been provided under the Town and Country Planning Act.

**Mr. Sudhir Krishna**, stressed on the point of using Information, Communication and Technology wherever necessary.

**Mr. B.H. Narayanappa**, suggested that the definition of Area shall include cantonment area and other areas including Railways areas and others. He was also of the opinion that Master Plan must cater to the needs of the city and it must capture the essence of the town and not without it.

**Prof. Deshpande**, plans are prepared on static conditions, it is necessary to have flexibility in the planning and after intervals it is necessary to be modified.
Ms. Madhubanti Sandhya, NLSIU started her presentation by listing out the various legislations operating for these subjects within the State of Karnataka. She discussed about the powers and duties of the Municipal Corporation in relation to the functioning of water supply, drainage, sewerage and waste management in the state. She concluded the session by elaborating the rights and obligations of the owners of lands, prohibitions and penalties for breach of duty.

After her session was concluded the panel was open for further suggestions:

Mr. Sudhir Krishna, Retd. IAS, definition of the word “fragile” in section 329 should be included. The inclusion of Heritage can be omitted. He further mentioned that, details contained in other laws need not be repeated and the manual can contain all other provisions.

Mr. B.H. Narayanappa, suggested that water supply should not be disconnected, it will result in violation of fundamental rights, the punishment under this should be changed to something else. In the bill encroachment penalty is defined but there are no guidelines provided for the survey of such encroachment.

Dr. Jitendra Kumar, MD Bangalore Bio- Innovation Centre, the rising innovators should be giving a chance by the Municipality. A mechanism should be incorporated to consolidate technology in Municipality. He pitched for the chance to be granted to the incubation centres wherein deep science technology may be utilised for collating the database with respect to water management, waste disposal.
Prof. (Dr.) Sunitha Abhay Jain, Professor, Christ School of Law

- The word ‘Act’ in section 2 should be changed to ‘Bill’.
- ‘Regulations and Rules’ should be changed to ‘Rules and Regulations’.
- The Waste Management segregation process and its implementation should be clarified in the Bill.
- Industrial Collaborations for waste management.
- Should address the issue of ground water conservation.
- The toilets should also include the toilets for the disabled and the third genders.
- Only one committee should be formed for one work and it should incorporate members from all the departments.

Dr. Nagaraja, Professor, Reva University stressed on the need for water conservation to be prioritised as has been provided under Section 246 – concept of Public Trust Doctrine.

- Installation of water meters should be compulsory.
- Conservation of water should be a priority.
- Integrated Water Management system to be incorporated.
- The Ward Committee should take responsibility for waste management.

Dr. Anil Suraj, suggested an insertion of the word ‘equity’ to the Section 261, of the Karnataka Municipalities Bill.
Ms. Geethanjali KV started with discussing the critical provisions of the Financial Management of Municipalities. She charted out the current structure of financial management of municipalities and municipal revenues as being divided amongst the Karnataka municipalities act, 1964 and the Karnataka municipal corporations act, 1976. She further discussed that the structure of consolidation and bifurcation of the subjects in the proposed bill with reference to the Model Municipal law, 2003 and the Rajasthan Municipalities act, 2009. She concluded the session by listing out the moot points and new additions to the bill which include the presentation of reward to the surveyor, provisions related to whistle blowers and property tax rebate for efficient waste management within the premises.

After the conclusion of the session, suggestions were made by the panel which are as follows:

Dr. C A Gurudath, Former Vice- Chancellor, Raffles University

- **Chapter VII**- power should be given to the elected members.
- **Sec. 98** is heavily loaded and he also suggested avoiding repetitions.
- In **Sec. 102**, the penalty prescribed in the section is missing and is to be specified.
- **Sec. 121**- the section is heavily loaded with a lot of aspects. The section should make CFA responsible rather than the Chief Municipal Officer and the accountability should also be given.
- The Municipalities should use 20% of the finance in environmental management.
- The accounts should be regularly prepare and published online once in every 3 months.
- He suggested creating Ombudsman for dispute redressal.
- The procedure for redressing the disputes should be minimised.
Mr. Sudhirkrishna, was of the opinion that the Act/Bill should not invoke constitution while defining anything.

- The surplus money in the hands of Municipality cannot be used as fixed deposits rather shorter investments should be made by them.

Professor Rahul Mishra, Assistant Professor, Alliance University

- **Sec. 4** should be corrected as “Government shall ‘in’ consultation with the State Government.” The word ‘in’ should be added.
- In **Sec 437** there is used a phrase “anything in good faith”, this phrase should be defined as to what is the meaning of ‘anything’. And in the same section a correction is to be made which is “intended to ‘have been’ done”.
- The sections 438 and 439 should be merged into one section and the “lowest fines” in the section should be clarified.
- The criteria for appointment and the qualifications of the State Vigilance Commissioner are defined.
- The **Sec. 454** i.e. due inquiry is very ambiguous and vague.
- Under **Sec. 461 (b)** in case the owner is absent or not present, a specific time should be specified and a notice is to be served before taking any action.
- The types/kinds of taxes should be defined under the Tax Collection clause.
- An Incentive should be provided to the tax payers for pay their taxes on time.
- **Sec. 122(j)** a penalty should be provided in this section.
- Fiscal provision for the bill can be taken from Karnataka Pistol Reforms.
- Under **Sec. 20** a committee for social justice and harmony should be incorporated.

Dr. Samina Nahid Baig, Assistant Professor of Law, RL Law College, Belagaum

- Sec. 149- Public Notices- proposal for digital boards in place of notices
- Sec. 122 - Numbering has to be redone and it has to aligned with the sections
- Sec.122 (j) - illegal payments/misconduct - appeal to State Government - how to proceed with an appeal? Provisions of conflict of interest and consideration of penalty provisions
- Sec.119 - Power to alter budget grant - Municipal area or municipality?
- Sec.122/121/123 - Internal and External Audit - 121F - only auditor - mention whether internal or external auditor
- Shall be published in Official Gazette or by Notification in Official Gazette
- Sec. 116 - corresponds to what
- Sec.164 - Footnote missing
- Application of Fiscal Management Act to municipalities?
- Action taken report never published - transparency tool
- Transfer of cess to relevant department (beggary, construction, road safety, public library cess)
Ms. Madhubanti Sandhya and Mr. Raghav Parthasarathy, NLSIU made their presentations on the respective topics. Ms. Madhubanti started the session by explaining the composition, functions and characteristics of the Karnataka Municipal Regulatory Commission. She further discussed the functions and jurisdiction the State Municipal Vigilance Authority and State Municipalities Union. She elaborated that the Directorate of Municipal Administration is the chief controlling authority. She concluded her session by explaining the powers of the State Government, which were as follows:

- Call for records.
- Inspection and Supervision
- Inquiring into Municipal matters
- Suspend execution of order.
- Performance of duty in default of Municipalities.

Mr. Raghav Parthasarathy took over the session and explained the functions of the Municipality which were categorised as Primary Functions, Secondary Functions and State assigned Functions. He concluded his session by discussing the nature of administration of municipalities, which were as follows:

- Rule making power.
- Discretionary powers of municipalities.
- Quasi- Judicial powers.
- Power to prosecute.

After the session was over, the presentations were open for suggestions and discussions

Mr. Sudhirkrishna, Retd. IAS, suggested that the Standing Committee should also be given Quasi- Judicial functions.

Other Suggestions-

- New Authority will overlap the jurisdiction of other parallel authorities which should be kept in mind.
- In Sec. 428 the qualification for appointment of members of the Regulatory Authority should be specified.
- Provisions should be made for the maintenance of parks.
- Provisions should be incorporated regarding application of mobile towers.
- There should be specified the restrictions on construction of schools, hospitals etc. in the industrial areas.

Prof. Sairam Bhat, made the concluding remarks and the One Day Expert Consultation Workshop on Karnataka Municipalities Bill, 2019 concluded with the distribution of mementos to the dignitaries present during the program.